



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, OCTOBER 9, 2007 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 W. ALAMEDA, TUCSON, AZ)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Willie L. Coleman, Sr., Friendship Missionary Baptist Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

a. Proclaiming October 7 to 13, 2007 to be “USS Tucson Week”

b. Proclaiming October, 2007 to be “Domestic Violence Awareness Month”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager OCT9-07-543 CITY-WIDE

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

- a. Report from City Manager OCT9-07-544 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager OCT9-07-545 CITY-WIDE

- b. Liquor License Applications

New License(s)

- 1. Hilltop Market, Ward 1
1843 W. Ajo Way
Applicant: Linda Kamal Barakat
Series 10, City 71-07
Action must be taken by: October 21, 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(s)

- 2. 1702, Ward 6
1702 E. Speedway
Applicant: Eric Jonathan Lepie
Series 7, City 72-07
Action must be taken by: October 26, 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)

Person/Location Transfer(s)

3. Club Turbulence, Ward 5
6608 S. Tucson Blvd.
Applicant: Constance Louise Lane
Series 6, City 70-07
Action must be taken by: October 20, 2007

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

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

Public Opinion: Written Arguments Opposed Filed

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. Tucson Fire Fighters' Association, Ward 1
160 W. Alameda St.
Applicant: Gerry R. Bowlin
City T63-07
Date of Event: November 2, 2007
(Fund Raiser for Adopt-A-Family)

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

2. The University of Arizona Alumni Association, Ward 6
1303 E. University
Applicant: Christopher J. Vlahos
City T75-07
Date of Event: November 3, 2007
(University of Arizona Homecoming)

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

3. Southern Arizona Blues Heritage Foundation, Ward 6
900 S. Randolph Way
Applicant: Patrick J. Desmond
City T78-07
Date of Event: October 21, 2007
(Promote Blues & Heritage Music within the Community)

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

4. Rotary Club of Tucson Foundation, Ward 2
3231 N. Craycroft
Applicant: Roger B. Harwell
City T83-07
Date of Event: October 26, 2007 - October 27, 2007
(Raise Funds for Charitable Projects - Especially "Reading Seed")

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

5. The University of Arizona Alumni Association, Ward 6
1303 E. University Blvd.
Applicant: Nancy Daru Yaeli
City T84-07
Date of Event: November 1, 2007
(U of A Class of 1957 Golden Reunion)

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

6. Vietnam Veterans of America, Inc., Tucson Chapter 106, Ward 1
3700 S. La Cholla Blvd.
Applicant: Juan Rodriguez
City T85-07
Date of Event: October 20, 2007
(To Honor the Armed Forces, Its Veterans & the Community)

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

Public Opinion: Written Argument in Favor Filed

7. St. Ambrose School, Ward 6
300 S. Tucson Blvd.
Applicant: Leslie Anne Shultz-Crist
City T89-07
Date of Event: October 27, 2007
(Fundraiser)

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

- d. Agent Change/Acquisition of Control

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. ZONING: (C9-07-16) MANX INVESTMENT LLC - SPEEDWAY BOULEVARD, R-1 TO O-1, CITY MANAGER'S REPORT

- a. Report from City Manager OCT9-07-548 WARD 2
- b. Report from Zoning Examiner dated September 14, 2007

- c. Request to rezone approximately .70 acres from R-1 to O-1 zoning. The rezoning site is located on the south side of Speedway Boulevard, east of El Dorado Place. Applicant: Ronin Business Services, Ben Buehler Garcia, on behalf of the property owner MANX Investment LLC.

The preliminary development plan is for conversion of residential property to 2,937 square feet of office use for a small, commercial property management company.

The proposed development is consistent with and supported by the policy direction provided in the *General Plan* and the *Sewell/Hudlow Neighborhood Plan*. The site design is responsive to stated neighborhood concerns.

The Zoning Examiner and staff recommend approval of O-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 June 21, 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. All security lighting will be either low bollard or wall mounted to reduce spillover onto adjacent properties.
4. The owner/developer shall install fire protection sprinkler systems if the structure is within 500 feet of an existing fire hydrant. If the distance between the hydrant and the structure is greater than 500 feet, the owner/developer shall install a fire hydrant to serve the property.
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. Preparation of a complete Drainage Report is required.
8. 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.
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. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Nine written approvals and zero protests were received prior to the Zoning Examiner’s public hearing on August 30, 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.

9. ZONING: (C9-07-15) TU NIDITO – MOUNTAIN AVENUE, R-1 TO P, CITY MANAGER’S REPORT

- a. Report from City Manager OCT9-07-554 WARD 3
- b. Report from Zoning Examiner dated September 14, 2007
- c. Request to rezone approximately 0.198 acres from R-1 to P zoning. The rezoning site is located at 3922 North Mountain Avenue, the southeast corner of Mountain Avenue and Duke Drive. Applicant: Anthony Falgiano on behalf of the property owner Tu Nidito.

The preliminary development plan is for a new surface parking lot located east of the existing buildings.

The proposed rezoning is consistent with, and supported by, the policy direction provided in the *General Plan* and the *Northside Area Plan*.

The Zoning Examiner and staff recommend approval of the requested P 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 June 21, 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. 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.
4. Six (6) inch wide fence block or greater shall be used for perimeter walls.
5. Preparation of a complete Drainage Report, including details of retention, is required.
6. If the owner/developer cannot accomplish retention via shallow water harvesting areas, the following conditions shall apply:
 - a) Each 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) Retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
 - c) 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.
 - 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 retention basins shall meet Safe By Design guidelines.
7. 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.
 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.

One written approval and one protest was received prior to the Zoning Examiner’s public hearing on August 30, 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.

10. ZONING: (C9-07-13) MORGANSTONE GROUP LLC – BELLEVUE STREET, R-1 TO R-2, CITY MANAGER’S REPORT

- a. Report from City Manager OCT9-07-553 WARD 6
- b. Report from Zoning Examiner dated September 14, 2007
- c. Request to rezone approximately 0.85 acres from R-1 to R-2 zoning. The rezoning site is located on the south side of Bellevue Street between Sonoita and Alamo Avenues. Applicant: Gus Chonis, architect, on behalf of the property owner Morganstone Group LLC.

The preliminary development plan is for twelve one-story multi-family attached residential units with attached garages.

The applicant's request is consistent with the *Arcadia-Alamo Area Plan*.

The Zoning Examiner and staff recommend approval of the requested R-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 June 18, 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. All structures shall be limited to a maximum height of 14 feet.
4. All exterior walls shall have colors that are consistent with or complement the colors of the surrounding 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. The owner/developer shall install fire protection sprinkler systems in each of the units.
8. 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.
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. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

One written approval and one protest was received prior to the Zoning Examiner's public hearing on August 30, 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.

11. ZONING: (C9-01-19) CRETCHER DESIGNS, LLC – OLD SPANISH TRAIL, SR TO C-1, ORDINANCE ADOPTION

- a. Report from City Manager OCT9-07-558 WARD 2
- b. Ordinance No. 10459 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of Old Spanish Trail and Harrison Road in Case C9-01-19, Cretcher Designs, LLC – Old Spanish Trail SR to C-1; and setting an effective date.

A three-fourths majority vote will be necessary to adopt the ordinance.

12. ZONING: (C9-92-19) COLDWELL – GRANT ROAD AND (C9-99-07) AAA AUTO RENTALS – GRANT ROAD, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN, ORDINANCE ADOPTION

- a. Report from City Manager OCT9-07-557 WARD 6
- b. This is a request for a change of conditions and preliminary development plan for property located on the south side of East Grant Road, approximately 500 feet east of North Country Club Road. Applicant: Richard Spreiser on behalf of the property owner, Scott Sheftel. The approved development plan is for an exterior-only conveyor automatic car wash, with 14 accessory vacuum stations for drivers' use.

Staff recommends approval of the requested change of conditions and development plan, and adoption of the ordinance.

- c. Ordinance No. 10460 relating to zoning: amending zoning conditions for property located on the south side of east Grant Road, approximately 500 feet east of North Country Club Road in Cases C9-92-19, Coldwell (Ordinance No. 8053) and C9-99-07, AAA Auto Rentals (Ordinance No. 9553) R-2 zone; and declaring an emergency.

A three-fourths majority vote will be necessary to adopt the ordinance.

13. ZONING: (C9-07-14) RIO NUEVO NORTH – COMMERCE PARK LOOP, PAD 4, AMENDING DEVELOPMENT REGULATIONS, ORDINANCE ADOPTION

- a. Report from City Manager OCT9-07-555 WARD 1
- b. Report from Zoning Examiner dated September 14, 2007
- c. This is a request for an amendment to development regulations for property on the south side of Commerce Park Loop, south of Saint Mary's Road, within the existing Planned Area Development (PAD) zoning. Applicant: SBBL Architecture and Planning. The proposal is to revise the Development Regulations for Development Area 5, Lots 16 and 17, to allow an office, 48 feet in height, with general building setbacks from residential property of 75 feet. The Development Regulations currently allow a maximum building height of 25 feet within 100 feet of R-1 or R-2 zoning; 30 feet within 100 feet to 200 feet of R-1 or R-2 zoning; and 40 feet elsewhere. The proposed office is an allowed use for this site.

The Zoning Examiner and staff recommend approval of the amendment to the development regulations and adoption of the ordinance.

- d. Ordinance No. 10461 relating to zoning: amending Site-Specific Performance/Development Standards of the Rio Nuevo Redevelopment Plan/Planned Area Development (PAD 4) for property located on the south side of Commerce Park Loop, south of Saint Mary's Road in Case C9-07-14, Rio Nuevo North - Commerce Park Loop PAD 4; and setting an effective date.

Two written approvals and one written protest were received prior to the Zoning Examiner's public hearing on August 30, 2007. The protest lies within the 150 foot protest area resulting in a protest by area of 12 percent to the south. The protest alludes to traffic in the adjacent neighborhood.

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

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager OCT9-07-546 CITY-WIDE

15. RECONSIDERATION OF RESOLUTIONS 20786, 20787, 20788 AND 20789

- a. Report from City Manager OCT9-07-561 CITY-WIDE
- b. Resolution No. 20786 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from Ward 3 Office and One Hundred Dollars (\$100) from Ward 5 Office Community Support Fund, Account No. 001-183-1898-268, to the Southern Arizona Chapter of A Phillip Randolph Institute (APRI) to assist in the work of the institute; and declaring an emergency.
- c. Resolution No. 20787 relating to Police; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Attorney General's Office, the Department of Law, State of Arizona for Tobacco Retail Compliance Inspections; and declaring an emergency.
- d. Resolution No. 20788 relating to the Police Department; approving and authorizing execution of an Extension of Agreement between the City of Tucson, Tucson Police Department and the Arizona Peace Officer Standards and Training Board (AZ POST); and declaring an emergency.
- e. Resolution No. 20789 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Department of Public Safety for Arizona Vehicle Theft Task Force; and declaring an emergency.

16. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, October 16, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.