



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, APRIL 17, 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 – Natasha Korshak, Interfaith Contemplative Minister and Director of Mindfulness, Yoga, and Meditation at Miraval Resort

PLEDGE OF ALLEGIANCE – Dorothy Hanley, Poppy Princess

PRESENTATION

- a. Proclaiming May 5 and 6 to be “American Legion Auxiliary Memorial Poppy Days”
- b. Presentation to winners of the “Graffiti Free Community” Poster Contest
- c. Proclaiming April 17 to be “Outstanding Teen Citizen Day”
- d. Presentation of the “Crystal Apple Youth Award” and “Outstanding Teen Citizen Awards”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager APRIL17-07-203 CITY-WIDE

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

- a. Report from City Manager APRIL17-07-204 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager APRIL17-07-206 CITY-WIDE

- b. Liquor License Applications

Person/Location Transfer(s)

- 1. Circle K Store #1583, Ward 1
1401 W. Grant Rd.
Applicant: Kim Kenneth Kwiatkowski
Series 9, City 19-07
Action must be taken by: May 6, 2007

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(s)

- 1. Arizona Theatre Company, Ward 6
330 South Scott Ave.
Applicant: Eileen Marie Bagnall
City T25-07
Date of Event: April 22, 2007
(Benefit Fashion Show)

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

- 2. Tucson Kitchen Musicians, Ward 1
140 N. Main Ave.
Applicant: Katherine Page Burdick
City T28-07
Date of Event: May 5, 2007 - May 6, 2007
(To Give the Community of Tucson a Free Music Event)

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

3. St. Cyril of Alexandria Parish School, Ward 6
4725 E. Pima St.
Applicant: John Howland Taber
City T29-07
Date of Event: April 28, 2007
(Fundraiser for Parish School)

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

4. CODAC Behavioral Health Services, Inc., Ward 2
4644 E. Ft. Lowell Rd.
Applicant: Cassie Huisman
City T30-07
Date of Event: May 5, 2007
(Fundraiser Event for CODAC Behavioral Health)

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

5. Congregation Chaverim, Ward 6
5901 E. 2nd Street
Applicant: John Velez
City T32-07
Date of Event: May 5, 2007
(Fundraiser)

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

6. Catalina Rotary Club, Ward 3
4502 N. 1st Ave.
Applicant: Peter Albert Walsh
City T35-07
Date of Event: May 5, 2007
(Fundraising Event to Help Southern Arizona Organization)

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

7. It's Happening Downtown, Inc., Ward 6
26 E. Congress
Applicant: Melinda Elisabeth Dickinson
City T37-07
Date of Event: May 4, 2007 - May 5, 2007
(Civic Event Providing Music)

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

8. It's Happening Downtown, Inc., Ward 6
110 S. Church Ave.
Applicant: Melinda Elisabeth Dickinson
City T38-07
Date of Event: May 4, 2007 - May 5, 2007
(Civic Event Providing Music)

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

9. It's Happening Downtown, Inc., Ward 6
5th Avenue, between Congress & Broadway
Applicant: Melinda Elisabeth Dickinson
City T39-07
Date of Event: May 5, 2007
(Civic Event Providing Music)

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

10. Tucson Jewish Community Center, Ward 2
3800 E. River Rd.
Applicant: Denise Blumenthal
City T40-07
Date of Event: May 6, 2007
(Israel Independence Day Celebration)

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

11. Beowulf Alley Theatre Company, Ward 6
11 S. 6th Avenue
Applicant: Beth A. Dell
City T41-07
Date of Event: May 6, 2007
(Fundraiser for Theatre Company)

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

d. Agent Change/Acquisition of Control

1. New Delhi Palace, Ward 2
6751 E. Broadway
Applicant: Sailesh Balakrishnan
Series 12, City AC2-07
Action must be taken by: May 12, 2007

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

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

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 J

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: (C9-06-28) TAYLOR – WILMOT ROAD, R-1 TO O-2, CITY MANAGER'S REPORT

- a. Report from City Manager APRIL17-07-210 WARD 6
- b. Report from Zoning Examiner dated March 23, 2007
- c. Request to rezone approximately 1.64 acres from R-1 (Urban, Low-density, Single-family Residential) to O-2 (Residentially Compatible Administrative and Medical Office) zoning. Applicant: Phil Ungermann, on behalf of the property owner, Michael Taylor.

The rezoning site is located on the west side of Wilmot Road between Eli Street and 16th Street.

The applicant's request meets the intent of the policies in the *Broadway-Craycroft Area Plan* and the *General Plan*. Approval of the requested C-1 zoning is appropriate subject to compliance with the recommended conditions.

The Zoning Examiner held a public hearing on March 8, 2007, on behalf of the Mayor and Council. The Zoning Examiner recommends authorization of O-2 zoning.

Staff recommends authorization of O-2 zoning subject to the recommended conditions. In this case, O-1 zoning would not be appropriate because this is not an office conversion or small-scale office project.

1. A development plan in substantial compliance with the preliminary development plan dated January 3, 2007, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The property owner shall execute and record an agreement to waive any claims against the City form, approved by the City Attorney, in conformance with A.R.S. 12-1134(I).
3. Structures shall be limited to one-story and a maximum of 16 feet in height.
4. Dumpsters and loading zones shall be located a minimum of 50 feet from all residential uses.
5. The owner/developer shall construct a new six-foot-high, graffiti-resistant wall along the west perimeter of the site.
6. Vehicular access shall be limited to Wilmot Road only except for emergency access to Eli Street as required or determined by the Fire Department.
7. Provide landscape buffers that include one fifteen-gallon, native canopy tree, every twenty-five feet on center, along the north and west property boundaries. Trees shall be maintained with a permanent irrigation system.
8. Building façades shall be designed to provide the same attention to architectural design and shall include design elements that include a variety of rooflines and color pallet to include natural desert colors. Color elevations shall be submitted at the time of development review.
9. 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.

10. Six (6) inch wide fence block or greater shall be used for perimeter walls.
11. Preparation of a complete Drainage Report, including details of detention/retention, is required.
 - 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.
12. 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.
13. “Safe by Design” concepts shall be incorporated in the security barriers and screening for detention/retention basins and the subdivision plat for review by the Tucson Police Department.
14. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

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

Three (3) written approvals and zero (0) written protests were received prior to the Zoning Examiner's public hearing on March 8, 2007.

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

9. WATER: ADOPTING TUCSON WATER'S FINANCIAL PLAN FOR FISCAL YEARS 2007 THROUGH 2012

- a. Report from City Manager APRIL17-07-216 CITY-WIDE and OUTSIDE CITY
- b. Resolution No. 20640 relating to Tucson Water; authorizing and adopting the Tucson Water Financial Plan for the period from fiscal year 2007 through fiscal year 2012; and declaring an emergency.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager APRIL17-07-205 CITY-WIDE

11. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, April 24, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.