



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, APRIL 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 – Reverend Glenn Alden, Sunrise Chapel Swedenborgian

PLEDGE OF ALLEGIANCE – Representatives from Youth On Their Own

PRESENTATIONS

- a. Presentation of a congratulatory letter to the Rincon/University High School Marching Band Association for their upcoming performance at Carnegie Hall
- b. Proclaiming the month of April to be the “Month of the Young Child”
- c. Presentation of winning art work to children from Little Angels Learning Center and Cottonwood Enrichment Center
- d. Presentation of the Western Region – International Public Management Association HR Agency Award for Excellence to the Human Resources Department

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager APRIL15-08-168 CITY-WIDE

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

- a. Report from City Manager APRIL15-08-169 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager APRIL15-08-170 CITY-WIDE

- b. Liquor License Applications

New License(s)

1. Quick Pic #3, Ward 4
8601 E. Golf Links Road
Applicant: Mukesh K. Jain
Series 10, City 18-08
Action must be taken by: April 21, 2008

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

2. Buddy's Grill, Ward 4
7385 S. Houghton Rd., Suite 125, 124, 1/2 of 123
Applicant: Arthur Thomas Owens
Series 12, City 20-08
Action must be taken by: May 1, 2008

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

3. Wal-Mart Store #1291, Ward 2
7150 E. Speedway
Applicant: Clare Hollie Abel
Series 10, City 21-08
Action must be taken by: May 1, 2008

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

4. Wal-Mart Store #1325, Ward 3
455 E. Wetmore
Applicant: Clare Hollie Abel
Series 10, City 23-08
Action must be taken by: May 1, 2008

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)

5. The Mint, Ward 6
3540 E. Grant Road
Applicant: Carlton Edwin Van Gorder
Series 6, City 22-08
Action must be taken by: May 2, 2008

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)

6. Hilltop Market, Ward 1
1843 W. Ajo Way
Applicant: Linda Kamal Barakat
Series 9, City 19-08
Action must be taken by: April 25, 2008

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

Public Opinion: Written Argument 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. Catalina Rotary Club, Ward 3
4502 N. 1st Ave.
Applicant: Thomas Whitford Jones
City T24-08
Date of Event: May 3, 2008
(Fund raising event to support local charities)

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

2. Pantano Rotary, Ward 3
2445 N. Tucson Blvd.
Applicant: Richard Allan Hodges
City T27-08
Date of Event: May 3, 2008
(To raise money for charitable giving)

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

3. Tucson Pima Arts Council's ArtWorks Academy, Ward 1
140 N. Main Ave.
Applicant: Roberto Bedoya
City T29-08
Date of Event: April 25, 2008
(Fundraiser for ArtWorks Academy)

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 G

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. WATER: INITIATING THE PROCESS TO INCREASE WATER RATES

- a. Report from City Manager APRIL15-08-176 CITY-WIDE and OUTSIDE CITY
- b. Resolution No. 20925 relating to water; approving and authorizing the CWAC Rate Recommendations; approving the publication of a Notice of Intention to increase certain water rates and fees; scheduling a public hearing on the above referenced rates and fees; and declaring an emergency.

Staff recommends initiation of the process to increase water rates and set the Public Hearing date for May 20, 2008.

9. ZONING: (C9-07-33) QUEBEDEAUX – 1ST STREET, R-3 TO P AND C-2, CITY MANAGER’S REPORT

- a. Report from City Manager APRIL15-08-177 WARD 6
- b. Report from Zoning Examiner dated March 21, 2008
- c. Request to rezone approximately 0.65 acres from R-3 to P zoning and approximately 0.41 acres from R-3 to C-2 zoning. The rezoning site is located at the northeast corner of Holly Avenue and 1st Street. Applicant: Michael Marks, on behalf of the property owners, Firsmark LLC and Hollmark LLC.

The preliminary development plan proposes an expansion of the Quebedeaux auto dealership, which will consist of a new 440 square-foot storage building and a new vehicle parking area for employees, inventory and sales on approximately 1.06 acres.

The rezoning proposal is consistent with and supported by the policy direction in both the *Alvernon-Broadway Area Plan* and the *General Plan*.

The Zoning Examiner and staff recommend authorization of P and C-2 zoning subject to the following conditions:

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated December 19, 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. Any new structures on the rezoning site, other than the proposed storage building, will be considered a major change to the preliminary development plan and shall require a new neighborhood meeting and public hearing before Mayor and Council.
3. 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".
4. 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.
5. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
6. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
7. Owner/developer shall enter into a Sewer Service Agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system, and the timing of said improvements.
8. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

9. Architectural detailing on the rear and side elevations of the new storage building, or any other building within the rezoning district, shall be consistent with that on the front elevation. Color elevations provided with the development plan shall demonstrate compliance with this condition.

10. Exterior mechanical equipment, for the new storage building, or any future building within the rezoning district, including any on the roof, shall be screened from view. Color elevations provided with the development plan shall demonstrate compliance with this condition.
11. The perimeter screen wall shall have a decorative design, and it shall be constructed of graffiti-resistant materials or painted with graffiti-resistant paint. A wall detail demonstrating compliance with this condition shall be provided with the development plan.
12. Six (6) inch wide fence block or greater shall be used for perimeter walls.
13. Employee parking shall be provided onsite, with one of the areas being within the expansion area. 'Employee Parking' signage shall be installed within the new expansion area.

DRAINAGE/VEGETATION

14. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:
 - a. 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.
 - b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
 - c. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin side slopes 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. Retention within water harvesting areas of less than one-foot depth will not be subject to the above conditions numbered 14.a. through 14.e.
 - g. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines
- 15. The refuse storage location shall be located a minimum of 50 feet from residentially zoned or used property.
 - 16. A 10-foot landscape border shall be provided along Holly Avenue and 1st Street and the balance of the south property line and along the Palo Verde frontage. A landscape plan shall be presented to the Miramonte Neighborhood Association for its review and comment and all reasonable comments will be incorporated to the greatest extent possible. Owner/developer shall install a drip irrigation system within the landscape border and maintain the landscaping.
 - 17. Canopy trees in the street landscape borders shall be planted 25 feet on center.
 - 18. Within the employee vehicular use area, one canopy tree shall be provided for every four motor vehicle parking spaces. Alternatively, the applicant shall demonstrate, through a shade pattern analysis, that shade coverage will be provided for at least 50% of the employee vehicle use area, from 9:20 a.m. to 3:20 p.m. PST on June 21, with shading provided by mature canopy trees, buildings and/or other structures.
 - 19. Developer will incorporate into the development water harvesting techniques, that are consistent with the City of Tucson Water Harvesting Guidance Manual, and are designed to maximize the collection of rain water and direct it toward the landscaped areas, and use it for irrigation of the landscaping. Specifications for water harvesting must be clearly delineated on the development plan to ensure it is correctly implemented at all necessary stages of construction.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

- 20. A “right-turn only” sign shall be posted at the Holly Avenue exit near the northwest corner of the rezoning site.
- 21. All new access points proposed along Speedway Boulevard must provide a 25-foot radius return.
- 22. All unused curb cuts shall be closed along the frontage of the rezoning site adjacent to East 1st Street, Holly Avenue, and Palo Verde Boulevard.

23. The owner/developer shall construct a new sidewalk on Holly Avenue abutting the rezoning site.

One written approval and three written protests were received prior to the Zoning Examiner's public hearing on March 6, 2008, at that time requiring a three-fourths majority vote of the Mayor and Council to adopt a rezoning ordinance. Subsequent to the Zoning Examiner's public hearing, no additional written approvals or additional written protests were received, however, one written protest was rescinded. Currently, there are one written approval and two written protests on file for this case. One of the protests is within the 150 foot area, representing a 1.65 percent protest by area to the west and a zero percent protest by area in all other directions. The protests generally allude to noise, traffic, and the impact of C-2 zoning on the area.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

10. ZONING: (C9-02-07) PEPPER-VINER - DOS HOMBRES ROAD, SR TO R-1, ORDINANCE ADOPTION

- a. Report from City Manager APRIL15-08-172 WARD 2
- b. Ordinance No. 10518 relating to zoning: amending zoning district boundaries in the area located on the west side of Dos Hombres Road, approximately 200 feet north of Tanque Verde Road in Case C9-02-07, Pepper-Viner - Dos Hombres Road, SR to R-1; and setting an effective date.

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

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager APRIL15-08-171 CITY-WIDE

12. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, April 22, 2008, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.