



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, JUNE 3, 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 – Pastor Roy Tullgreen, Gospel Rescue Mission

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Presentation of a Copper Plaque to Manny Herrera for his outstanding contributions to the City of Tucson
- b. Certificates of Appreciation presented to United Way Volunteers Steven Meyeroff, Emila Sutton, and Karla Wildberger
- c. Certificates presented to the students of the San Miguel High School for their outstanding achievements.

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

- a. Report from City Manager JUNE3-08-248 CITY-WIDE

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

- a. Report from City Manager JUNE3-08-249 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager JUNE3-08-251 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Maynards' Trackside Market & Eatery, Ward 6
400 N. Toole Avenue
Applicant: Richard Samuel Oseran
Series 12, City 32-08
Action must be taken by: June 12, 2008

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

- 2. Guadalajara Grill, Ward 3
1220 E. Prince Rd.
Applicant: Emma Yolanda Holzman
Series 12, City 33-08
Action must be taken by: June 9, 2008

Tucson Police Department and Development Services have indicated the applicant is in compliance with city requirements.

Revenue has indicated the applicant is not 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)

- c. Special Event(s)

NOTE: There are no special events scheduled for this meeting.

- 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 O

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: AMENDING TUCSON CODE (CHAPTER 15) ENVIRONMENTAL SERVICES COMMERCIAL REFUSE COLLECTION AND LOS REALES LANDFILL DISPOSAL FEE INCREASE

- a. Report from City Manager JUNE3-08-271 CITY-WIDE
- b. Hearing on proposed changes in Environmental Services commercial refuse collection and the Los Reales Landfill fee.
- c. Ordinance No. 10539 relating to environmental services; approving new fees and charges for commercial collection and landfill disposal services; codifying those new fees, as well as residential collections fees, in Tucson Code Chapter 15; consolidating other provisions regulating Solid Waste, and previously contained in rate resolutions or departmental rules and regulations, into Chapter 15; reorganizing and modernizing Chapter 15; adopting new and updating existing Definitions; amending Tucson Code, Chapter 15 by retitling and amending Articles I and II, by repealing existing Articles III, IV and V, by adding new Articles III and IV, and by renumbering Articles VI and VII as Articles V and VI, respectively, and retitling and amending same; providing an effective date of July 1, 2008 for all amendments; providing that this Ordinance, and the amendments to Chapter 15 that it enacts, control the City’s Solid Waste Management Activities, and supersede any conflicting or inconsistent provisions of Resolutions 19848 and 19850; and declaring an emergency.

9. PUBLIC HEARING: FEDERAL TRANSIT ADMINISTRATION SECTION 5307 FORMULA GRANT APPLICATION FOR FEDERAL FISCAL YEAR 2008

- a. Report from City Manager JUNE3-08-261 CITY-WIDE
- b. Hearing on a grant application requesting funding for four major capital projects. The projects include the purchase of expansion buses for Sun Tran, the purchase of replacement vans for Van Tran, two bus rebuilds, facility renovations, capitalized maintenance activities at Sun Tran and Van Tran, project development and training and ADA transit enhancements.
- c. Resolution No. 20956 relating to transportation; authorizing and approving the execution of a Federal Transit Administration (FTA) Section 5307 Formula Grant Application for Federal Fiscal Year 2008 Grant AZ-90-X093 in the amount of \$11,241,976; and declaring an emergency.

10. FINANCE: TENTATIVE ADOPTION OF FISCAL YEAR 2009 BUDGET

- a. Report from City Manager JUNE3-08-268 CITY-WIDE
- b. Resolution No. 20950 relating to finance; adopting a tentative budget for the 2009 Fiscal Year and fixing times and places, confirming time and place to conduct a truth in taxation public hearing and to conduct a public hearing on said budget, to adopt the final budget in a special meeting, to fix time and place to determine the primary and secondary tax levies for said Fiscal Year

The Truth in Taxation public hearing and the final hearing on the Budget are scheduled for June 10, 2008.

11. CITY MAGISTRATES: APPOINTING NIKKI A. CHAYET AS A CITY MAGISTRATE AND FIXING COMPENSATION

- a. Report from City Manager JUNE3-08-263 CITY-WIDE
- b. Ordinance No. 10537 relating to City Magistrates; appointing a City Magistrate of the City of Tucson; fixing compensation and declaring an emergency.

12. RECONSIDERATION OF ORDINANCES 10520, 10528, 10529, 10530, 10531, 10532, 10533, 10534, 10535, AND 10536 AND RESOLUTIONS 20951, 20953, 20954, AND 20955

- a. Report from City Manager JUNE3-08-264 CITY-WIDE
- b. Ordinance No. 10520 an ordinance relating to finance; authorizing the issuance and sale of City of Tucson, Arizona, Water System Revenue and Refunding Bonds, Series 2005-C (2008), in a principal amount not to exceed \$20,425,000; providing for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2008 Bonds; appointing a bond registrar, transfer agent and paying agent for the Series 2008 Bonds; authorizing the execution and delivery of a Depository Trust Agreement and appointing a depository trustee with respect to the bonds to be refunded; authorizing the preparation and delivery of an official statement with respect to the Series 2008 Bonds; ordering the sale of the Series 2008 Bonds; authorizing the execution and delivery of a Continuing Disclosure Undertaking with respect to the Series 2008 Bonds; and declaring an emergency.
- c. Ordinance No. 10528 relating to the Minority and Women-Owned Business Enterprise (MWBE) Program; extending the Minority and Women-Owned Business Enterprise (MWBE) Program through December 31, 2008; and declaring an emergency.
- d. Ordinance No. 10529 relating to City Magistrates; appointing Stacey A. Hayes as Special City Magistrate to serve upon call by the Presiding Magistrate of the City Court; fixing compensation; and declaring an emergency.
- e. Ordinance No. 10530 relating to City Magistrates; appointing Paul Julien as Special City Magistrate to serve upon call by the Presiding Magistrate of the City Court; fixing compensation; and declaring an emergency.
- f. Ordinance No. 10531 relating to City Magistrates; appointing Stephen T. Portell as Special City Magistrate to serve upon call by the Presiding Magistrate of the City Court; fixing compensation; and declaring an emergency.
- g. Ordinance No. 10532 relating to City Magistrates; appointing Stellisa Scott as Special City Magistrate to serve upon call by the Presiding Magistrate of the City Court; fixing compensation; and declaring an emergency.
- h. Ordinance No. 10533 relating to City Magistrates; appointing Clinton R. Stinson as Special City Magistrate to serve upon call by the Presiding Magistrate of the City Court; fixing compensation; and declaring an emergency.

- i. Ordinance No. 10534 relating to real property; vacating and declaring a portion of City-owned right-of-way located within the 36th & Mission Subdivision to be surplus property; authorizing the conveyance thereof at no cost to Pima County pursuant to the Mayor and Council paper plat policy; authorizing an agreement with Pima County for open space acquisition; and declaring an emergency.
- j. Ordinance No. 10535 relating to water; amending Tucson Code, Chapter 27, Article II, Rates and Charges, Section 27-32, Charges for water service, Section 27-32.1, Monthly reclaimed water service charges, Section 27-33, Monthly potable water service charges and Section 27-34, Charges for fire protection service; setting an effective date and declaring an emergency.
- k. Ordinance No. 10536 relating to administration and civil service; revising Tucson Code Chapter 2, Article I. to add a residency requirement for certain City officers and employees; and revising Tucson Code Chapter 10, Article I. relating to rules adopted by the Civil Service Commission; and declaring an emergency.
- l. Resolution No. 20951 relating to Parks and Recreation; authorizing and approving naming the Senior Center Building at Morris K. Udall Park/Center the “Carol W. West Senior Center”; and declaring an emergency.
- m. Resolution No. 20953 relating to Parks and Recreation; authorizing and approving naming Field #1 in Mission Manor Park the “Arnold Gates Field”; and declaring an emergency.
- n. Resolution No. 20954 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County and the City of Tucson for Regional Transit Service Improvements: Projects P-46 and P-49 – Fixed Route Expansion and Replacement Buses; and declaring an emergency.
- o. Resolution No. 20955 relating to Rio Nuevo Multipurpose Facilities District; appointing Anne-Marie Russell and Jeff DiGregorio to the Board of Directors; and declaring an emergency.

13. ZONING: (C9-08-01) FORT LOWELL PARK, LLC – FORT LOWELL ROAD, R-3 AND MH-1 TO O-3, CITY MANAGER’S REPORT

- a. Report from City Manager JUNE3-08-266 WARD 2
- b. Report from Zoning Examiner dated April 25, 2008
- c. Request to rezone approximately 6.58 acres from R-3 and MH-1 to O-3 zoning. The rezoning site is located on the south side of Fort Lowell road east of Alvernon Way. Applicant: Mike Grassinger of the Planning Center, on behalf of the property owner, Fort Lowell Park, LLC.

The preliminary development plan proposes eight administrative and professional office structures totaling 82,627 square-feet of floor area and ranging from 24 to 40 feet in height.

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

The Zoning Examiner and staff recommend authorization of O-3 zoning subject to the following conditions:

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated January 25, 2008, 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. 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.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. 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.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

8. All dumpsters and loading zones shall be located at least fifty feet from any residential property line. Dumpsters shall be screened with six-foot (6') high walls and vegetation.
9. All outdoor lighting should be full cutoff, and it shall be directed down and shielded away from adjacent parcels and public roadways. Lighting detail shall be submitted as part of the Development Plan.
10. All buildings shall be designed to have “four-sided” architecture. Building facades at rear and side are to be designed with attention to the architectural character and detail comparable to the front façade, including but not limited to, comparable color palette, rooflines, and materials. Site and building entry points to be highlighted and accented. Dimensioned elevation drawings shall be submitted as part of the development plan submittal.
11. Buildings 7 and 8, adjacent to residential uses to the east, shall be limited to hours of operation to the general public from 7 A.M. to 8 P.M.
12. A signage plan shall be combined with the landscape plan and submitted as part of the CDRC development review process. The plan shall be designed to avoid conflicts between plant material and sign placement and aesthetically tie together the various uses and tenants by a single theme.
13. To reduce the urban heat island impact within the parking 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.
14. The owner/applicant shall vary wall alignments and break wall expanses with landscape vegetation, including trees for all walls 75 feet or greater in length. Trees planted to break wall expanses shall be placed no more than 25 feet apart.
15. 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.
16. Six (6) inch wide fence block or greater shall be used for perimeter walls.

DRAINAGE/GRADING/VEGETATION

17. A Native Plant Preservation Plan must be submitted or an Application for NPPO Exception may be submitted if Native Plants are not being impacted by the development of the site. Should buffelgrass be present on the site, a buffelgrass mitigation management plan shall be created for the site as a component of the Native Plant Preservation Plan portion of the Landscape Plan.
18. Developer shall provide 12 Saguaro cactus on the site. Each cactus shall be a minimum of six (6) feet tall. The Saguaros are to be planted in street landscape border, on either side of the access point to the site.
19. Signage shall be developed for the site that states the design on the property uses water harvesting and low water use plants. The signage must comply with the Sign Code.
20. 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 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 detention/retention basins shall meet Safe By Design guidelines.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

21. Dedication, or verification of existence, of right-of-way, per the *Major Streets and Routes Plan*, along the Ft. Lowell Road site frontage is required.
22. Owner/developer shall install new six-foot (6') wide sidewalks along the Fort Lowell Road site frontage (at locations where there are not existing sidewalks and/or locations where the existing sidewalk needs to be removed/modified/repaired).
23. All unused curb cuts/driveways along the Fort Lowell Road site frontage shall be closed.
24. A Traffic Impact Analysis shall be submitted with the development plan. The Traffic Impact Analysis is required to determine the need for offsite improvements such as:
 - a. A center left turn lane on Fort Lowell Road, including appropriate transitions.
 - b. A right turn/deceleration lane on Fort Lowell Road.

WATER HARVESTING

25. The developer shall choose one of the following options to water required landscaping until it is established. Option 1, the developer shall install required landscaping without irrigation, and shall contract with a landscape firm to hand water the landscaping as part of the maintenance program for the first two years after installation, until the plants are established, as determined by the City of Tucson Office of Conservation and Sustainable Development (OCSD) and the Development Services Department (DSD). Hand watering shall be conducted in a way to supplement water supply only in dry seasons when soil moisture has dropped to levels that no longer support the plants. Hand watering shall be done judiciously to support plants without wasting water. Or, option 2, the developer shall install an irrigation system, on a separate water meter, to be used to establish the required landscaping. The meter shall be used to monitor the amount of water used to establish the plants. Metered irrigation shall be tied to a soil moisture indicator system so drip irrigation is not conducted during periods when plants are being adequately supported by direct rainfall or harvested rainwater. Once the plants are established, as determined by OCSD and DSD, the irrigation system shall be turned off at the meter, except during drought conditions, or to establish new plants.

26. Regardless of the option chosen, above, in consultation with OCSD and DSD, the developer shall minimize water demand for the landscape by: (1) install a specially selected plant pallet designed to be supported in the long term by harvested rainwater; (2) assist survival of the plants by specially preparing the planting areas to maximize exposure to soil moisture, maximize rainfall infiltration, and minimize evapotranspiration losses; (3) employ a planting strategy that takes into consideration anticipated loss of plants due to lack of drip irrigation in the long term, with the goal of achieving an appropriate canopy coverage, with adaptive steps taken over time to fill in gaps from lost plants. (4) Seed during the first year, using a rich Arizona Uplands species mix, that would allow some recruitment of growth directly from seed, as plants grown from seed have better survival odds than transplanted potted plants when there is no supplemental irrigation.
27. All toilets installed within the development shall be high efficiency toilets. All urinals installed within the development shall be waterless urinals.

Two written approvals and zero written protests were received prior to the Zoning Examiner's public hearing on April 10, 2008, 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, one protest was received. That protest lies within the 150 foot protest area, constituting a 4.48 percent protest on the east.

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

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager JUNE3-08-250 CITY-WIDE

15. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, June 10, 2008, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.