Agenda available on-line at 3:50 p.m., 1/4/07

MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Tuesdays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda.

5:30 p.m. session [Order of business]

- Invocation and Pledge of Allegiance
- Presentations
- Summary of Current Events
- Liquor license applications
- Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.
- Consent Agenda
- Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.
- Other Mayor and Council business as listed on the agenda for the meeting.

Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. www.tucsonaz.gov/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

Spanish language interpreting assistance is available during the meeting. If you need assistance, contact the Council Reporter located near the front, right side of the Chambers.

SAP in Spanish is now available for Mayor & Council meetings on channel 12. You can change your TV to the SAP function (check your remote control instructions) and listen to the Mayor & Council meetings translated in Spanish.

PARTICIPATION BY THE PUBLIC

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address, whether you reside in the City of Tucson and whom you represent, before proceeding. Any person who is representing people other than themselves and is receiving compensation to influence an action by the Mayor & Council, shall, before speaking, identify themselves as a "retained speaker".
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.tucsonaz.gov. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. Please turn off or put in vibrate mode all pagers and cell phones. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor **Carol W. West – Vice Mayor**

Council Members

José J. Ibarra	**Ward 1**	**Karin Uhlich**	**Ward 3**	**Steve Leal**	**Ward 5**
Carol W. West	**Ward 2**	**Shirley C. Scott**	**Ward 4**	**Nina J. Trasoff**	**Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639), FAX: 791-4017 or WEB SITE:wwwtucsonaz.gov/agdocs, 9th floor, City Hall, W. Alameda for up-todate information. Monday through Friday, 8:00 a.m. to 5:00p.m. (Holidays excepted). Live coverage of the meeting is cablecast on Tucson 12. In addition, replays of the meetings are cablecast on Tucson 12 as follows:

Wednesday – 9:00 p.m. Thursday – 9:00 a.m. Sundays – 9:00 a.m.

VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.

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, JANUARY 9, 2007 – 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 – Father Harry Ledwith, Saint Pius X Catholic Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager JAN9-07-1 CITY-WIDE

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

a. Report from City Manager JAN9-07-2 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager JAN9-07-6 CITY-WIDE

b. Liquor License Applications

New License(s)

1. La Salsa Fresh Mexican Grill, Ward 6
   3007 E. Speedway Blvd.
   Applicant: Ron Thomas Yaeli
   Series 12, City 122-06
   Action must be taken by: January 15, 2007

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

   Public Opinion: Written Argument Opposed Filed

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

1. Hellenic Cultural Foundation, Ward 3
   1145 E. Ft. Lowell Rd.
   Applicant: Angela Zoe Zerdavis
   City T86-06
   Date of Event: January 20, 2007
   (Fundraiser for providing scholarships to the University of Arizona)

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

2. St. Demitrios Greek Orthodox Church, Ward 3
   1145 E. Ft. Lowell
   Applicant: Demitrios Petropoulos
   City T87-06
   Date of Event: January 27, 2007
   (Fundraiser for youth group)

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

3. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Alison Lynn Sylvester
City T90-06
Date of Event: January 19, 2007
(Exhibition opening reception)

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 N

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. ZONING: (C9-06-26) SECOND HOUSTON ENTERPRISE - WILMOT ROAD, SH TO C-2, CITY MANAGER'S REPORT

a. Report from City Manager JAN9-07-12 WARD 5

b. Report from Zoning Examiner dated December 15, 2006

c. Request to rezone approximately 55 acres from SH (Low-density, Large Lot, Single-Family Residential) to C-2 (General Commercial). Applicant: Mike Grassinger of the Planning Center, on behalf of the property owners, Adam Hatch of Second Houston Enterprise Company. The rezoning site is located on the south side of Interstate-10, approximately 600 feet west of Wilmot Road. The applicant proposes to construct 23 structures up to two stories and 40 feet in height, with a total of 577,100 square feet of retail uses on 64 acres.

The rezoning request is in substantial compliance with the policies in the *Rincon-Southeast Subregional Plan* and the *General Plan.* Approval of the requested C-2 zoning is appropriate subject to compliance with the recommended conditions.

The Zoning Examiner held a public hearing on November 20, 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 November 17, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*. The development plan shall include both the Old Rodeo Wash, and the existing C-2 zoned parcels along I-10 as depicted on the preliminary development plan dated November 17, 2006.

2. The owner/developer shall design and construct the west half of *the Major Streets and Routes Plan* cross-section (or as otherwise approved by Tucson Department of Transportation) along Wilmot Road from the eastbound I-10 frontage road to East Diablo Sunrise Road. These improvements shall include appropriate pavement transitions beyond the limits of the improved section, six-foot-wide sidewalks, a median island, traffic signals/traffic signal modifications, turn lanes (as required by Tucson Department of Transportation) and 100-year storm capacity reinforced concrete drainage structures. The above mentioned improvements are for the immediate benefit of the developing site and/or are considered safety improvements rather than capacity improvements; and are therefore not eligible for impact fee offsets. Said improvements may be coordinated and phased through a separate agreement between the City, the owner/developer of the subject site and the owner/developer of any adjacent site.

3. The owner/developer shall design and construct a two lane paved and striped 35-foot roadway cross section as approved by the Tucson Department of Transportation within a 90 foot public right-of-way to be created by the City of Tucson from Craycroft Road to the rezoning site. The above mentioned improvements are eligible for impact fee offsets.

4. The owner/developer shall dedicate a new 90-foot public road right-of-way through the rezoning site from east to west.

5. The preliminary development plan shall be redesigned to show the new 90-foot public roadway through the rezoning site. This new public roadway shall connect to a new public road through the Los Reales landfill connecting to Craycroft Road on the west, and a new public roadway through the property to the east connecting to Wilmot Road on the east.

6. The owner/developer shall design and construct the new 90-foot public roadway through the rezoning site from the west property line of the rezoning site to Wilmot Road per the *Major Streets and Routes Plan* 90-foot cross section. A proportionate share of the above mentioned improvements will be eligible for impact fee offsets. Said proportionate share shall be for those improvements that add additional roadway/vehicular capacity, above and beyond what is needed for the development, and shall exclude site specific/fronting improvements (such as fronting curbs and sidewalks).

7. The owner/developer shall submit a revised Traffic Impact Analysis providing acceptable recommended improvements to address the proposed future traffic impacts along all right-of-way.

8. The owner/developer shall coordinate with ADOT improvements along Wilmot Road and Interstate-10.

9. The owner/developer agrees that upon expiration of the existing lease in April 2009 the developer will not maintain any billboard use on the development site. Until it is removed, the billboard shall be located on a parcel of no less than two acres. No other uses shall be permitted, including motor vehicle parking, and no Certificates of Occupancy shall be issued on the parcel containing the billboard prior to verification by the City of Tucson that the billboard has been removed. If developed prior to April 30, 2009, temporary fencing shall be installed around the perimeter of the two-acre site to prevent vehicular access.

10. The owner/developer shall prepare a complete Drainage Report, including details of detention/retention as follows:

    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. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.

d. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.

e. 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.

f. The 100-year regulatory floodplain of Old Rodeo Wash shall remain undisturbed.

g. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines as determined by the Tucson Police Department.

11. The owner/developer shall construct a natural trail along the northern edge of the floodplain of the Old Rodeo Wash. The exact location and construction specifications of the trail will be determined in consultation with and as agreed to by the City of Tucson Parks and Recreation Department and the Transportation Department.

12. The owner/developer shall construct temporary fencing north of the 100-year regulatory floodplain of Old Rodeo Wash during site construction. Fencing shall be removed at the completion of construction.

13. Rainwater harvesting from building roofs and parking lots shall be employed to support landscaped areas and shall include parking lot tree wells, landscape buffers, and depressed planting basins along the pedestrian trail.

14. Invasive plants that are not native to the Sonoran desert shall not be used for site landscaping, including fountain grass and South American mesquite species. Native plants indigenous to the site and other species common to the Arizona Upland, such as velvet mesquite, blue palo verde, foothills palo verde, desert willow and various shrubs, should be used in site landscaping to the extent practicable.

15. Discharge of stormwater runoff from the developed portion of the site to Old Rodeo Wash shall be engineered to abate the velocity of water movement in order to prevent damage to the soils in the tobosa swale habitat of the wash. Designs of water energy dissipating structures shall be provided with construction plans for the site and shall be designed to recreate pre-site stormwater discharge velocities within the wash.

16. Child and adult day care facilities shall not be located adjacent to landfill uses or activities.

17. Integrated architecture and landscape architecture themes and treatments shall be employed throughout the site.

18. Comparable architectural elements and colors shall be incorporated on all sides of the buildings, including front, side, and back. Elevations shall be submitted at time of development plan review.

19. Rooflines shall be varied, and mechanical rooftop equipment shall be screened from view.

20. Separate commercial pads within the shopping center shall be integrated into the design of the overall development.

21. Outdoor storage areas shall be screened and designed to be less visible to customers and visitors.

22. Signage internal to the site and along Craycroft or Wilmot, shall be designed to be clearly visible, promote ease of use of the development, aesthetically appealing, and integrated into the surrounding landscaping plan so that the message is clear, but not a dominant feature.

23. Building entryway features shall be designed to be clearly defined and highly visible.

24. A minimum of four pedestrian amenity areas that include outdoor seating shall be provided.

25. Trees that are a minimum size of 15 gallons shall be placed so as to provide a pleasant micro-climate for pedestrians.

26. 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.

27. Where applicable six (6) inch wide fence block or greater shall be used for perimeter walls.

28. 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.

29. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.

30. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

31. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Zero (0) written approvals and zero (0) written protests were received prior to the Zoning Examiner's public hearing on November 30, 2006.

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

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

a. Report from City Manager JAN9-07-9 CITY-WIDE

10. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, January 17, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.