





# 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, JANUARY 15, 2008 – 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 – Sat Bir Kaur Khalsa, Tucson Human Relations Commission

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

### PRESENTATIONS

- a. Proclaiming January 15, 2008 to be “Martin Luther King Jr. Day”
- b. Certificates presented to students from Doolen Middle School and Pueblo High School for their ongoing efforts to eradicate methamphetamine abuse
- c. Presenting the Excellence in Procurement Award for 2007

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

- a. Report from City Manager JAN15-08-17 CITY-WIDE

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

- a. Report from City Manager JAN15-08-18 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

- a. Report from City Manager JAN15-08-20 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Cuvee World Bistro, Ward 6  
3352 E. Speedway Blvd.  
Applicant: Robert Martin Bossardet Jr.  
Series 12, City 89-07  
Action must be taken by: January 19, 2008

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

- 2. The Bum Steer, Ward 3  
1910 N. Stone Ave.  
Applicant: Heiko Henning-Wilhelm Langrehr  
Series 12, City 93-07  
Action must be taken by: February 3, 2008

Tucson Police Department: has submitted a report showing “no recommendation.”

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 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)

- 3. Sports on Congress, Ward 6  
254 E. Congress St.  
Applicant: Elijah Louis Berlin  
Series 6, City 91-07  
Action must be taken by: February 2, 2008

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. Tucson Metropolitan Community Chorus dba Desert Voices, Ward 6  
738 N. 5th Ave.  
Applicant: Rebecca H. Cohen  
City T101-07  
Date of Event: February 9, 2008  
(Non-Profit Fund Raiser)

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 J**

**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: (C9-07-25) MCCOWN – BROADWAY BOULEVARD, SR TO SH AND RX-1, CITY MANAGER’S REPORT**

- a. Report from City Manager JAN15-08-25 WARD 2
- b. Report from Zoning Examiner dated December 14, 2007
- c. Request to rezone approximately 2.04 acres from SR to SH and RX-1 zoning. The rezoning site is located at the southeast corner of Gollob Road and Broadway Boulevard. Applicant: Greg McCown, owner.

This rezoning will validate a past lot split shown on the preliminary development plan. The new western lot may develop with a single family residence and the eastern lot will maintain the existing residence and guest house. In order to accommodate the existing units on the eastern lot, a zoning of SH is proposed which requires a minimum lot size of 36,000 square feet and allows up to two units per lot. The western lot is proposed as RX-1 zoning, which also requires a minimum lot size of 36,000 square feet but only allows for one unit per lot.

The applicant’s request is in substantial compliance with the *Pantano East Area Plan* and the *General Plan*.

The Zoning Examiner and staff recommend approval of the requested SH and RX-1 zoning subject to the following conditions:

- 1. A site plan in substantial compliance with the preliminary development plan dated September 28, 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. A Native Plant Preservation Plan (NPPO) or an application for NPPO Exception is required.
- 4. New residential structures, excluding accessory structures, shall not exceed 20 feet in height.
- 5. Residential structures, excluding accessory buildings, shall be designed to be compatible with and blend in with the architectural character of the existing neighborhood, including but not limited to, comparable color palette, rooflines, and materials similar to surrounding residential units. Dimensioned elevation drawings are to be submitted as a part of the site plan submittal.

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. 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.
8. Should a subdivision plat be required, “Safe by Design” concepts shall be incorporated into the subdivision plat for review by the Tucson Police Department.
9. The owner/developer must secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, site plan or request for building permit is submitted for review.
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 appropriate right-of-way (as required/determined by the Development Services Department) along the abutting street frontages of the site.
12. Access points shall require the approval of the TDOT Traffic Engineering Division.
13. Abutting infrastructure improvements shall adhere to the City's Development Standards as administered by the Development Services Department.
14. The site shall be brought into compliance with any other pending code violations.
15. 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 zero written protests were received prior to the Zoning Examiner's public hearing on November 29, 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 additional written approvals and zero additional written protests were received. A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**9. ZONING: CORRECTION OF REZONING CONDITIONS IN CASES, (C9-92-19) COLDWELL – GRANT ROAD AND (C9-99-07) AAA AUTO RENTALS – GRANT ROAD**

- a. Report from City Manager JAN15-08-27 WARD 6
- b. Ordinance No. 10493 relating to zoning: an ordinance amending Ordinance 10460 to restate rezoning conditions as authorized by the Mayor and Council in the area located on the south side of East Grant Road, approximately 500 feet east of North Country Club Road in Cases C9-92-19, Coldwell Grant Road and C9-99-07, AAA Auto Rental – Grant Road (RZ07-033 in the C-2 zone; and setting an effective date.

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

**10. ZONING: (C9-02-32) A-C INVESTMENTS - AJO WAY, R-1/R-2 TO I-1, ORDINANCE ADOPTION**

- a. Report from City Manager JAN15-08-28 WARD 5
- b. Ordinance No. 10495 relating to zoning: amending zoning district boundaries in the area located on the southeast corner of the Ajo Way Road and Kino Boulevard intersection, at the I-10 Interchange in Case C9-02-32, A-C Investments Ajo Way, R-1/R-2 to I-1; and setting an effective date.

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

**11. ZONING: (C9-07-24) SPALDING – MILLMAR ROAD, SR TO RX-1, CITY MANAGER'S REPORT**

- a. Report from City Manager JAN15-08-29 WARD 4
- b. Report from Zoning Examiner dated December 14, 2007
- c. Request to rezone approximately 4.30 acres from SR to RX-1 zoning. The rezoning site is located on the south side of Millmar Road, approximately 550 feet west of South Mesquite Ranch Road. Applicant: Travis and Tiffany Spalding, on behalf of the property owners, Gary and Terry Spalding.

The preliminary development plan proposes splitting an existing parcel into two lots for the purpose of constructing a single-family residence on the northern lot while maintaining the existing residence on the southern lot.

The applicant's request is in substantial compliance with the *South Pantano Area Plan* and the *General Plan*.

The Zoning Examiner and staff recommend approval of the requested RX-1 zoning subject to the following conditions:

1. A site plan in substantial compliance with the preliminary development plan dated September 12, 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. A Native Plant Preservation Plan (NPPO) or an application for NPPO Exception is required.
4. The property owner shall record a one-foot no ingress-egress access easement along the entire eastern edge of the northern parcel, but should not encroach into the existing 50 feet wide ingress and utility easement recorded in docket 10387 page 30 exhibit "A" parcel 1.
5. Residential structures, excluding accessory buildings, shall be designed to have "five-sided" architecture. The proposed single family residential unit facades at rear and side are to be designed with attention to architectural character and detail comparable to the front facade, including but not limited to, comparable color palette, rooflines, scale, mass, height, and materials similar to surrounding residential units.
6. The property owner shall maintain the site free of invasive weeds including buffelgrass, Johnson grass, fountain grass, and Russian thistle.
7. 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.

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. Should a subdivision plat be required, "Safe by Design" concepts shall be incorporated into the plat for review by the Tucson Police Department.
10. Preparation of a complete hydrology report by a registered Professional Engineer (Civil), including the determination and delineation of regulatory floodplain and erosion hazard setback.
11. The plat or plan submitted to Development Services must include regulatory floodplain limits and erosion hazard setback limits, if any, shown in a surveyable manner.
12. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
13. Dedication, or verification of existence, of appropriate right-of-way along the Millmar Road frontage of the site.
14. Owner/developer shall provide, or demonstrate the existence of, the necessary improvements to Millmar Road; particularly those improvements that are necessary to ensure that the developing site has a paved, all-weather access connection to Harrison Road.
15. 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 November 29, 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 additional written approvals and zero additional written protests were received, and zero written protests were rescinded. A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**12. TUCSON CODE: AMENDING (CHAPTER 11) RELATING TO THE TUCSON RODEO PARADE AND OTHER PARADE EVENTS**

- a. Report from City Manager JAN15-08-30 CITY-WIDE
- b. Ordinance No. 10494 relating to Crimes and Offenses; prohibiting certain items and activities at the Rodeo Parade and at other parade events; amending Tucson Code Chapter 11 (“Crimes and Offenses”) by amending Section 11-69 and adding Section 11-71; and declaring an emergency.

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

- a. Report from City Manager JAN15-08-19 CITY-WIDE

**14. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, January 23, 2008, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.