



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

MONDAY, AUGUST 6, 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 – Imam Farid Farooqi, Islamic Center of Tucson

PLEDGE OF ALLEGIANCE – Stephanie Porter, Youth Representative to the Community Food Bank Board of Directors

PRESENTATIONS

- a. Proclaiming August 20, 2007, to be the “232nd Anniversary of Tucson”
- b. Proclaiming August 24, 2007, to be “Project PPEP Day”
- c. Proclaiming September 2 to 8, 2007, to be “Venom Week 2007”
- d. Presentation of award to Chris Mitchell, as an “Extraordinary Citizen”
- e. Presentation by the American Gem Trade Association to the Arizona Law Enforcement Torch Run for Special Olympics

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager AUG6-07-433 CITY-WIDE

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

- a. Report from City Manager AUG6-07-434 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager AUG6-07-435 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. BevMo!, Ward 6
6228 E. Broadway Blvd., Suite 100
Applicant: Randy D. Nations
Series 6, City 49-07
Action must be taken by: August 11, 2007

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

- 2. Livorno Imports, Ward 3
2241 N. Oracle Rd., Suite # 3
Applicant: Michael John Centorino
Series 4, City 51-07
Action must be taken by: August 18, 2007

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

- 3. The Firkin & Friar, Ward 2
6958 E. Tanque Verde Rd.
Applicant: Richard William McKnight
Series 12, City 52-07
Action must be taken by: August 18, 2007

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

4. CVS/pharmacy # 07841, Ward 3
4365 North Oracle Rd.
Applicant: Jason Barclay Morris
Series 9, City 53-07
Action must be taken by: August 23, 2007

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

5. CVS/pharmacy # 07855, Ward 4
2601 South Houghton Rd.
Applicant: Jason Barclay Morris
Series 9, City 54-07
Action must be taken by: August 23, 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 Transfer

6. Speak Easy, Ward 6
1120 S. Wilmot Rd.
Applicant: Robert William Landis
Series 6, City 50-07
Action must be taken by: August 17, 2007

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

Development Services and Tucson Police Department have indicated the applicant is not 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)

1. Robert Schlesinger Foundation, Ward 6
Reid Park Band Shell
Applicant: Sheila D. Kressler-Crowley
City T24-07
Date of Event: November 3, 2007
(Bookmans' 30th Anniversary Party in the Park)

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

2. St. Demetrios Greek Orthodox Church, Ward 3
1145 E. Ft. Lowell Rd.
Applicant: Susan Parker-Hotchkiss
City T47-07
Date of Event: September 20-23, 2007
(Fundraising)

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

3. Our Lady Queen of All Saints Church, Ward 5
2915 E. 36th St.
Applicant: Cristina Jaurequi Lem
City T48-07
Date of Event: September 21 & 22, 2007
(Charitable Fundraiser to Build Religious Education Class Rooms)

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

4. Tucson Breakfast Lions Club (TBLC), Ward 5
4823 S. 6th Ave.
Applicant: Wayne Francis Locke
City T51-07
Date of Event: September 1 & 2, 2007
(Fundraiser)

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

d. Agent Change/Acquisition of Control

1. Las Cazuelitas de Tucson, Ward 3
3535 E. Fort Lowell Rd.
Applicant: Eric D. Frisby
Series 12, City AC4-07
Action must be taken by: August 30, 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 FF

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: ZONING (C9-07-03) HSL PROPERTIES – PANTANO ROAD, SR TO P, CITY MANAGER’S REPORT

- a. Report from City Manager AUG6-07-453 WARD 4
- b. Report from Zoning Examiner dated June 29, 2007
- c. Hearing on a request to rezone approximately 1.16 acres from SR to P zoning. The rezoning site is located on the west side of Pantano Road, approximately 500 to 1100 feet south of Escalante Road. Applicant: Don Laidlaw, of Laidlaw Consulting, LLC, on behalf of the property owner, HSL Properties. The applicant proposes to construct 110 additional parking spaces on 1.16 acres to serve the existing business located north of the rezoning site.

The proposal is supported by the *Groves Neighborhood Plan*, and is in compliance with the pertinent policies of the *South Pantano Area Plan*, and the *General Plan*. However, staff anticipates that modifications to the parking lot design will be necessary to implement the recommended conditions. Approval of the requested P zoning is appropriate subject to compliance with the recommended conditions.

The Zoning Examiner held a public hearing on April 12, 2007 (with continuations to April 26, May 24, and June 14, 2007, to allow the applicant to resolve issues with a neighbor) on behalf of the Mayor and Council. The Zoning Examiner recommends approval of P zoning. This public hearing is requested by Josephine Jean Zamora, pursuant to *Land Use Code* Section 5.4.3.2.H.

The Zoning Examiner and staff recommend authorization of P zoning subject to the following recommended conditions:

- 1. A development plan in substantial compliance with the preliminary development plan dated February 5, 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. A minimum of 16 canopy trees shall be installed within the parking area, with at least 75 percent, or a minimum of twelve (12), of these canopy trees to be planted along the entire west side of the parking area.
- 4. Canopy trees shall be a minimum 15 gallon in size.

5. Security lighting shall be mounted no higher than wall on the west side of the rezoning site.
6. 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.
7. Damage to perimeter walls, regardless of the cause, will be repaired within five (5) working days.
8. 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.
9. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
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. One year is allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Three written approvals and six written protests were received prior to the Zoning Examiner’s public hearing on April 12, 2007. Subsequent to the Zoning Examiner’s public hearing, no additional written approvals or written protests were received, and no written protests were rescinded. Two of the protests are within the 150 foot area, representing a 25.5 percent protest by area to the west. The protests generally allude to the fact the owner did not have permission to build the parking lot.

Because the protest level exceeds 20 percent to the west, a three-fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

9. ZONING: (C9-05-12) RB PRICE – HERMAN’S ROAD, SH/C-2 TO R-1, ORDINANCE ADOPTION

- a. Report from City Manager AUG6-07-450 WARD 4
- b. Ordinance No. 10440 relating to zoning: amending zoning district boundaries in the area located north of the alignment of Herman’s Road and south of I-10, in Case C9-05-12 RB Price - Herman's Road, SH/C-2 to R-1; and setting an effective date.

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

10. ZONING: (C9-07-07) WASHINGTON FEDERAL SAVINGS – BROADWAY BOULEVARD II, R-3 TO C-1, CITY MANAGER’S REPORT

- a. Report from City Manager AUG6-07-432 WARD 6
- b. Report from Zoning Examiner dated June 29, 2007
- c. Request to rezone approximately 0.26 acres from R-3 to C-1 zoning. The rezoning site is located between Swan and Craycroft roads, on the south side of Broadway Boulevard, approximately 150 feet east of Niven Avenue. Applicant: Don Laidlaw, of Laidlaw Consulting LLC, on behalf of the property owner, Washington Federal Savings and Loan Association.

The preliminary development plan proposes the expansion of a proposed financial institution located immediately to the west of the rezoning site. On April 24, 2007, the Mayor and Council adopted an ordinance rezoning the property immediately west of this rezoning site (C9-06-17). The subject rezoning site is proposed to include approximately 2,800 square feet of administrative office space for that financial institution.

This rezoning request is, in concept, consistent with the policy direction of the *Broadway-Craycroft Area Plan* and the *General Plan*.

The Zoning Examiner and staff recommend authorization of C-1 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 February 2, 2007 and Design Compatibility Report shall 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 dedicate the additional right-of-way necessary to provide a minimum of 20 feet of pavement for the frontage road from the eastern edge of the access on Broadway Boulevard, west to the intersection of Niven Avenue.
4. A single development plan shall be reviewed and approved for rezoning case C9-06-17 and C9-07-07.
5. The exit driveway at the southwest corner of the overall site shall be limited by design as a “right-turn” only. A physical barrier with appropriate signage shall be constructed at the exit point to direct on-site traffic north to Broadway Boulevard.
6. The exit driveway at the southwest corner of the overall site shall be designed to include a “break away” lane from the “drive through” lanes to provide appropriate access to and circulation on the site.
7. The primary access point to the overall development site shall be along the Broadway Boulevard frontage.
8. The proposed structure shall be designed with the same attention to architectural detail on the front, side and rear façades and shall be compatible with the Washington Federal Savings and Loan building proposed to the west, and complimentary to the adjoining residential properties. Design elements shall include a variety of rooflines and a color palette reflecting natural desert shades.
9. Hours of operation, loading activities, and trash removal shall be limited to between 7:00 A.M. to 7:00 PM, Monday through Friday.
10. 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.
11. Six (6) inch wide fence block or greater shall be used for perimeter walls.

12. Subject to sight visibility requirements, an eight-foot solid decorative masonry wall shall be erected along the entire south boundary of the rezoning site.
13. Lighting installations, if any, along the south and east boundaries of the site shall be mounted on the interior surfaces of perimeter walls.
14. 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.
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. The owner/developer shall provide a landscape buffer that includes 24-inch box canopy trees, planted 25-feet on center, along the full length of the southern and eastern property boundaries. The landscape buffer shall include understory shrubs and groundcover plantings.
18. 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 May 10, 2007, and the subsequent dates, at that time requiring a simple majority vote of Mayor and Council to adopt a rezoning ordinance.

11. ZONING: (C9-06-13) BRAKE MASTERS – HARRISON ROAD, C-1 TO C-2, ORDINANCE ADOPTION

- a. Report from City Manager AUG6-07-463 WARD 4
- b. Ordinance No. 10441 relating to zoning: amending zoning district boundaries in the area located south of the southeast corner of the Harrison Road and Twenty Second Street intersection in Case C9-06-13, Brake Masters-Harrison Road, C-1 to C-2; and setting an effective date.

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

12. ZONING: (C9-07-12) CITY OF TUCSON - SILVERBELL ROAD, SR, R-1 AND R-3 TO OS, ORDINANCE ADOPTION

- a. Report from City Manager AUG6-07-464 WARD 1
- b. Ordinance No. 10443 relating to zoning: amending zoning district boundaries in the area located on the west side of Silverbell Road, between Ironwood Hill Drive and Sweetwater Drive in Case C9-07-12, City of Tucson - Silverbell Road, SR, R-1 and R-3 to OS; and setting an effective date.

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

13. BUILDING AND DEVELOPMENT: AMENDING THE TUCSON CODE (CHAPTER 23A), IMPACT FEES FOR POLICE, FIRE, AND PUBLIC FACILITIES (CONTINUED FROM THE MEETING OF JULY 10, 2007)

- a. Report from City Manager AUG6-07-467 CITY-WIDE
- b. Ordinance No. 10442 relating to development impact fees; amending the Tucson Code, Chapter 23A, Development Compliance Code, Article III, Impact fees; Division 1, Applicability and intent, Section 23A-72 Intent; Division 2, Fee calculation, Sections 23A-81 Fee determination, 23A-82 Credits, 23A-83 Exemptions and waivers, 23A-84 Expenditure of funds, and 23A-86 Assessment and payment of fees; Article IV, Definitions, Division 2, Listing of words and terms, Section 23A-119 Definitions--I; and declaring an emergency.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager AUG6-07-436 CITY-WIDE

15. ADJOURNMENT

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