





# 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, JUNE 12, 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 – Debra Counsellor, City Clerks Office

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Presentation to the winners of the Arizona Equipment Safety Partnering Rodeo

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

- a. Report from City Manager JUNE12-07-337 CITY-WIDE

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

- a. Report from City Manager JUNE12-07-338 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

- a. Report from City Manager JUNE12-07-329 CITY-WIDE
- b. Liquor License Application(s)

New License(s)

- 1. The Firkin & Friar, Ward 2  
6958 E. Tanque Verde Rd.  
Applicant: Richard William McKnight  
Series 12, City 31-07  
Action must be taken by: June 23, 2007

Development Services Department and Revenue have indicated the applicant is in compliance with city requirements.

Tucson Police Department review in process.

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)

- 2. Chile Con Sol, Ward 6  
1628 E. 6th St.  
Applicant: Maritza Cruz  
Series 7, City 30-07  
Action must be taken by: June 25, 2007

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

- 3. Las Cazuelitas De Tucson, Ward 1  
1365 W. Grant Rd.  
Applicant: Hilda Frisby Montoya  
Series 6, City 32-07  
Action must be taken by: June 30, 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

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 D**

**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 6) ADOPTION OF NEW AND UPDATED BUILDING CODES**

- a. Report from City Manager JUNE12-07-332 CITY-WIDE
- b. Hearing on changes in building code requirements based on new and safer technology and practices.

- c. Ordinance No. 10417 relating to Buildings, Electricity, Plumbing and Mechanical Code; amending the Tucson Code Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article 1 in General, Section 6-1 Administrative code adopted by repealing the uniform Administrative code and reserving Section 6-1; amending Article III, Buildings, Division 1 Building Code, Section 6-34 Building code adopted by adopting the International Building Code 2006 Edition with local amendments; Section 6-38 Residential code adopted by adopting the International Residential Code 2006 Edition with local amendments; Section 6-40 Energy Conservation Code by adopting the International Energy Conservation Code 2006 Edition with local amendments; amending Article IV Electricity, Division 1 Electrical Code, Section 6-84 Electrical Code adopted by adopting the 2005 National Electric Code with local amendments; amending Article VI Mechanical Code Section 6-167 Fuel gas code by adopting the International Fuel Gas Code 2006 Edition; establishing penalties; and declaring an emergency.

**9. PUBLIC HEARING: PROPOSED DEVELOPMENT IMPACT FEES FOR POLICE, FIRE, AND PUBLIC FACILITIES**

- a. Report from City Manager JUNE12-07-342 CITY-WIDE
- b. Hearing on the adoption of development impact fees for police, fire, and public facilities. The recommended fees represent a proportional share of the impact that new development has on police, fire, and public facilities infrastructure needs. This public hearing is scheduled pursuant to Arizona Revised Statutes 9-463.05-C regarding the public hearing requirements for imposition of or increased development fees.

Staff recommends that following the Public Hearing staff be directed to schedule the adoption of the impact fee ordinance for July 10, 2007.

**10. PUBLIC HEARING: TRUTH IN TAXATION HEARING FOR THE PRIMARY PROPERTY TAX; NOTICE OF PRIMARY PROPERTY TAX INCREASE**

- a. Report from City Manager JUNE12-07-333 CITY-WIDE
- b. Truth in Property Taxation Public Hearing

**11. PUBLIC HEARING: 2008 BUDGET AS TENTATIVELY ADOPTED ON JUNE 5, 2007**

- a. Report from City Manager JUNE12-07-340 CITY-WIDE

- b. Hearing. This is the second of two public hearings held on the City's Fiscal Year 2008 Budget. At the close of this public hearing the Mayor and Council will convene a duly noticed and called special meeting for the purpose of finally adopting the Fiscal Year 2008 Budget.

AT THIS TIME THE MAYOR AND COUNCIL  
WILL RECESS THE REGULAR MEETING AND  
CONVENE A SPECIAL MEETING FOR THE  
PURPOSE OF BUDGET ADOPTION

**12. ZONING: (C9-07-04) BECKETT – FREEWAY DRIVE, O-3 TO C-2, CITY MANAGER'S REPORT**

- a. Report from City Manager JUNE12-07-334 WARD 1
- b. Report from Zoning Examiner dated May 11, 2007
- c. Request to rezone approximately 2.18 acres from O-3 to C-2 zoning. Applicant: Douglas and Kay Beckett, the property owners. The rezoning site is located on the northwest corner of Fort Lowell Road and Freeway Drive. The applicant's request is in compliance with the policies in *the Santa Cruz Area Plan* and *General Plan*. Authorization of the requested C-2 zoning is appropriate subject to compliance with the recommend conditions.

The Zoning Examiner held a public hearing on April 26, 2007, on behalf of the Mayor and Council. The Zoning Examiner recommends approval of C-2 zoning.

Staff recommends authorization of C-2 zoning subject to certain conditions.

- 1. A development plan in substantial compliance with the preliminary development plan dated February 14, 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 a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment".
- 3. The owner/developer shall design site improvements to be consistent with recent improvements to I-10, through the use of naturally appearing materials and colors predominant in the surrounding landscape.
  - A. Building facades shall be designed to provide five-side architecture with attention to the architectural character and detail comparable to the front façade, and with consistent design treatment to all

building sides. Prior to development plan approval, the applicant shall submit elevation drawings of all structures and free-standing walls and fences, showing colors and materials to be used. Dimensioned colored elevation drawings shall be submitted with the Development Plan.

- B. Curbs and sidewalks shall be installed along the Fort Lowell Road frontage of the site. Subject to concurrence from the Arizona Department of Transportation, the owner/developer shall also install sidewalks along the Freeway Drive/Eastbound I-10 Frontage Road frontage of the site. Sidewalks shall connect to the existing curb access ramp at the northwest corner of the Fort Lowell Road and Freeway Drive/Eastbound I-10 Frontage Road intersection.
4. A landscape buffer consisting of one 15-gallon native canopy tree every 25-feet on-center, shall be installed along the full length of the western property boundary. The landscape buffer shall include understory shrubs and groundcover planting and shall be on a permanent irrigation system.
  5. Water harvesting details shall be shown on the development plan/landscape plan.
  6. All pedestrian ways, where they cross PAALs shall be distinguished from vehicular areas by materials such as brick, concrete pavers, scored or patterned colored concrete, or pavement striping.
  7. 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.
  8. Six (6) inch wide fence block or greater shall be used for perimeter walls.
  9. 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.

10. Preparation of a complete Drainage Report, including details of detention/retention, is required.
11. 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.
12. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
13. 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.
14. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
15. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
16. "Safe by Design" concepts shall be incorporated into the Development Plan for review by the Tucson Police Department.
17. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
18. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Zero written approvals and zero protests were received prior to the Zoning Examiner's public hearing on April 26, 2007, at that time requiring a simple majority vote of Mayor and Council to adopt a rezoning ordinance. No written approvals or protests have been received subsequent to the Zoning Examiner's public hearing.

**13. TUCSON CODE: AMENDING (CHAPTERS 10A AND 20) RELATED TO PARKING AND ASSOCIATED TRANSPORTATION ISSUES**

1. Report from City Manager JUNE12-07-336 CITY-WIDE

2. Ordinance 10418 relating to parking; revising portions of the Tucson Code to reflect organizational changes within the Tucson Department of Transportation; changing the name of the Transportation Enterprise Area Management Oversight Commission to the ParkWise Commission; clarifying language and adding definitions for commercial vehicle, curb, and traffic agent; changing authority from the traffic engineer to the director of transportation for certain responsibilities; streamlining parking rate setting processes by allowing rates to be set administratively; modifying booting procedures and incorporating administrative changes requested by Tucson City Court; changing certain parking restrictions; adding ParkWise as a functional unit of the department of transportation; adding a special duty parking services program; amending the Tucson code by amending portions of Chapter 10A, Article XIV; Chapter 20, Article I; Chapter 20, Article VII; and declaring an emergency.

**14. RECONSIDERATION OF ORDINANCES 10406, 10407, 10408, 10409, 10410, 10411, 10412, 10413, 10415, AND RESOLUTIONS 20681, 20682, 20683, 20684, AND 20685**

- a. Report from City Manager JUNE12-07-335 CITY-WIDE
- b. Ordinance No. 10406 relating to real property; vacating and declaring a portion of City-owned right-of-way located on north Country Club Road near Allen Road to be surplus property; authorizing the conveyance thereof at no cost to the developer of the Aldea Del Norte Subdivision pursuant to the Mayor and Council paper plat policy; and declaring an emergency.
- c. Ordinance No. 10407 relating to real property; vacating and declaring certain city-owned right-of-way consisting of a portion of 22<sup>ND</sup> Street to be surplus, and authorizing the sale thereof to Desert Toyota; and declaring an emergency.
- d. Ordinance No. 10408 relating to motor vehicles and traffic; repealing Ordinance No. 9049 adopted by Mayor and Council on May 4, 1998; designating current streets or parts of streets where thirty miles per hour speed limit is imposed, pursuant to Section 20-140 of the Tucson Code; and declaring an emergency.
- e. Ordinance No. 10409 relating to motor vehicles and traffic; repealing Ordinance No. 9964 adopted by Mayor and Council on May 17, 2004; designating current streets or parts of streets where thirty-five miles per hour speed limit is imposed, pursuant to Section 20-141 of the Tucson Code; and declaring an emergency.
- f. Ordinance No. 10410 relating to motor vehicles and traffic; repealing Ordinance No. 10229 adopted by Mayor and Council on December 20, 2005; designating current streets or parts of streets where forty miles per hour speed limit is imposed, pursuant to Section 20-142 of the Tucson Code; and declaring an emergency.

- g. Ordinance No. 10411 relating to motor vehicles and traffic; repealing Ordinance No. 10230 adopted by Mayor and Council on December 20, 2005; designating current streets or parts of streets where forty-five miles per hour speed limit is imposed, pursuant to Section 20-143 of the Tucson Code; and declaring an emergency.
- h. Ordinance No. 10412 relating to motor vehicles and traffic; repealing Ordinance No. 9965 adopted by Mayor and Council on May 17, 2004; designating current streets or parts of streets where fifty miles per hour speed limit is imposed, pursuant to Section 20-144 of the Tucson Code; and declaring an emergency.
- i. Ordinance No. 10413 relating to motor vehicles and traffic; repealing Ordinance No. 6621 adopted by Mayor and Council on January 5, 1987; designating current streets or parts of streets where fifty-five miles per hour speed limit is imposed, pursuant to Section 20-145 of the Tucson Code; and declaring an emergency.
- j. Ordinance No. 10415 relating to water; amending certain portions of the Tucson Code, Chapter 27, Water, Article II, Rates and Charges; Section 27-31, Definitions; Section 27-32.1, Monthly reclaimed water service charges; Section 27-33, Monthly potable water service charges; Section 27-34, Charges for fire protection service, and declaring an emergency.
- k. Resolution No. 20681 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-255 of a final plat for the South Gate Business Park Condominiums, Units 1-37, Block A and Common Elements "A" – "B", Limited Common Elements C1-C18; and declaring an emergency.
- l. Resolution No. 20682 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-094 of a final plat for the Aldea Del Norte Subdivision, Lots 1 to 12 and Common Areas "A" – "C"; and declaring an emergency.
- m. Resolution No. 20683 a resolution of the Mayor and Council of the City of Tucson, Arizona, approving the proceedings of The Industrial Development Authority of the City of Tucson, Arizona and the Joint Single Family Mortgage Revenue Bond Program of 2007 of The Industrial Development Authority of the City of Tucson, Arizona and The Industrial Development Authority of the County of Pima; approving Standards and Requirements related thereto; approving a General Plan related thereto; approving Program Documents; and authorizing and approving the issuance of not to exceed \$33,000,000 The Industrial Development Authority of the City of Tucson, Arizona and The Industrial Development Authority of the County of Pima Joint Single Family Mortgage Revenue Bonds, Series 2007B in one or more series or issues; and declaring an emergency.

- n. Resolution No. 20684 relating to agreements; approving and authorizing a Joint Service Agreement between the City of Tucson and the Sonoran Institute for the Building from the Best of Tucson (BBoT) Program; and declaring an emergency.
- o. Resolution No. 20685 relating to Finance; approving and authorizing the allocation of Five Hundred Dollars (\$500) from Mayor Walkup, Five Hundred Dollars (\$500) from Ward 2, One Hundred Dollars (\$100) from Ward 3, and Two Hundred Dollars (\$200) from Ward 4 from the Community Support Fund, Account No. 001-183-1898-268, to Arts Express, Inc. for the 4<sup>th</sup> of July Annual Concert Production of *Let Freedom Sing*; and declaring an emergency.

**15. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

- a. Report from City Manager JUNE12-07-339 CITY-WIDE

**16. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, June 19, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona