



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 AGENDA

**TUESDAY, DECEMBER 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 – Chaplain Jeff Mockbee, Tucson Police Department

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager DEC12-06-683 CITY-WIDE

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

a. Report from City Manager DEC12-06-684 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager DEC12-06-686 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Lovin' Spoonfuls, Ward 3
2990 N. Campbell Avenue, Suite 120
Applicant: Margaret Ellen Raisglid
Series 12, City 114-06
Action must be taken by: January 4, 2007

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

- 2. Chile Con Sol, Ward 6
1628 E. 6th St.
Applicant: Maritza Cruz
Series 7, City 115-06
Action must be taken by: December 31, 2006

Development Services Department has indicated the applicant is not in compliance with city requirements.

- 3. Mulligans Sports Grill, Ward 4
9403 E. Golf Links Rd.
Applicant: Derrick Stephen deNomme
Series 12, City 116-06
Action must be taken by: January 5, 2007

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

- 4. FastLane Market/Chevron, Ward 5
1979 E. Ajo Way
Applicant: Lee Adrian Jestings
Series 10, City 117-06
Action must be taken by: January 6, 2007

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)

- c. Special Event

NOTE: There are no applications for special events scheduled for this meeting.

- 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 K

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: PROPOSED AMENDMENTS TO THE TUCSON CODE (CHAPTER 27) RELATING TO MISCELLANEOUS WATER FEES

- a. Report from City Manager DEC12-06-699 CITY-WIDE AND OUTSIDE CITY
- b. Hearing on a request to adopt proposed changes in the Tucson Water miscellaneous fees.
- c. Ordinance No. 10359 relating to water; amending Tucson Code, Chapter 27, Article I, General Services, Article II, Rates and Charges, and Article V, Backflow Prevention and Cross-connection Control, relating to fees imposed; and declaring an emergency.

A January 16, 2007, effective date is included in the ordinance.

9. ELECTIONS: 2007 CITY OF TUCSON ELECTIONS

- a. Report from City Manager DEC12-06-695 CITY-WIDE
- b. Resolution No. 20530 relating to elections: notice to the citizenry by the Mayor and Council of the City of Tucson, Arizona of its intent that the City conduct as mail ballot elections the September 11, 2007 primary election, the November 6, 2007 general election, and any special elections occurring on either of these dates; and declaring an emergency.

10. ZONING: (C9-06-18) PEPPER VINER – EVERGREEN AVENUE, SR TO R-2, CITY MANAGER’S REPORT

- a. Report from City Manager DEC12-06-696 WARD 4
- b. Report from Zoning Examiner dated October 27, 2006
- c. Request to rezone approximately six acres from SR (Suburban Ranch) to R-2 (Medium Density Residential). Applicant: Chuck Martin of Rick Engineering, on behalf of the property owners, Pepper Viner Investment Company. The rezoning site is located at the southeast corner of Evergreen Avenue and Escalante Road. The applicant proposes to construct 28, one- and two-story single-family residences on six acres for a density of 4.7 residences per acre.

The applicant’s request is in compliance with policies in the *Groves Neighborhood Plan* and the *South Pantano Area Plan*. Approval of the requested R-2 zoning is appropriate, subject to compliance with the recommended conditions.

The Zoning Examiner held a public hearing on August 24, 2006, which was continued twice to September 14, 2006 and October 12, 2006, on behalf of the Mayor and Council. The Zoning Examiner recommends authorization of R-2 zoning.

Staff recommends authorization of R-2 zoning subject to the recommended conditions.

- 1. A subdivision plat in substantial compliance with the preliminary development plan dated December 4, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Sections 4.1.1. of the *Land Use Code*.
- 2. The rezoning boundaries shall be redrawn to exclude any existing developed area on the property to the east of the rezoning site.

3. No access points and additional median cuts on Evergreen Avenue.
4. The owner/developer shall construct a six-foot wide public sidewalk along the Evergreen Avenue street frontage.
5. The maximum height of the residences on the southern and northern halves of the rezoning site shall be limited to 18 and 25 feet, respectively.
6. The owner/developer shall construct a five-foot high masonry wall along the south and east property boundaries.
7. Recreation and open space areas shall include drought-tolerant native canopy trees, ground cover, shrubs, decomposed granite, shaded seating areas, grills and active recreation features, and shall meet all the requirements of the Americans with Disabilities Act.
8. Signage shall be integrated into the overall landscape design and shall be compatible in scale, height, and color.
9. The owner/developer shall provide one 15-gallon tree on every other lot along the frontage of all internal streets, a maximum of ten (10) feet from the back of the sidewalk.
10. The owner/developer shall prepare a complete Drainage Report, including details of detention/retention, and including the following:
 - a. 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.
 - b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
 - c. Detention/retention basins in or adjacent to the residential area 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.
 - d. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.

- e. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
- 11. All building façades shall be designed to have architectural character and detail comparable to the front façade for all residences abutting the north, south, east and west sides of the project. Consistent design treatment, including but not limited to color palette, rooflines, and trim materials shall be provided, and no two units of the same building elevation or color palette shall be located adjacent to one another. Detailed color elevation drawings shall be included with the tentative plat submittal.
- 12. 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.
- 13. Six (6) inch wide fence block or greater shall be used for perimeter walls.
- 14. 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.
- 15. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
- 16. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
- 17. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

One (1) written approval and one hundred and thirty-six (136) written protests have been received. Eleven (11) of the protests are within the 150 foot area, representing a 65 percent protest by area to the south, a 9 percent protest by area to the east, a 0 percent protest by area to the north, and 23 percent protest by area to the west. The protests generally allude to concerns regarding traffic congestion, traffic safety, noise, crime, structure heights and the related obstruction of views, and the increase in residential density.

A three-fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager DEC12-06-685 CITY-WIDE

12. ADJOURNMENT

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