





# 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, OCTOBER 17, 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 Craig Coulter, Oro Valley Church of the Nazarene

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

**PRESENTATIONS**

- a. Proclaiming October 31, 2006 to be “Tucson Metropolitan Chamber of Commerce Day”.
- b. Proclaiming October 15-21, 2006 to be “Arizona Cities and Towns Week”.

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

- a. Report from City Manager OCT17-06-552 CITY-WIDE

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

- a. Report from City Manager OCT17-06-553 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

- a. Report from City Manager OCT17-06-554 CITY-WIDE
- b. Liquor License Applications

New License

- 1. Rubio’s Fresh Mexican Grill, Ward 6  
3421 E. Broadway Blvd.  
Applicant: Christopher Curt Bartos  
Series 12, City 97-06  
Action must be taken by: November 5, 2006

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

- 2. Chileverde Sonoran Grill, Ward 6  
1 E. Congress, Suite 200  
Applicant: Juan Francisco Padres  
Series 12, City 99-06  
Action must be taken by: November 6, 2006

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

- 3. 7-Eleven #18602A, Ward 4  
1201 S. Avenida Polar  
Applicant: Suresh Kumar Thathi  
Series 10, City 102-06  
Action must be taken by: November 10, 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

- 4. Circle K Store #1025, Ward 3  
3541 E. Fort Lowell Rd.  
Applicant: Kim Kenneth Kwiatkowski  
Series 09, City 96-06  
Action must be taken by: October 29, 2006

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

5. Circle K Store #8869, Ward 3  
4160 N. 1st Ave.  
Applicant: Kim Kenneth Kwiatkowski  
Series 09, City 98-06  
Action must be taken by: October 29, 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. Holy Family Roman Catholic Parish, Ward 1  
338 W. University  
Applicant: Rev. Joseph M. Baker  
City T68-06  
Date of Event: November 4 & 5, 2006  
Annual Fiesta to Raise Funds for Repairs

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

2. Fox Tucson Theatre Foundation, Ward 1  
40 W. Broadway Blvd.  
Applicant: Herb R. Stratford  
City T72-06  
Date of Event: November 4, 2006  
Film Festival - Vamos A Tucson Event

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

3. Fox Tucson Theatre Foundation, Ward 1  
17 W. Congress  
Applicant: Herb R. Stratford  
City T73-06  
Date of Event: November 3 - 5, 2006  
Film Festival

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

4. Tucson Downtown Alliance/It's Happening Downtown, Inc., Ward 1  
101 N. Stone Ave.  
Applicant: David G. Olsen  
City T76-06  
Date of Event: October 28, 2006  
Downtown Saturdays Fools Hollow

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

5. The Emerald Isle Society, Ward 3  
3201 E. Presidio  
Applicant: Christopher James McGrory  
City T77-06  
Date of Event: October 27, 2006  
Family Fall Festival

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

6. Sky Island Alliance, Ward 6  
300 E. University Blvd.  
Applicant: Nichole Inez Urban-Lopez  
City T78-06  
Date of Event: October 26, 2006  
Fundraiser/Outreach

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. 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".

**7. CONSENT AGENDA – ITEMS A THROUGH H**

**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.

**8. PUBLIC HEARING: INTERIM WATERCOURSE PRESERVATION POLICY**

- a. Report from City Manager OCT17-06-563 CITY-WIDE

Material for this item will be available on the City website and in the City Clerk's office as soon as it becomes available.

**9. ZONING: (C9-06-14) PARK PLACE MALL – WILMOT ROAD, C-1 TO C-2, CITY MANAGER'S REPORT**

- a. Report from City Manager OCT17-06-551 WARD 6
- b. Report from Zoning Examiner dated October 6, 2006
- c. Request to rezone approximately 1.12 acres from C-1 (Low-Intensity Commercial) to C-2 (General Commercial) zoning. Applicant: Keri Sylvan of Lewis and Roca, on behalf of the property owners, General Growth Properties.

The rezoning site is located at the north side of Park Place Drive, approximately 750 feet west of Wilmot Road at Park Place Mall.

The applicant proposes to construct a four-story, 40-foot tall, 28,525 square foot hotel with 150 rooms. The *Broadway-Craycroft Area Plan* and the *General Plan* provide land use policy direction for this area. Policies in the *Broadway-Craycroft Area Plan* encourage appropriate new development and redevelopment within the Broadway-Craycroft commercial node. The *General Plan* designates the Broadway/Wilmot area as a commercial activity center that supports infill development of vacant or underutilized parcels adjacent to regional and community-level activity centers. Both of the *Plans* promote infill development in and near the Broadway/Wilmot commercial activity center.

The Zoning Examiner held a public hearing on September 21, 2006, on behalf of the Mayor and Council. The Zoning Examiner recommends authorization of C-2 zoning.

Staff recommends authorization of C-2 zoning subject to the recommended conditions:

1. A development plan in substantial compliance with the preliminary development plan dated April 26, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. A revised Traffic Impact Analysis/Traffic Statement based on the Park Place Development Plan (D98-00-57) shall be submitted addressing the proposed impacts from this proposed development and the required public improvements due to this development.

3. A drainage report and/or drainage addendum shall be prepared, including an analysis of the 100-year floodplain of Alamo Wash sufficient to analyze the effects of encroachment. The maximum permissible increase in water surface elevation is zero. The maximum increase in velocity is ten percent.
4. Enhanced landscaping shall be provided adjacent to the proposed structures, including trees that are proportional in scale with buildings, as well as shrubs and groundcover.
5. Enhanced pedestrian amenities shall be provided in and adjacent to the new structure, including canopy trees along sidewalks.
6. All new perimeter 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; or 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.
7. 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.
8. “Safe by Design” concepts shall be incorporated in the final plan for review by the Tucson Police Department.
9. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
10. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Two (2) written approvals and zero (0) written protests were received prior to the Zoning Examiner’s public hearing on September 21, 2006. One written protest has been received since the date of the Zoning Examiner’s public hearing. The protest falls within the 150 foot area, representing a 1 percent protest by area to the south. All other quadrants result in a zero percent protest by area. The protest alludes to concerns of parking problems, impacts on views from the neighborhood to the south, traffic congestion, and an excess of commercial buildings in the area.

Because the protest level within the 150 feet of the rezoning site is less than 20 percent in all four quadrants surrounding the site, a simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**10. CITY MAGISTRATES: APPOINTING A CITY MAGISTRATE**

- a. Report from City Manager OCT17-06-565 CITY-WIDE
- b. Ordinance No. 10331 relating to City Magistrates; appointing \_\_\_\_\_ as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.
- c. Ordinance No. 10332 relating to City Magistrates; appointing \_\_\_\_\_ as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

Note: The blanks in the ordinances will be completed upon Ordinance adoption.

**11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

- a. Report from City Manager OCT17-06-555 CITY-WIDE

**12. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, October 24, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.