





# 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 19, 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 – Melinda Nay, Center for Joyful Living

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

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

a. Report from City Manager JUNE19-07-346 CITY-WIDE

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

a. Report from City Manager JUNE19-07-347 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager JUNE19-07-348 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 and Revenue have indicated the applicant is in compliance with city requirements.

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

(CONTINUED FROM THE MAYOR AND COUNCIL MEETING OF JUNE 12, 2007)

**(No action needed. Application withdrawal filed with the State by the applicant on June 14.)**

- 2. 7-Eleven #17403 H, Ward 6  
1080 N. Columbus Blvd.  
Applicant: Nicholas Carl Guttilla  
Series 10, City 33-07  
Action must be taken by: July 2, 2007

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

- 3. Vila Thai Cuisine, Ward 6  
972 E. University Blvd.  
Applicant: Vila Destanii Jarrell  
Series 12, City 34-07  
Action must be taken by: July 2, 2007

Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.

Development Services has indicated the applicant is not in compliance with city requirements.

4. 7-Eleven #23347 J, Ward 6  
3856 E. 5th St.  
Applicant: Nicholas Carl Guttilla  
Series 10, City 36-07  
Action must be taken by: July 2, 2007

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

5. 7-Eleven #18602 M, Ward 4  
1201 S. Avenida Polar  
Applicant: Nicholas Carl Guttilla  
Series 10, City 37-07  
Action must be taken by: July 2, 2007

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

6. 7-Eleven #13048 H, Ward 6  
5457 E. Pima St.  
Applicant: Nicholas Carl Guttilla  
Series 10, City 38-07  
Action must be taken by: July 2, 2007

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

7. Quik Mart, Ward 4  
10265 E. Irvington  
Applicant: John Wesley Little (Jr.)  
Series 10, City 39-07  
Action must be taken by: July 1, 2007

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

8. Club Social, Ward 1  
4550 S. 12th Ave.  
Applicant: Jose Armando Flores  
Series 6, City 40-07  
Action must be taken by: July 7, 2007

Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.

Development Services has indicated the applicant is not in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed

9. Dragon View Restaurant, Ward 1  
400 N. Bonita Ave.  
Applicant: Chuck Kwan Wan  
Series 12, City 41-07  
Action must be taken by: July 7, 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)

Person/Location Transfer(s)

10. Gem Center @ Conference Hall, Ward 1  
222 S. Freeway  
Applicant: Panagiotis Lembessis  
Series 7, City 35-07  
Action must be taken by: July 2, 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. Serinas del Mar, Ward 1  
288 N. Church  
Applicant: John Henry O’Hair  
City T46-07  
Date of Event: June 29, 2007  
(Wedding)

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 L**

**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: PANTANO WASH, NORTH OF BROADWAY BOULEVARD DISTRICT BANK PROTECTION IMPROVEMENT**

- a. Report from City Manager JUNE19-07-356 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. 20659 approving assessment and previous proceedings for the “Pantano Wash, North of Broadway Boulevard District Bank Protection Improvement,” in the City of Tucson, Arizona.

Staff recommends that the Mayor and Council adopt the subject resolution approving Assessments and Previous Proceedings.

**9. PUBLIC HEARING: WEST VALENCIA ANNEXATION DISTRICT AND APPROVAL OF A PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH JVBM PROPERTIES, LLC**

- a. Report from City Manager JUNE19-07-345 WARD 1
- b. Hearing on proposed annexation district consisting of two parcels totaling approximately 14.06 acres or 0.02 square miles.
- c. Resolution No. 20693 relating to annexations; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and JVBM Properties, LLC; and setting an effective date.

Staff recommends that the Mayor and Council direct staff to proceed with the *West Valencia Annexation District* by gathering the necessary property owners signatures and return to the Mayor and Council with a proposed ordinance annexing the property.

In addition it is recommended that the Pre-Annexation and Development Agreement be approved.

**10. PUBLIC HEARING: MAJOR STREETS AND ROUTES PLAN AMENDMENT – SOUTHEAST MAJOR ROADWAYS**

- a. Report from City Manager JUNE19-07-357 WARDS 2, 3, 4, AND 5
- b. Hearing on the incorporation of the major roadways specified in the Southeast Area Arterial Study into the *Major Streets and Routes Plan*.
- c. Ordinance No. 10427 relating to planning and zoning; updating and amending the *Major Streets and Routes (MS&R) Plan* map to include the arterial roadways specified in the Southeast Area Arterial Study (SAAS); and setting an effective date.

**11. PUBLIC HEARING: ZONING (C9-00-23) RITA 244 LLC – RITA ROAD, RX-1, I-1, AND I-2 TO C-2 AND I-1, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN, ORDINANCE ADOPTION**

- a. Report from City Manager JUNE19-07-358 WARD 4
- b. Hearing on a request for rezoning condition and a change of preliminary development plan. Applicant: Mary Beth Savel of Lewis and Roca LLP, on behalf of the property owner, Diamond Ventures.

The revised preliminary development plan indicated 1,200,000 square foot one story distribution center in lieu of the previously approved 795,000 square foot employment campus on 99 acres. The revised preliminary development plan, dated May 24, 2007, is in compliance with the policy direction of the *Esmond Station Area Plan* and the *General Plan*.

Staff recommends approval of the requested change of the preliminary development plan and change of conditions subject to the recommended conditions in the ordinance.

- c. Ordinance No. 10420 relating to zoning: amending the conditions of Ordinance No. 10255 for a portion of the area located on the east side of Rita Road north of Interstate 10 in Case C9-00-23, Rita 244 LLC – Rita Road, I-1, I-2, and RX-1 to C-2 and I-1; and declaring an emergency.

One (1) written approval and zero (0) written protests have been received for this case.

A simple majority vote will be necessary to approve the requested change of preliminary development plan and adopt the ordinance.

**12. ZONING: (C9-07-08) STETSON/LOHMAN – BROWN STREET, SR TO RX-1, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION**

- a. Report from City Manager JUNE19-07-359 WARD 2
- b. Report from Zoning Examiner dated May 25, 2007.
- c. Request to rezone approximately 2.66 acres from SR to RX-1 zoning. Applicant: Jerry and Emily Stetson on behalf of the property owners Richard and Georgie Lohman.

The rezoning site is located on the west side of Brown Street, approximately 500 feet south of Broadway Boulevard. The preliminary development plan is for splitting the property into two lots and building a single home on the new lot.

The Zoning Examiner and staff recommend the approval of RX-1 zoning.

Three (3) written approvals and zero (0) written protests were received prior to the Zoning Examiner’s public hearing on May 10, 2007.

- d. Ordinance No. 10422 relating to zoning: amending zoning district boundaries in the area located on the west side of Brown Street, approximately 500 feet south of Broadway Boulevard in Case C9-07-08, Stetson/Lohman – Brown Street, SR to RX-1; and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance.

**13. ZONING: (C9-07-06) SAFEWAY – BROADWAY BOULEVARD, C-1 TO C-2, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION**

- a. Report from City Manager JUNE19-07-360 WARD 2
- b. Report from Zoning Examiner dated May 25, 2007.
- c. Request to rezone approximately 0.76 acres from C-1 to C-2 zoning. Applicant: Frank S. Bangs, Jr. of Lewis and Roca LLP on behalf of the property owner Jan Martin of Safeway, Inc.

The rezoning site is located on the southeast corner of Camino Seco and Broadway Boulevard. The applicant proposes to demolish the existing gas station and construct a 650 square foot retail sales kiosk, 16 fuel dispensing locations and a 5,418 square foot canopy on 0.76 acres. A maximum of twelve fuel dispensing locations may be permitted under existing C-1 zoning, therefore C-2 zoning is required.

The Zoning Examiner and staff recommend approval of C-2 zoning.

One (1) written approvals and zero (0) written protests were received prior to the Zoning Examiner’s public hearing on May 10, 2007.

- d. Ordinance No. 10423 relating to zoning: amending zoning district boundaries in the area located on the southeast corner of Camino Seco and Broadway Boulevard in Case C9-07-06, Safeway – Broadway Boulevard, C-1 to C-2; and setting an effective date., ~~SR to RX 1; and setting an effective date.~~

A simple majority vote will be necessary to **pass and** adopt the ordinance.

**14. ZONING: (C9-06-04) CHIRCO - 22<sup>ND</sup> STREET, C-1 TO C-2, REQUEST FOR TIME EXTENSION**

- a. Report from City Manager JUNE19-07-361 WARD 2
- b. This is a request for a five-year time extension for the completion of the rezoning conditions for the property located on the east side of Gollob Road between 21<sup>ST</sup> Street and 22<sup>ND</sup> Street. Applicant: Keri Silyvn, of Lewis and Roca LLC, on behalf of the property owners, Santo and Rose Chirco. The applicant is requesting C-2 zoning to bring an existing non-conforming auto service and repair facility into compliance with the *Land Use Code* and to allow construction of a 1,712 square foot building expansion. Per Mayor and Council policy for rezoning cases initiated to abate a zoning violation, the original one-year authorization expires on June 20, 2007.

An inspection by the Department of Neighborhood Resources confirms that the zoning violation has been abated, therefore, staff can support extending the rezoning to a date five years from the date of the last public hearing. A new public hearing is not required because the time extension request, if approved, will only extend the time for completion of rezoning conditions to a date no more than five (5) years from the date of the last public hearing which was May 4, 2006. Therefore the new expiration date would be May 4, 2011.

The conditions provided below are based on the conditions adopted by the Mayor and Council June 20, 2006. Within the conditions, new text is underlined, deleted text is ~~strikethrough~~.

1. A development plan in substantial compliance with the preliminary development plan dated March 1, 2006, 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 site shall comply with the Watercourse, Amenities, Safety and Habitat (WASH) Ordinance.
3. The owner/developer shall install curb and sidewalk along the Gollob Road street frontage.
4. The owner/developer shall provide interim improvements consisting of additional pavement and striping for a center left turn lane for 22<sup>nd</sup> Street along the site frontage with appropriate pavement tapers to accommodate the widening.
5. Vehicular access to Gollob Road shall be limited to left turn only and shall be directed toward 22<sup>nd</sup> Street.
6. Until such time as the future expansion is constructed, a 6-foot wall along the northern perimeter of the site shall be constructed to mitigate any noise from the 3 auto bays that open to the north. Once the future expansion is constructed, all existing and proposed auto repair bay doors shall open away from residential uses.
7. Hours of operation shall be limited to the hours between 8 AM to 6 PM, Monday through Friday and 8 AM to 4 PM on Saturday. Only retail uses associated with the business shall be allowed on Sundays.
8. Loading and associated activities shall be limited to the hours between 8 AM to 6 PM, Monday through Friday and 8 AM to 4 PM on Saturday.

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. Four (4) inch wide or less fence block shall not be used for perimeter walls.
11. The proposed oil storage area shall be located outside of the 100-year floodplain of Robb Wash.
12. Preparation of a complete Drainage Report, including details of detention/retention shall be provided. If detention/retention basins are required, the following shall apply:
  - 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 side slopes 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.
  - f. All security barriers and screening for detention/retention basins shall meet Safe by Design guidelines.

13. 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.
14. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
15. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
16. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
17. ~~A maximum of one year is allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.~~ Implementation and effectuation of all Code requirements and conditions of rezoning by May 4, 2011.
18. The property owner shall execute a waive 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"

Two (2) written approval and three (3) written protests were received prior to the Zoning Examiner's public hearing on May 4, 2006, at the time requiring a simple majority vote of Mayor and Council to adopt the rezoning ordinance. Two (2) of the protest are within the 150 foot area, representing a ten percent protest by area to the south. The protest generally allude to increase in noise and the potential for more intense uses as a result of the proposed C-2 zone. Because the protest level within 150 feet of the rezoning site is less than 20 percent in all four quadrants surrounding the site, a simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**15. TUCSON CODE: AMENDING (CHAPTER 22) REGARDING THE BENEFITS FOR EMPLOYEES OF THE CITY OF TUCSON**

- a. Report from City Manager JUNE19-07-362 CITY-WIDE
- b. Ordinance No. 10425 relating to leave and other benefits: Tucson Code Chapter 22, Article V Leave Benefit Plan and Article VI Other insurance benefits; adding Article V Subsection 22-90(3) d., Payment of accrued sick leave upon death of an employee; amending Article V Section 22-93(b) Sick leave payment to fire department commissioned personnel; amending Article V Section 22-94(b), Sick leave payment to police department commissioned personnel; amending Article V Section 22-95(a) Sick leave incentive program for the employee group eligible for representation by the Tucson Association of City Employees (TACE); amending Article V Section 22-95(b) Sick leave incentive program for the employee group eligible for representation by the American Federation of State, County, and Municipal Employees (AFSCME); repealing Article VI Section 22-100 Providing for other insurance benefits; and declaring an emergency.

**16. TUCSON CODE: ADOPTION OF THE ANNUAL COMPENSATION PLAN FOR EMPLOYEES OF THE CITY OF TUCSON**

- a. Report from City Manager JUNE19-07-363 CITY-WIDE
- b. Ordinance No. 10426 relating to compensation plan; Tucson Code Chapter 10, Article II, Section 10-31, Adopting salary schedules for Fiscal Year 2008; implementing Section 10-31; Ratifying, reaffirming and reenacting Sections 10-31(7), Providing percentages for calculation of compensation from salary schedules for employees in specified assignment positions; Section 10-33, Language communication compensation; Section 10-33.1, Providing for proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish; Section 10-34, Incentive pay for fire prevention inspectors; Section 10-34.1, Assignment and incentive pay for maintaining paramedic certification and working as paramedics; Section 10-35, Fire battalion chief call back shift pay; Section 10-47, Recruiting referral compensation for police officer applicants' program; Section 10-48, Supplement to military pay; Section 10-49, Holiday and BOI pay for commissioned officers of the Tucson Police Department of the position of lieutenant and assignment positions of captain and assistant chief; Section 10-52, Longevity compensation plan; Section 10-53, Pipeline protection program; compensation; Section 10-53.1, Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance; Section 10-53.2, Maintenance management program, assignment and incentive pay compensation; Section 10-53.3, Career enhancement program (CEP) incentive pay for commissioned police personnel through rank of captain; Section 10-53.5, Providing for honor guard assignment compensation; amending Section 10-53.4, Providing additional

compensation for public safety command staff; adding Section 10-31(8) authorizing payment for uniform maintenance consistent with labor agreements and administrative directives; adding Section 10-53.6 Providing additional compensation to defray housekeeping costs for commissioned fire personnel, all as part of implementation of the Annual Compensation Plan for Fiscal Year 2008; and declaring an emergency.

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

- a. Report from City Manager JUNE19-07-349 CITY-WIDE

**18. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, June 26, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.