



MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting, which will be open to the public:

REGULAR MEETING

TUESDAY, SEPTEMBER 12, 2006 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Lizetta Smith, Mountain Top Church of the Living

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATION

- a. Proclaiming August 27, 2006 as “Coldwell Banker Day”.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager SEPT12-06-483 CITY-WIDE

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager SEPT12-06-484 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager SEPT12-06-490 CITY-WIDE
- b. Liquor License Applications

New License

- 1. Rosati's on 6th, Ward 6
1838 E. 6th St.
Applicant: Scott James Cummings
Series 12, City 85-06
Action must be taken by: September 22, 2006

Staff has indicated the applicant is in compliance with city requirements.

- 2. Ascolese's Italian Ristorante, Ward 6
222 S. Church Ave.
Applicant: Joseph Anthony Ascolese
Series 12, City 87-06
Action must be taken by: September 25, 2006

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person/Location Transfer

- 3. Great Wall of China Restaurant, Ward 4
2445 S. Craycroft Rd.
Applicant: Christina An
Series 06, City 86-06
Action must be taken by: September 22, 2006

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event

1. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Nancy Roubicek Laney
City T39-06
Date of Event: October 8, 2006
Fundraising Event - The Butterfly Affaire

Public Opinion: Written Argument in Favor Filed

Staff has indicated the applicant is in compliance with city requirements.

2. Arizona Theatre Company, Ward 6
330 S. Scott Ave.
Applicant: Eileen Marie Bagnall
City T40-06
Date of Event: September 30, 2006
Annual Benefit Gala

Staff has indicated the applicant is in compliance with city requirements.

3. Artsake Foundation, Ward 6
5th Ave. btwn. Toole & Broadway, Congress btwn. Aviation & 6th Ave.
Applicant: Jeb Bley Schoonover
City T41-06
Date of Event: October 7, 2006
Fundraiser

Staff has indicated the applicant is in compliance with city requirements.

4. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T42-06
Date of Event: September 16, 2006
U of A Football Home Tailgate Party

Public Opinion: Written Arguments Opposed Filed

Staff has indicated the applicant is in compliance with city requirements.
(Continued from the Mayor and Council meeting of September 6, 2006)

5. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T43-06
Date of Event: September 23, 2006
U of A Home Football Tailgate Party

Public Opinion: Written Arguments Opposed Filed

Staff has indicated the applicant is in compliance with city requirements.
(Continued from the Mayor and Council meeting of September 6, 2006)

6. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T44-06
Date of Event: September 30, 2006
U of A Home Football Game Tailgate Party

Public Opinion: Written Arguments Opposed Filed

Staff has indicated the applicant is in compliance with city requirements.
(Continued from the Mayor and Council meeting of September 6, 2006)

7. St. Margaret Mary Roman Catholic Parish, Ward 1
801 N. Grande Ave.
Applicant: Oscar White
City T48-06
Date of Event: October 7 & 8, 2006
Fundraiser

Public Opinion: Written Argument in Favor Filed

Staff has indicated the applicant is in compliance with city requirements.

8. It's Happening Downtown, Inc., Ward 6
26 E. Congress St.
Applicant: David G. Olsen
City T50-06
Date of Event: September 23, 2006
Community Cultural Event

Staff has indicated the applicant is in compliance with city requirements.

9. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Charlie E. Bodden
City T51-06
Date of Event: September 21, 2006
Exhibition Opening Reception

Staff has indicated the applicant is in compliance with city requirements.

10. Tucson Optimist Clubs, Ward 6
900 S. Randolph Way
Applicant: Esthermarie Hillman
City T53-06
Date of Event: September 28-October 1, 2006
Raise Funds for Optimist Clubs

Staff has indicated the applicant is in compliance with city requirements.

11. Our Lady Queen of Saints Roman Catholic Church, Ward 5
2915 E. 36th St.
Applicant: Darlene M. Dooley
City T54-06
Date of Event: September 22 & 23, 2006
Charitable Ministries Religious Education Fundraiser

Staff has indicated the applicant is in compliance with city requirements.

- d. Agent Change

NOTE: There are no agent changes scheduled for this meeting.

6. CONSENT AGENDA – ITEMS A THROUGH E

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker". Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

8. PUBLIC HEARING: FEDERAL TRANSIT ADMINISTRATION SECTION 5309 CAPITAL INVESTMENT GRANT APPLICATION FOR FEDERAL FISCAL YEAR 2006

- a. Report from City Manager SEPT12-06-491 CITY-WIDE
- b. Hearing on a grant application requesting funding for the acquisition of ten (10) clean-burning diesel fuel replacement buses for the Sun Tran fleet and provide funding for the new Sun Tran Bus Storage and Maintenance Facility.
- c. Resolution No. 20455 relating to transportation; authorizing and approving the submission of a Federal Transit Administration (FTA) Section 5309 Capital Grant Application for Federal Fiscal Year 2006; and declaring an emergency.

9. PUBLIC HEARING: FEDERAL TRANSIT ADMINISTRATION SECTION 5307 FORMULA GRANT APPLICATION FOR FEDERAL FISCAL YEAR 2006

- a. Report from City Manager SEPT12-06-492 CITY-WIDE
- b. Hearing on a grant application requesting funding under the Federal Surface Transportation Program (STP) through the Arizona Department of Transportation and the Pima Association of Governments. Eligible projects include the National Highway System, bridge projects, transit capital projects, and public bus terminals and facilities.
- c. Resolution No. 20454 relating to transportation; authorizing and approving the submission of a Federal Transit Administration (FTA) Section 5307 Formula Grant Application for Federal Fiscal Year 2006; and declaring an emergency.

10. APPEAL: (S-06-09) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION – FIRST AND RIVER STORAGE, LLC, FIRST AND RIVER SELF-STORAGE (CITY APPEAL NO. S-06-002)

- a. Report from City Manager SEPT12-06-494 WARD 3
- b. Applicant/Appellant: Mike Addis of Addisigns, Inc., representing the applicant, First & River Storage, LLC, First and River Self-Storage.

This is an appeal of a decision of the Sign Code Advisory and Appeals Board to deny a request for sign area variance to First and River Self-Storage. The applicant/appellant requests the decision be reversed and that the submitted variance which would allow one freestanding sign to be placed inside of the required 30-foot landscaped buffer on 1st Avenue and exceed the maximum allowance of 100 square feet to total signage per tenant (by 49.3 square feet).

The applicant is appealing the Board's decision to the Mayor and Council.

Staff recommends that the Mayor and Council consider the merits of the appeal and vote to uphold, reverse or modify the decision of the Board.

11. APPEAL: (S-06-10) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION – TITLE GUARANTY AGENCY OF AZ AND QUIK MART (CITY APPEAL NO. S-06-003)

- a. Report from City Manager SEPT12-06-495 WARD 4
- b. Applicant/Appellant: Mike Addis of Addisigns, Inc., representing the applicant, Title Guaranty Agency of AZ TR T-1345 and Quik Mart.

This is an appeal of a decision of the Sign Code Advisory and Appeals Board to deny a request for sign area variance to Quik Mart. The applicant/appellant requests the decision be reversed and that the submitted variance which would allow one freestanding sign to be placed inside of the required 30-foot landscaped buffer on Houghton Road, exceed the maximum allowance of 100 square feet to total signage per tenant (by 125 square feet), and exceed the allowed area of a freestanding sign (by 20-square feet).

The applicant is appealing the Board's decision to the Mayor and Council.

Staff recommends that the Mayor and Council consider the merits of the appeal and vote to uphold, reverse or modify the decision of the Board.

12. APPEAL: (S-06-11) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION – PYRAMID CREDIT UNION AND DESERT DENTAL GROUP (CITY APPEAL NO. S-06-004)

- a. Report from City Manager SEPT12-06-496 WARD 4
- b. Applicant/Appellant: Mike Addis of Addisigns, Inc., representing the applicant, Pyramid Credit Union and Desert Dental Group.

This is an appeal of a decision of the Sign Code Advisory and Appeals Board to deny a request for sign area variance to Desert Dental Group. The applicant/appellant requests the decision be reversed and that the submitted variance which would allow a freestanding sign to be placed inside of the required 30-foot landscaped buffer on Houghton Road, exceed the maximum allowance of 0.75 square feet per foot of street frontage for the development (by 0.25 square feet), allow tenants in the development to exceed the maximum sign area of 0.75 per foot of tenant frontage (by 0.25 square feet), exceed the number of freestanding signs allowed along Houghton Road (by 1), and exceed the allowed area of one freestanding sign (by 20 square feet).

The applicant is appealing the Board's decision to the Mayor and Council.

Staff recommends that the Mayor and Council consider the merits of the appeal and vote to uphold, reverse or modify the decision of the Board.

13. APPEAL: (S-06-12) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION – TUCSON BROADWAY OFFICE PLAZA AND NOVA FINANCIAL CENTER (CITY APPEAL NO. S-06-005)

- a. Report from City Manager SEPT12-06-497 WARD 6
- b. Applicant/Appellant: Mike Addis of Addisigns, Inc., representing the applicant, Tucson Broadway Office Plaza and Nova Financial Center.

This is an appeal of a decision of the Sign Code Advisory and Appeals Board to deny a request for sign area variance to Tucson Broadway Office Plaza and Nova Financial Center. The applicant/appellant requests the decision be reversed and that the submitted variance which was a variance to allow the test/copy to scroll onto the existing 74.4 square foot electronic message sign located on the east elevation of the existing six-story office building at 6245 E. Broadway Boulevard.

The applicant is appealing the Board's decision to the Mayor and Council.

Staff recommends that the Mayor and Council consider the merits of the appeal and vote to uphold, reverse or modify the decision of the Board.

14. ZONING: (C9-03-16) SWIERGOL – FORT LOWELL ROAD, MH-1 TO O-2, ORDINANCE ADOPTION

- a. Report from City Manager SEPT12-06-482 WARD 2
- b. Ordinance No. 10318 relating to zoning: amending zoning district boundaries in the area located approximately 140 feet south of Fort Lowell Road at the Longfellow Avenue alignment and north of the Blacklidge Wash in Case C9-03-16, Swiergol – Fort Lowell Road, MH-1 to O-2 and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance.

15. ZONING: (C9-02-18) FORT LOWELL REAL ESTATE – FORT LOWELL ROAD, MH-1 TO P, ORDINANCE ADOPTION

- a. Report from City Manager SEPT12-06-481 WARD 2
- b. Ordinance No. 10312 relating to zoning: amending zoning district boundaries in the area located approximately 135 feet south of Fort Lowell Road on the north side of the Blacklidge Wash in Case C9-02-18, Ft. Lowell Real Estate – Fort Lowell Road, MH-1 to P; and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance.

16. ZONING: (C9-05-04) P & L GROUP – AJO WAY, R-1 TO R-3 ZONING, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN

- a. Report from City Manager SEPT12-06-493 WARD 1
- b. This is a request for a change of conditions and preliminary development plan to allow a change in concept from a 150 unit apartment complex to a 77 lot single-family detached residential subdivision. Applicant: Gene Goldstein on behalf of the property owner, Tres Charcas, LLC.

The City Manager recommends approval of the requested change of conditions subject to the revised recommended conditions.

The conditions listed below are based upon those approved by Mayor and Council at the meeting of August 2, 2005. Recommended additions are indicated by underlined text. Recommended deletions are indicated by ~~strikethrough~~ text.

1. A ~~development plan~~ subdivision plat in substantial compliance with the preliminary development plan dated ~~April 18, 2005~~ August 2, 2006, and the Design Compatibility Report dated August 2, 2006, is to be submitted and approved in accordance with Section 5.3.8 of the *Land Use Code*.

2. A category I Traffic Impact Analysis (TIA) shall be conducted and submitted for this project. The TIA shall address 1) the number of required speed humps on Laporte Lane; 2) parking restrictions on Pandora Avenue adjacent to the rezoning site; 3) a traffic circle at Laporte Lane and Pandora Avenue; and 4) possible relocation of the existing traffic signal at Holiday Boulevard and Ajo Way.
3. One, two, or three speed humps shall be installed on Laporte Lane as determined by the Traffic Impact Analysis.
4. The owner/developer shall design and build sidewalks along the public street frontage of Ajo Way and Pandora Avenue.
5. A one-foot no vehicular access easement shall be granted along the south right-of-way line of Ajo Way except at Phoebe Avenue.
6. Any existing curb cuts not used for vehicular access shall be closed.
7. Well-lit pedestrian access connections shall be provided to link off-site and on-site areas, as follows:
 - a. ~~A centrally located pedestrian path, crosswalk, and access opening in the screen wall on the southern edge of the rezoning site connecting the on-site pedestrian circulation system within the rezoning site and the Mission Creek Apartments.~~
 - b. a. A pedestrian path, crosswalk, and access opening along the western edge of the rezoning site connecting the on-site pedestrian circulation system within the rezoning site to the elementary school.
 - e. b. A pedestrian path, ~~crosswalk~~, and access opening in the screen wall on the northern edge of the rezoning site connecting the on-site pedestrian circulation system within the rezoning site to the sidewalk on Ajo Way, near the bus stop and existing traffic signal.
8. The ~~C~~crosswalks ~~within~~ in the westernmost PAALs, connecting the on-site pedestrian circulation system to Urquides School, shall be of a different color and texture than the surrounding PAAL.
9. Buildings shall be designed using four-sided architecture with consistent architectural character and design treatment.
10. Rooflines shall be varied throughout the development.

11. All exterior mechanical equipment shall be screened from view from adjacent development and street frontages and shall be integrated into the overall design of the development.
12. ~~Free standing signs shall be integrated into the overall site design. Details of all free standing signs shall be provided at the time of development plan review.~~
13. 12. Compatibility The site shall be designed to complement demonstrated with the surrounding residential development ~~by providing, and~~ detailed, dimensioned colored elevation drawings and color photographs of surrounding residential development shall be submitted at the time of development plan review.
14. 13. Preparation of a complete Drainage Report, including details of detention/retention, is required.
15. 14. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
16. 15. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
17. 16. Detention/retention basins shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
18. 17. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
19. 18. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
20. 19. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
21. 20. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.

- ~~22.~~ 21. Outflow from the site shall be designed as to minimize erosion in adjacent rights-of-way. Concentrated flows shall be designed to discharge, at a minimum, the 10-year flow beneath pedestrian circulation areas on or adjacent to the site.
- ~~23.~~ 22. Ponding depths in vehicle use areas shall not exceed one foot in the 100-year event.
- ~~24.~~ 23. Solid waste containers and recycling dumpsters shall be located as to exclude ponding water areas.
- ~~25.~~ 24. The owner/developer shall record a statement disclosing that the property is in the proximity of Tucson International Airport, and that the property is now and in the future will be subject to noise and other effects from aircraft operations at or departing from or arriving at Tucson International Airport, and that changes in airport layout or operating procedures could result in increased noise influences.
- ~~26.~~ 25. Four (4) inch fence block shall not be used for perimeter walls.
- ~~27.~~ 26. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
- ~~28.~~ 27. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
- ~~29.~~ 28. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
- ~~30.~~ 29. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
- ~~31.~~ 30. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

31. It is recommended that passive recreational features, such as benches and/or barbecues and/or tot lot facilities, be provided in each open space/detention basin. These facilities shall be located near canopy trees for shade purposes. Safe, convenient and easy pedestrian access to the basins shall be provided.
32. Any walls or fences placed around the basins shall be designed as “view walls” such that no more than the bottom 2- ½ feet shall be of an opaque material.

17. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager SEPT12-06-485 CITY-WIDE

18. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, September 19, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.