



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, JULY 10, 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 – Rolanda Mazeika, City Clerk’s Office

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Proclaiming July 23 to July 28 to be “Buffalo Soldier Week”
- b. Award of Appreciation and Recognition to Stewart R. (Dick) Palmer

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager JULY10-07-397 CITY-WIDE

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

- a. Report from City Manager JULY10-07-398 CITY-WIDE

5. LIQUOR LICENSE APPLICATION(S)

a. Report from City Manager JULY10-07-399 CITY-WIDE

b. Liquor License Application(s)

New License(s)

1. La Bella China Restaurant, Ward 1
5680 S. 12th Ave.
Applicant: Miu Chu Luk
Series 12, City 47-07
Action must be taken by: August 3, 2007

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

2. SABRA Mediterranean Restaurant, Ward 6
4210 E. Speedway Blvd.
Applicant: Monty P. Blankier
Series 12, City 48-07
Action must be taken by: August 6, 2007

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

Tucson Police Department's 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(s)

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 W

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 13) ADOPTION OF THE 2006 INTERNATIONAL FIRE CODE WITH LOCAL MODIFICATIONS

- a. Report from City Manager JULY10-07-424 CITY-WIDE
- b. Hearing on adoption of the International Fire Code, 2006 Edition with local modifications. The International Fire Code is reviewed annually. The proposed code reflects changes in fire prevention requirements based on the fire loss experience and new technology and practices.
- c. Ordinance No. 10437 relating to Fire Code, amending the Tucson Code Chapter 13, Fire Protection and Prevention, Section 13-3 *Code Adopted by Reference*, by adopting the 2006 International Fire Code with local modifications as the Fire Code for the City of Tucson; and declaring an emergency.

9. PUBLIC HEARING: TUCSON CODE (CHAPTER 6) ADOPTION OF THE NEW AND UPDATED BUILDING CODES

- a. Report from City Manager JULY10-07-423 CITY-WIDE
- b. Hearing on adoption of the 2006 Uniform Plumbing Code, 2006 International Plumbing Code, 2006 International Existing Building Code, and the 2006 International Mechanical Code with local modifications. The City's construction codes are updated every three years to include new editions of the national codes with local modifications.
- c. Ordinance No. 10436 relating to Buildings, Electricity, Plumbing and Mechanical Code; amending the Tucson Code Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, by Article V, Plumbing Code, Section 6-124, Plumbing Code adopted, by adopting the 2006 International Plumbing Code 2006 Edition with local amendments and the 2006 Uniform Plumbing Code with local amendments; amending Article III, Buildings, by adding a new Division 2 consisting of Section 6-66, existing Building Code, by adopting the 2006 International existing Building Code with local amendments; amending Article VI, Section 6-164, Mechanical Code adopted, by adopting the 2006 International Mechanical Code with local amendments; establishing penalties; and declaring an emergency.

10. PUBLIC HEARING: MAJOR STREETS AND ROUTES PLAN AMENDMENT – SOUTHEAST MAJOR ROADWAYS (CONTINUED FROM THE MEETING OF JUNE 19, 2007)

- a. Report from City Manager JULY10-07-426 WARDS 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 (C9-01-33) LODGE ON THE DESERT – ALVERNON WAY, O-3 TO C-1, FIVE YEAR TIME EXTENSION

- a. Report from City Manager JULY10-07-414 WARD 6
- b. Hearing on a request to allow a five-year time extension for the completion of the rezoning conditions for the property located at 306 North Alvernon Way. Applicant: Dan Donahoe, property owner. A preliminary development plan is for sixty-eight additional hotel rooms in six new buildings; an office, lobby and gift shop addition; a new pool; and a new motor vehicle parking spaces on 4.5 acres.

The original five-year authorization expired on June 3, 2007. A public hearing is required because the request, if approved, will extend the time for completion of rezoning conditions more than five (5) years from the date of the last public hearing.

This rezoning request is in substantial compliance with the *General Plan* and the land use policy direction of the *Alvernon-Broadway Area Plan* as amended to specifically guide future development of the site.

Staff recommends approval of the requested five-year time extension from June 3, 2007, to June 3, 2012, subject to compliance with the recommended conditions of rezoning:

1. A development plan in substantial compliance with the preliminary development plan and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. All new facilities shall be architecturally consistent with the existing buildings on the site.
3. All outdoor lighting shall be directed down and away from adjacent residential uses with light poles a maximum height of sixteen (16) feet.
4. Additional restaurant facilities may not be constructed on the site.
5. Use of the parcel is limited to a hotel and related uses.
6. Primary vehicular access shall be from Alvernon Way only.
7. Fire access only to be provided from a gated parking area access lane (PAAL) from Holmes Street. The gate shall be architecturally consistent with the masonry wall along the northern property boundary.

8. Principal pedestrian access to the site shall be provided from Alvernon Way. Additional design considerations shall be employed to ensure visibility and security for the site by providing additional architectural details, landscaping and security lighting that defines the entryway.
9. Six (6) trees shall be installed at the southeast corner of the site in the locations shown on the landscape plan dated December 19, 2001.
10. The minimum building setback for all two-story buildings shall be 70 feet from the east property line as shown on the preliminary development plan. This area shall be developed with a parking lot, with landscaping on both the east and west sides of the parking lot.
11. East-facing windows and balconies shall be designed and located to protect the privacy of adjacent residences. Elevations, with the landscaping on the east and west sides of the parking lot superimposed in two separate layers, shall be provided for the east side of all two-story buildings to demonstrate how the privacy of adjacent residences has been protected.
12. The owner/developer shall dedicate right-of-way, or provide verification of existence of right-of-way in conformance with the *Major Streets and Routes Plan* (MS&R) map with the center line of the right-of-way based on the Fernald Section Line along Alvernon Way. Should the requested dedications impact any existing structures, the owner/developer may, in lieu of the dedication, record an 'Irrevocable Offer to Dedicate.' Owner/developer shall contact the City of Tucson Real Estate division to record said document prior to approval of the development plan.
13. Dedication of twenty-five (25) foot radius spandrels at the northwest and southwest corners of the site. Should the requested dedications impact any existing structures, the owner/developer may, in lieu of the dedication, record an 'Irrevocable Offer to Dedicate.' Owner/developer shall contact the City of Tucson Real Estate division to record said document prior to approval of the development plan.
14. Installation, or verification of existence of, curbs, sidewalks and curb access ramps along all street frontages of the site.
15. Prepare and submit for approval a drainage report that addresses both detention and five (5) year Threshold Retention.

16. The existing drainage pattern shall not be altered. All flows from Alvernon Way shall be accepted by the development. Flows exiting the site at the northeast corner shall not increase the currently existing discharge into Holmes Street.
17. All roof and parking area drainage shall be first directed to water harvesting areas on-site prior to discharging into adjacent streets or existing residential areas.
18. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
19. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
20. 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.
21. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
22. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
23. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Seven written approvals and two written protests have been received. One of the protests is within the 150 foot area, representing a 6.8 percent protest by area to the north. The protests generally allude to drainage sewer capacity, property values, traffic, and noise.

A simple majority vote will be necessary to approve the requested time extension.

12. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 3) RELATING TO GENERAL REFORMATTING AND REVISIONS TO THE TUCSON SIGN CODE (CONTINUED FROM THE MEETING OF JUNE 26, 2007)

- a. Report from City Manager JULY10-07-427 CITY-WIDE

Material for this item will be available on the City website and in the City Clerk's office as soon as it becomes available.

13. BUILDING AND DEVELOPMENT: IMPACT FEES FOR POLICE, FIRE, AND PUBLIC FACILITIES

- a. Report from City Manager JULY10-07-428 CITY-WIDE

Material for this item will be available on the City website and in the City Clerk's office as soon as it becomes available.

14. ZONING: (C9-05-04) P&L GROUP – AJO WAY, R-1 TO R-3, ORDINANCE ADOPTION

- a. Report from City Manager JULY10-07-396 WARD 1
- b. Ordinance No. 10433 relating to zoning: amending the zoning district boundaries in the area located at the southwest corner of Ajo Way and Pandora Avenue in Case C9-05-04, P&L Group – Ajo Way, R-1 to R-3; and setting an effective date.

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

15. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager JULY10-07-400 CITY-WIDE

16. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, August 7, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.