



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, FEBRUARY 13, 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 – Karen Dayton, City Clerk’s Office

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Presentation to the Sun Tran “Distinguished Employee Team of 2006”
- b. Presentation to Dr. Guy Stern and Susanna Piontek as Honorary Citizens of Tucson

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager FEB13-07-77 CITY-WIDE

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

- a. Report from City Manager FEB13-07-78 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager FEB13-07-79 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Shell, Ward 4
5502 E. 22nd St.
Applicant: Sajid Rana
Series 10, City 1-07
Action must be taken by: February 26, 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(s)

- 1. Kokopelli Winery, Ward 6
526 N. Fourth Ave.
Applicant: Dennis Michael Minchella
City T91-06
Date of Event: March 23, 2007 – March 25, 2007
(4th Avenue Street Fair)

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

- 2. Kokopelli Winery, Ward 6
526 N. Fourth Ave.
Applicant: Dennis Michael Minchella
City T92-06
Date of Event: December 7, 2007 – December 9, 2007
(4th Avenue Street Fair)

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

3. Arizona Historical Society-So. AZ Division-Docent Council, Ward 6
949 E. 2nd St.
Applicant: Armand Martin Ronstadt
City T2-07
Date of Event: March 20, 2007
(Raise funds for Docent Council Education Dept./Annual Reunion of Westerners)

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

4. Tucson Urban League, Ward 6
1303 E. University Blvd.
Applicant: Michael William McGrath
City T6-07
Date of Event: March 2, 2007
(2007 Gala, The Annual Fundraiser Dinner for TUL)

Staff has indicated the applicant is in compliance with city requirements

- d. Agent Change(s)

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 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.

8. PUBLIC HEARING: ZONING (C9-01-29) TMM FAMILY SERVICES – 22ND STREET, REQUEST FOR TIME EXTENSION

- a. Report from City Manager FEB13-07-84 WARD 5
- b. Hearing: on a request for a five-year time extension for the completion of the rezoning conditions for property located on the north side of Twenty-third Street, approximately 430 feet west of Country Club Road. Applicant: Reverend Don Strauch of TMM Family Services. The preliminary development plan proposes additional parking on 0.31 acres for an existing retail and wholesale building supply.

The original five-year authorization expires on February 11, 2007. A public hearing is required because the request, if approved, will extend the time for completion of rezoning conditions more than five (5) years from the date of the last public hearing.

Staff recommends approval of the requested five-year time extension from February 11, 2007, to February 11, 2012, subject to compliance with the recommended conditions of rezoning:

1. A development plan, in substantial compliance with the preliminary development plan and Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. et. seq of the *LUC*.
2. The owner/developer shall dedicate right-of-way, per the *Major Streets and Routes Plan*, along Twenty-third Street, as required.
3. Curb and sidewalk are required along the Twenty-third Street frontage.
4. Vehicular access to Twenty-third Street is prohibited, including from the adjacent, existing parking area, except for emergency and fire access only.
5. Any existing access to Twenty-third Street must be closed and gated, and restricted to emergency and fire access only. The access gate shall be opaque and painted to match the adjacent wall color.
6. A drainage report shall be submitted and approved, including retention/detention calculations/requirements.
7. Water harvesting techniques shall be utilized by conveying all rooftop, parking area access lane (PAAL), and parking area drainage to designated water harvesting areas.

8. Alteration of existing drainage patterns on and adjacent to the site is prohibited.
9. Construction of any structure that would create a barrier within the drainage flow path is prohibited.
10. A minimum ten (10) foot wide landscape buffer including canopy trees shall be provided adjacent to the street right-of-way along Twenty-third Street.
11. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
12. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
13. Low level lighting no higher than forty-eight (48) inches shall be used and shall be directed down and away from residential parcels and public roadways.
14. All new dumpsters and loading spaces shall be placed at least fifty (50) feet from residentially zoned or developed property.
15. If archaeological features are found during project construction, testing and data recovery will 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 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.
16. The U. S. Fish and Wildlife Service guidelines regarding the Cactus Ferruginous Pygmy Owl shall be followed.
17. The Arizona Game and Fish Department guidelines regarding raptors, bats, Gila monsters, and special status plants and animals shall be followed.
18. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.

19. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
20. Five years are allowed in which to comply with all Code requirements and conditions of rezoning.

Four (4) written approvals and zero (0) written protests have been received.

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 FEB13-07-80 CITY-WIDE

10. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, February 21, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.