



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, MAY 15, 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 – Sister Lupita, Benedictine Monastery

PLEDGE OF ALLEGIANCE – Sahuaro Girl Scout Junior Troop 1352

PRESENTATIONS

- a. Presentation of certificates to the Catalina Foothills High School Chess Team for winning the National Championship.
- b. Proclaiming the third Saturday of November each year to be “Play Day”
- c. Proclaiming May 20 to May 26 to be “Public Works Week”
- d. Presentation of the American Public Works Association Accreditation Awards to the Department of Transportation

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager MAY15-07-269 CITY-WIDE

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

- a. Report from City Manager MAY15-07-270 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager MAY15-07-261 CITY-WIDE

- b. Liquor License Applications

New License(s)

- 1. Bum Steer, Ward 3
1910 N. Stone Ave.
Applicant: Heiko Henning Willhelm Langrehr
Series 12, City 23-07
Action must be taken by: May 21, 2007

Tucson Police Department has indicated the applicant is not in compliance with city requirements.

(CONTINUED FROM MAYOR AND COUNCIL MEETING OF MAY 1, 2007)

Public Opinion: Written Arguments Opposed Filed

- 2. Doubletree Hotel, Ward 6
445 S. Alvernon Way
Applicant: Michael James Hanson
Series 11, City 25-07
Action must be taken by: May 26, 2007

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

- 3. 7-Eleven #21814C, Ward 5
885 E. 22nd St.
Applicant: Ajay Gupta
Series 10, City 26-07
Action must be taken by: June 3, 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)

Person Transfer

4. Danny’s Baboquivari Lounge, Ward 3
2910 E. Ft. Lowell Rd.
Applicant: Erik James Hulten
Series 6, City 27-07
Action must be taken by: June 9, 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(s)

NOTE: There are no applications for Special Events scheduled for this meeting.

- d. Agent Change/Acquisition of Control

NOTE: There are no applications for 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 V**

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: CITY OF TUCSON RECOMMENDED BUDGET FOR FISCAL YEAR 2008**

- a. Report from City Manager MAY15-07-267 CITY-WIDE
- b. Hearing: This is the first of two public hearings on the Fiscal Year 2008 budget. Its purpose is to provide the public with an opportunity to comment on the recommended budget prior to the beginning of the Mayor and Council budget review process. The second hearing is scheduled for June 12, 2007.

9. **PUBLIC HEARING: BROADWAY BOULEVARD, KOLB ROAD TO PANTANO ROAD DISTRICT LIGHTING IMPROVEMENT**

- a. Report from City Manager MAY15-07-268 WARD 2
- b. Hearing: This is the final hearing for the project. Interested parties may present objections to the legality of the assessment or any of the previous proceedings, or present evidence that the construction was not performed according to the contract.
- c. Resolution No. 20660 approving assessment and previous proceedings for the “Pantano Wash, North of Broadway Boulevard District Bank Protection Paving Improvement,” in the City of Tucson, Arizona.

Staff recommends that the Mayor and Council adopt the subject resolution approving assessments and previous proceedings.

10. ZONING: (C9-07-02) MARSON – RIVER ROAD, O-2 TO C-1, CITY MANGER’S REPORT

- a. Report from City Manager MAY15-07-280 WARD 3
- b. Report from Zoning Examiner dated April 27, 2007

Request to rezone approximately two acres from O-2 to C-1 zoning. Applicant: The Planning Center, on behalf of the property owner, Louis Marson. The rezoning site is located on the south side of River Road, approximately one half mile east of Campbell Avenue. The applicant proposes to construct two, two-story buildings for a total of 22,200 square feet of retail, restaurant, and office use on approximately two acres.

The request for C-1 zoning is in compliance with the intent and pertinent policies of 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 April 12, 2007, on behalf of the Mayor and Council. The Zoning Examiner recommends approval of C-1 zoning.

Staff recommends authorization of C-1 zoning, subject to the recommended conditions.

- 1. A development plan in substantial compliance with the preliminary development plan dated January 26, 2007, the Pedestrian Amenities plan dated February 13, 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. Dedication, or verification of existence, of right-of-way, per the *Major Streets and Routes Plan* [or as required by Pima County's River Road, Campbell Avenue to Alvernon Way project (Plan No. 4TRRCA)] along the River Road site frontage.
- 4. The owner/developer shall install (or verify the existence of) curbs and sidewalks along the River Road site frontage. Said improvements are site-specific/site-fronting improvements and are not considered to be capacity improvements; and are therefore not eligible for impact fee credits.

5. The owner/developer shall design and construct appropriate turn lanes and associated pavement transitions as required by Tucson Department of Transportation Traffic Engineering. Said improvements are not eligible for impact fee credits.
6. A scaled viewshed analysis, incorporating photo simulations, shall be included with the development plan to illustrate design compatibility with existing nearby development and the Rillito River Park.
7. All exterior mechanical equipment and dumpsters shall be screened from view of adjacent development, street frontages, interior pedestrian paths, and shall be architecturally integrated into the overall design of the development.
8. The project shall be designed at a neighborhood-scale that promotes pedestrian activity. All building elevations shall be designed using five-sided architecture, scaled to create an inviting pedestrian environment, including a high quality and visually interesting roof 'horizon.' Rooftop mechanical equipment shall be screened from view.
9. Detailed color elevations of all buildings shall submitted with the Development Plan.
10. Pedestrian paths (defined as any part of the pedestrian circulation system other than paths designed for service use only) shall be a minimum of six feet wide (eight feet wide where possible) and shall be distinguished from vehicular areas using materials such as brick, concrete pavers, scored or patterned colored concrete. A minimum of 50 percent of the lineal feet of the interior pedestrian path system shall be shaded by trees or structures. Benches shall be provided throughout the project site, particularly in shaded areas adjacent to pathways and sidewalks.
11. Pedestrian paths shall be lighted with human scaled lighting fixtures. Details of pedestrian path lighting shall be submitted as part of the development plan.
12. A minimum of five off-site pedestrian access points shall be provided to the internal pedestrian circulation system. The development plan shall accommodate a sixth pedestrian access point connecting to the property adjacent to the east/southeast. The internal pedestrian circulation system is to be conveniently connected to these offsite access points.

13. Owner/developer shall agree to pedestrian cross access with the property to the east/southeast and shall meet with the property owner(s) to the east/southeast to secure pedestrian cross access agreement(s). Any such cross access agreement(s) shall be recorded and noted on the development plan. If the owner/developer is not successful in obtaining cross access from the owner of the property to the east/southeast, documentation shall be submitted that establishes that a significant effort has been made to obtain said cross access.
14. The owner/developer shall design and construct two pathway entry signage/features to promote pedestrian activity and wayfaring from Rillito River Trail to the project. One such feature shall be placed where the Riverwalk pathway meets the Rillito River Trail on Riverwalk property. The second feature shall be positioned at the southwest corner of the property, where the pathway enters the project site.
15. The owner/developer shall design and construct a pedestrian/bicyclist node including sufficient bicycle parking, shade, and seating areas.
16. Where practical, buildings shall have multiple entrances and include entryway design elements that enhance the design character and reinforce the pedestrian oriented activity of the project.
17. One canopy tree shall be provided within the vehicular use area for each four motor vehicle parking spaces, or the shade pattern caused by mature canopy trees, buildings, and other structures on the vehicular use area from 9:20 a.m. to 3:20 p.m. MST on June 21 must cover fifty percent of the paved area.
18. All perimeter walls in the development shall be designed to enhance the development and complement adjacent uses. 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. Six (6) inch wide or greater fence block shall be used for perimeter walls.
19. Preparation of a complete Drainage Report, including details of detention/retention, is required.
20. 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.
21. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.

22. 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.
23. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
24. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
25. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
26. Disabled parking spaces meeting ADA requirements shall be located immediately adjacent to any proposed medical uses.
27. 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.
28. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
29. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
30. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Two (2) written approvals and zero (0) written protests were received prior to the Zoning Examiner's public hearing on April 12, 2007.

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

11. TUCSON CODE: AMENDING (CHAPTER 12) REQUIRING REPORTING OF INDEPENDENT EXPENDITURES IN CITY ELECTIONS

1. Report from City Manager MAY15-07-275 CITY-WIDE
2. Ordinance No. 10401 relating to elections; requiring any person who makes independent expenditures related to a particular city office cumulatively exceeding five hundred dollars to file a report with the Campaign Finance Administrator; requiring supplemental reports each time previously unreported independent expenditures exceed one thousand dollars; expecting independent expenditures already reported under A.R.S. section 16-913 and 16-915: specifying the time for filing reports; requiring that any report by a political committee identify any persons who have contributed five hundred dollars or more to the political committee; specifying penalty for failure to file a report or provide information; specifying factors the Campaign Finance Administrator shall use in determining whether expenditures should have been reported; providing that every two years the Campaign Finance Administrator shall adjust the amounts required for initial and supplemental reports by the percentage change in the consumer price index; creating necessary definitions; amending Tucson Code Chapter 12 to add a new Article VIII and Section 12-110; and declaring an emergency.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager MAY15-07-271 CITY-WIDE

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, May 22, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.