



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 19, 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 Ben Shunko, Beginnings Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Presentation to the Southern Arizona Home Builders Association Institute of Construction’s first graduating class.
- b. Presentation of “Certificate of Achievement for Excellence in Financial Reporting” and “Award of Financial Reporting Achievement” from the Government Finance Officers Association to the City of Tucson Finance Department.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager DEC19-06-702 CITY-WIDE

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

- a. Report from City Manager DEC19-06-703 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager DEC19-06-704 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Quick Gas Mart, Ward 6
550 N. Alvernon
Applicant: Nishit K. Patel
Series 10, City 119-06
Action must be taken by: January 6, 2007

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

Public Opinion: Written Arguments Opposed Filed

- 2. Best Western Las Brisas Hotel-Tucson Airport, Ward 5
7060 S. Tucson Blvd.
Applicant: Jill Leola Ward
Series 11, City 121-06
Action must be taken by: January 13, 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)

Person Transfer(s)

- 3. 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.

(Continued from Mayor and Council Meeting of December 12, 2006)

4. AmeriSuites, Ward 5
6885 S. Tucson Blvd.
Applicant: H. J. Lewkowitz
Series 6, City 118-06
Action must be taken by: January 6, 2007

Review in process.

5. ICE, Ward 2
6350 E. Tanque Verde Rd.
Applicant: Bradley Peter Miller
Series 6, City 120-06
Action must be taken by: January 13, 2007

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

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

- 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 P**

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: TUCSON CODE (CHAPTER 19) AMENDING THE MODEL CITY TAX CODE**

- a. Report from City Manager DEC19-06-714 CITY-WIDE
- b. Hearing on the proposed 2006 Model City Tax Code changes approved by the Municipal Tax Code Commission in September 2006.
- c. Ordinance No. 10360 relating to the Occupational License Tax; amending Tucson Code, Chapter 19, Article I, Divisions 1 and 4 relating to the hotel and motel industry providing uniformity with other municipalities and repealing certain regulations thereunder; and declaring an emergency.
- d. Ordinance No. 10361 relating to the Business Privilege Tax; amending Tucson Code, Chapter 19, Article II, Divisions 4 and 6 and the regulations thereunder relating to the exemption of development and impact fees from construction sales tax, adopting uniform privilege tax provisions on the hotel and motel industry, and making certain changes to conform to the Arizona Privilege Tax Code; and declaring an emergency.

9. **PUBLIC HEARING: GREATER SOUTH PARK PLAN AMENDMENT – I-10/PARK AVENUE – SUBAREA 6**

- a. Report from City Manager DEC19-06-723 WARD 5
- b. Hearing on a request by Jim Portner, on behalf of the property owners, to amend the *Greater South Park Plan (GSPP)* to allow residential uses in addition to industrial/commercial uses within Subarea 6. The proposed plan amendment site is bounded by Park Avenue to the east; Interstate 10 to the south; Union Pacific Railroad line to the west and Grand View Addition to the north.

- c. Resolution No. 20540 relating to planning and zoning; amending the *Greater South Park Plan (Plan)*; and declaring an emergency.

On January 18, 2006, Mayor and Council held a public hearing on this request. This plan amendment has been scheduled for Mayor and Council action and a new public hearing has been advertised to allow further consideration of this request.

Staff recommends that the Mayor and Council amend the *Greater South Park Plan (GSPP)* to allow the addition of residential as an allowable use within Subarea 6 of the *GSPP*. The Bridges PAD to the east which would incorporate this 40 acre site will provide substantial opportunities for retail and residential development for the neighborhood and larger community. Staff considers that the PAD document has addressed previous concerns through specialized buffering and residential upgrades.

10. PUBLIC HEARING: 2007 CITY OF TUCSON ELECTIONS (CONTINUED FROM THE MEETING OF DECEMBER 12, 2006)

- a. Report from City Manager DEC19-06-724 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.

11. ZONING: (C9-02-10) TETRA CORPORATION – GLENN STREET, O-3 TO C-2, ORDINANCE ADOPTION

- a. Report from City Manager DEC19-06-717 WARD 3
- b. Ordinance No. 10363 relating to zoning; amending zoning district boundaries in the area located at the southwest corner of Laguna Street and Balboa Avenue in Case C9-02-10, Tetra Corporation – Glenn Street, O-3 to C-2; and setting an effective date.

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

12. ZONING: (SE-06-41) T-MOBILE – BROADWAY BOULEVARD, C-1, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

- a. Report from City Manager DEC19-06-716 WARD 6
- b. Report from Zoning Examiner dated November 24, 2006

- c. This is a Special Exception Land Use to replace an existing 34-foot tall Tucson Electric Power (TEP) pole with a new 40-foot tall pole with three antennas and install associated ground equipment. Applicant: Steve Ciolek of T-Mobile, on behalf of the property owner, Alan Solot.

The site is located on the north side of Broadway Boulevard approximately 300 feet east of Tucson Boulevard.

Using the existing verticality provided by the TEP pole, together with the close mount design of the antenna array, is consistent with the policies in the *Sam Hughes Neighborhood Plan* and the *General Plan*, and is in compliance with the pertinent performance criteria.

The Zoning Examiner recommends approval of the special exception land use request. Development Services recommends approval of the requested special exception subject to the conditions provided in the ordinance.

Zero (0) written approvals and one (1) written protests have been received for this case, representing a 12.7 percent protest by area to the east, and a zero percent protest by area to the north, south, and west. The protest generally alludes to vehicular access and the visual appearance of the equipment shelter.

- d. Ordinance No. 10362 relating to zoning; a special exception land use – communications use – SE-06-41 T-Mobile – Broadway Boulevard – north side of Broadway Boulevard approximately 300 feet east of Tucson Boulevard; approving with conditions the installation of a 40 foot tall cellular communications antenna on a 40 foot tall Tucson Electric Power pole in the C-1 zone – Case SE-06-41; and setting an effective date.

A simple majority vote will be necessary to approve the special exception land use.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager DEC19-06-705 CITY-WIDE

14. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, January 9, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.