



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 26, 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 – Geoff Gonzales, City Clerk’s Office

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager JUNE26-07-371 CITY-WIDE

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

a. Report from City Manager JUNE26-07-372 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager JUNE26-07-373 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. 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

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

(CONTINUED FROM THE MAYOR AND COUNCIL MEETING OF JUNE 19, 2007.)

- 2. Cafe Ramey, Ward 6
1661 N. Swan Rd., Suite 120
Applicant: Richard W. Andersen
Series 12, City 42-07
Action must be taken by: July 12, 2007

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

- 3. China Thai Cuisine, Ward 2
6502 E. Tanque Verde Rd.
Applicant: Tongbai Woods
Series 12, City 43-07
Action must be taken by: July 13, 2007

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

- 4. My Big Fat Greek Restaurant, Ward 3
95 W. River Rd.
Applicant: Lauren Kay Merrett
Series 12, City 44-07
Action must be taken by: July 20, 2007

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

5. El Cachanilla Mexican & Sea Food Grill, Ward 3
2530 N. First Avenue
Applicant: Felipe Sanchez
Series 12, City 45-07
Action must be taken by: July 14, 2007

Development Services has indicated the applicant is in compliance with city requirements.

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

Revenue Investigation review is 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)

- c. Special Event(s)

NOTE: There are no applications for special events scheduled for this meeting.

- d. Agent Change/Acquisition of Control

1. Arizona Plaza Hotel, Ward 3
1601 N. Oracle Rd.
Applicant: H. J. Lewkowitz
Series 11, City AC3-07
Action must be taken by: July 13, 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 N

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: AMENDING TUCSON CODE (CHAPTER 3) ADOPTING A REVISED SIGN CODE

- a. Report from City Manager JUNE26-07-388 CITY-WIDE
- b. Hearing on adopting a revised Tucson Sign Code.
- c. Ordinance No. 10429 relating to advertising and outdoor signs, Chapter 3 of the Tucson Code, repealing chapter 3 and adopting a new revised sign code including Article I, Introductory Provisions; Article II, Definitions; Article III, Permits, Fees and Inspections; Article IV, General Requirements; Article V, Signs by District; Article VI, Exempt Signs; Article VII, Prohibited Signs; Article VIII, Sign Maintenance; Article IX, Nonconforming Signs; Article X, Violation; Enforcement; Penalties; Article XI, Indemnification; Article XII, Sign Code and Advisory and Appeals Board; Article XIII, Citizen Sign Code Committee; and setting an effective date.

Staff recommends that the Mayor and Council adopt the Ordinance as recommended by the Citizen Sign Code Committee.

9. PUBLIC HEARING: ZONING (C9-07-05) DESERT TOYOTA – 22ND STREET, R-2 AND C-1 TO C-2, CITY MANAGER’S REPORT

- a. Report from City Manager JUNE26-07-382 WARD 4
- b. Report from Zoning Examiner dated May 11, 2007
- c. Hearing on a request to rezone approximately 2.64 acres from R-2 and C-1 to C-2 zoning. The rezoning site is located on the south side of 22nd Street, approximately 200 feet east of Prudence Road. Applicant: Robert Conant of The Planning Center on behalf of the property owners, The Berge Group. This is a public hearing by the request of Christina Plascencia, pursuant to *Land Use Code* Section 5.4.3.2.H.

The applicant proposes to develop the site with 203 parking spaces to provide a staging area for sales of automobiles and a 1,600 square foot sales office on 2.64 acres. This site will be consolidated with the 2.68 acre site, which is currently zoned C-2, adjacent to the east for a total site size of 5.32 acres.

The applicant’s request is in substantial compliance with policies in the *General Plan*. Authorization of the requested C-2 zoning is appropriate, subject to compliance with the recommended conditions, as revised.

The Zoning Examiner and staff recommend authorization of C-2 zoning subject to the revised recommended conditions. Within the recommended conditions, new text is underlined.

1. A development plan in substantial compliance with the preliminary development plan dated February 15, 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. Prior to the issuance of a certificate of occupancy, a six-foot high masonry wall shall be constructed along the full length of the southern property boundary.
4. Hours of operation, including vehicle deliveries and use of the loading zone, shall be limited to between the hours of 7 AM and 10 PM, Monday through Friday, and 9 AM to 9 PM on Saturday and Sunday.
5. Outdoor loud speaker systems are prohibited.

6. A one-foot vehicular no-access easement shall be shown on the development plan and enforced along the full length of the east property boundary of the combined development site.
7. All exterior mechanical equipment and dumpster(s) shall be screened from view of adjacent development and street frontages. Screening shall be architecturally integrated into the overall design of the development.
8. Off-site parking of vehicles associated with the dealership is prohibited on the local rights-of-way abutting the east and west property boundaries.
9. Commercial vehicles associated with the auto dealership are restricted from parking and running motors and/or refrigeration units/generators adjacent to residential properties.
10. Traffic associated with and generated by the auto dealership shall be directed to 22nd Street.
11. Service bay doors shall be restricted to the north side of all buildings.
12. Native canopy trees shall be planted every 25-feet on-center within the landscape border on the southern property boundary.
13. Landscape plan shall provide streetscape view corridors to onsite signage, driveways, etc., to eliminate the future destruction of mature canopy trees.
14. All building facades shall be designed with equal attention to architectural character and detail and with consistent design treatment (four-sided architecture). Dimensioned elevation drawings are to be submitted as a part of the development plan submittal.
15. 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.
16. Six-inch wide or greater fence block shall be used for perimeter walls.
17. Preparation of a complete Drainage Report, including details of detention/retention, is required.
18. 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.

- a. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
 - b. 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.
 - c. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
 - d. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
 - e. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
19. 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.
 20. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
 21. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
 22. Pole lighting shall be restricted to within fifteen (15) feet of the south right-of-way line of 22nd Street and shall be pointed down and away from residential properties. The balance of the site shall be lit by bollard, or similar lighting, not to exceed five (5) feet in height.
 23. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

24. All of the consolidated development site run-off (drainage) will be managed in accordance with the City of Tucson drainage requirements. No run-off shall exit the site except that which is controlled by the required detention/retention basin(s) located on site. The site will be graded in such a manner that all run-off is channeled to the detention/retention basin(s).
25. A maintenance schedule of all detention/retention basin(s) will be in accordance with the City of Tucson Detention/retention Manual (Development Standard 10-01.0) and the Drainage Manual (Development Standard 10-02.0).
26. Wrought iron fencing and a landscaped screen will be installed along the eastern boundary of the consolidated Desert Toyota property. The wrought iron fence will be constructed on a single course of block above grade to prevent run-off from exiting the site. The existing retaining/screen wall along the south property boundary of the consolidated site will be enhanced as necessary to prevent run-off from exiting the Desert Toyota site.
27. The developer (Desert Toyota) will design and construct measures to prevent drainage from 22nd Street entering driveway that leads to the Ridge 22 Condominiums complex. The proposed design and construction shall be approved by the Tucson Department of Transportation.

Two (2) written approvals and three (3) written 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. Subsequent to the Zoning Examiner's public hearing, zero (0) additional written approvals and forty-nine (49) additional written protests were received, and zero (0) written protests were rescinded. Currently there are two (2) written approvals and fifty-two (52) written protests on file for this case. Five (5) of the protests are within the 150 foot area, representing a 58 percent (58%) protest by area to the south. The protests generally allude to drainage, quality of life, crime and noise.

Because the protest level exceeds 20 percent (20%) to the south, a three fourths (3/4) majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

10. ZONING: (C9-07-11) GAUL – STEFAN ROAD, SR TO RX-1, CITY MANAGER’S REPORT

- a. Report from City Manager JUNE26-07-383 WARD 2
- b. Report from Zoning Examiner dated June 8, 2007
- c. Request to rezone approximately 4.20 acres from SR to RX-1 zoning. The rezoning site is located on the southwest corner of Harrison and Stefan Roads. Applicant: Don Laidlaw of Laidlaw Consulting LLC on behalf of the property owner, James Gaul.

The preliminary development plan is proposed to subdivide the parcel into four, one-acre lots with the renovation of the existing residence on one lot and the construction of one and two-story, single-family residences on the remaining three lots.

The applicant’s request is consistent with the *Pantano East Area Plan* and the *General Plan*. Authorization of the requested RX-1 zoning is appropriate, subject to compliance with the recommended conditions.

The Zoning Examiner and staff recommend authorization of RX-1 zoning. Should the Mayor and Council choose to approve the rezoning request, staff recommends that the following conditions be included:

- 1. A subdivision plat in substantial compliance with the preliminary development plan dated March 26, 2007, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. 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. New residential structures shall be a maximum of 25 feet in height.
- 4. 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.
- 5. Six (6) inch wide fence block or greater shall be used for perimeter walls.

6. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
7. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
8. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
9. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
10. 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 written protests were received prior to the Zoning Examiner’s public hearing on May 24, 2007, at that time requiring a simple majority vote of Mayor and Council to adopt a rezoning ordinance.

11. ZONING: (C9-07-10) ARGO PROPERTIES – ALVERNON WAY, R-2 TO O-2, CITY MANAGER’S REPORT

- a. Report from City Manager JUNE26-07-384 WARD 6
- b. Report from Zoning Examiner dated June 8, 2007
- c. Request to rezone approximately 0.33 acres from R-2 to O-2 zoning. The rezoning site is located at the northwest corner of Lee Street and Alvernon Way. Applicant: Christos Vlahos on behalf of the property owner, Argo Properties.

The preliminary development plan is for construction of a single-story professional office building, 16 feet in height and with a floor area of 2,970 square feet.

The applicant’s request is supported by the policy direction provided in *The General Plan* and the *Grant/Alvernon Area Plan*. Authorization of the requested O-2 zoning is appropriate, subject to compliance with the recommended conditions.

The Zoning Examiner and staff recommend authorization of O-2 zoning. Should the Mayor and Council choose to approve the rezoning request, staff recommends that the following conditions be included:

1. A development plan in substantial compliance with the preliminary development plan dated March 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 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”.
3. Building facades at the rear and sides shall be designed with attention to the architectural character and detail comparable to the front façade, with consistent design treatment.
4. All exterior mechanical equipment shall be screened from view of adjacent development and street frontages, and shall be architecturally integrated into the overall design of the development.
5. 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.
6. Six (6) inch wide fence block or greater shall be used for perimeter walls.
7. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
8. Owner/developer shall design and construct appropriate turn lanes and associated pavement transitions as required by TDOT Traffic Engineering. Said improvements, if required, are for the immediate benefit of the developing site and/or are considered safety improvements rather than capacity improvements; and are therefore not eligible for impact fee credits.
9. Owner/developer shall install, or verify the existence of, sidewalks along the Alvernon Way and Lee Street frontages of the site at locations where sidewalks do not currently exist.
10. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

11. Dedication or verification of existence, of right-of-way, per the *Major Streets and Routes Plan*, along the Alverson Way site frontage, including a 25-foot radius spandrel at the southeast corner of the site.
12. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
13. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

One (1) written approval and zero written protests were received prior to the Zoning Examiner's public hearing on May 24, 2007, at that time requiring a simple majority vote of Mayor and Council to adopt a rezoning ordinance.

12. FINANCE: FIXING AND LEVYING THE PRIMARY AND SECONDARY PROPERTY TAXES FOR FISCAL YEAR 2008

- a. Report from City Manager JUNE26-07-385 CITY-WIDE
- b. Ordinance No. 10416 relating to taxation; fixing, levying, and assessing primary and secondary property taxes for the City of Tucson upon the assessed valuation of the property within the City of Tucson subject to taxation, each in a certain sum upon each One Hundred Dollars of valuation, sufficient to raise the amount estimated to be required in the annual budget, less the amounts estimated to be received from other sources of revenue and unencumbered balances from the previous fiscal year; providing funds for various purposes, all for the fiscal year ending June 30, 2008; and declaring an emergency.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager JUNE26-07-374 CITY-WIDE

14. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, July 10, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.