



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 17, 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 – Christopher Pena, Tucson Fire Department, Fire Station 20

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Proclaiming June 24 to be “El Día De San Juan Festival Day”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager JUNE17-08-304 CITY-WIDE

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

- a. Report from City Manager JUNE17-08-305 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager JUNE17-08-306 CITY-WIDE
- b. Liquor License Applications

Person Transfer(s)

- 1. Beverage Depot, Ward 6
4231 E. 22nd St., #141
Applicant: Alice Giang
Series 9, City 34-08
Action must be taken by: June 26, 2008

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

- 2. Driftwood, Ward 4
2001 S. Craycroft Rd.
Applicant: Gerard Liam Coffey
Series 6, City 35-08
Action must be taken by: June 27, 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)

- 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 H**

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: PROPOSED SUN TRAN AND VAN TRAN FARE INCREASE**

- a. Report from City Manager JUNE17-08-319 CITY-WIDE

Material for this item will be available on the City website and in the City Clerk's office as soon as it becomes available.

9. **PUBLIC HEARING: ADOPTION OF THE *MIRAMONTE NEIGHBORHOOD PLAN***

- a. Report from City Manager JUNE17-08-315 WARD 6

- b. Hearing on the proposed adoption of the *Miramonte Neighborhood Plan*.

The Miramonte Neighborhood is located in central Tucson and is bounded on the north by Speedway Boulevard, on the south by 5th Street, on the east by Alvernon Way, and on the west by Country Club Road. The Neighborhood is currently included in the *Alvernon-Broadway Area Plan*. The Plan includes a section that highlights the Neighborhood's development over time, as well as its physical and demographic attributes.

At a public hearing on April 2, 2008, the Planning Commission voted 9 to 0 to forward to the Mayor and Council the *Miramonte Neighborhood Plan* with proposed changes recommended by the City Attorney's Office and in cooperation with the Neighborhood for approval.

Staff recommends that the Mayor and Council adopt the *Miramonte Neighborhood Plan*.

- c. Resolution No. 20984 relating to planning and zoning; adopting the Miramonte Neighborhood Plan; and setting an effective date.

10. PUBLIC HEARING: ZONING (C9-03-12) DIBRO DEVELOPMENT - THORNYDALE ROAD, O-3, MU AND I-2 TO C-1 AND C-2, TIME EXTENSION AND CHANGE OF CONDITIONS (CONTINUED FROM THE MEETING OF APRIL 22, 2008)

- a. Report from City Manager JUNE17-08-318 WARD 1
- b. Hearing on a request to allow a five-year time extension, and change of conditions for a property located on the east side of Thornydale Road, approximately 800 feet south of Orange Grove Road. Applicant: George Larsen, of Larsen/Baker, on behalf of the property owners, Marana Marketplace, LLC.

The original five-year authorization will expire on August 4, 2008. A public hearing is required because the request, if approved, will extend the time for completion of rezoning conditions more than five years from the date of the last public hearing.

The preliminary development plan is for a 17,000 square foot restaurant and a 54,000 square foot self-storage facility on 7.02 acres in the C-1 zone and a 44,000 square foot auto service use on 4.13 acres in the C-2 zone. No changes are being proposed to the preliminary development plan at this time.

Staff recommends approval of the requested five-year time extension, from August 4, 2008, to August 4, 2013, and approval of the revised conditions. Within the following recommended conditions, deleted text is ~~struckthrough~~, new text is underlined:

1. A development plan in compliance with the preliminary development plan dated April 16, 2003, the Design Compatibility Report, and the design criteria adopted in the *Catalina Foothills Subregional Plan* is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Enhanced landscape borders, twenty feet in width, shall be provided along the south and east side of the site. These enhanced landscape borders ~~borders may include hardscape, or enhanced vegetation. In the enhanced landscape borders enhanced vegetation may must include use Sonoran Desert plant~~desert varieties, such as Saguaro, Palo Verde, Acacia, Mesquite, Desert Willow and other Native trees and plants, cacti, to create increased security for the adjacent residential neighborhoods. Trees shall be planted every twenty-five (25) feet on center, shrubs and ground covers shall provide seventy-five (75) percent coverage at maturity and decorative masonry walls.

3. Loading areas, dumpsters, trash compactors, and other noise-generating activities shall be located either within enclosed facilities, a minimum of 50 feet from the residential areas, or, if not enclosed, a minimum of 100 feet from residential areas to the south and east.
4. Buildings on the site shall be oriented so that sound from noise-generating activities will be directed away from residential areas to the south and east.
5. The 16,000 square foot self-storage building which is setback sixty (60) feet from the eastern perimeter of the site shall not exceed fifteen (15) feet in height.
6. Masonry walls, a minimum of six (6) feet in height, shall be provided on or near the south and east property boundaries. The masonry walls may be incorporated into the landscape border.
7. Development on the Community Activity Center portion of the site on the north side of the site shall be designed for possible integration with the commercial parcels to the north.
8. The buildings shall be setback a minimum of sixty (60) feet from the south and east property lines.
9. Outdoor lighting shall be placed at a minimum height to ensure site security, while protecting the adjacent less intense residential neighborhood to the south and east from direct outdoor lighting and glare.
10. The Scenic Route frontage along Thornydale Road shall consist of buildings and walls with a single southwestern architectural theme in earth tones.
11. All walls and buildings along the southern and eastern edge of the site shall be treated with non-reflective material and shall include architectural elements to compliment the southwestern façade along the Scenic Route frontage on Thornydale Road.
12. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials. Masonry screen walls shall be constructed of minimum six inch block.

13. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
14. The developer shall install a right turn deceleration lane on Thornydale Road with a 100-foot vehicle stacking capability and a 120-foot long taper.
15. If a median break is required, the developer shall be responsible for all cost burdens related to design and construction. The median shall have a left turn deceleration lane with 100-foot vehicle stacking capability and 120-foot long taper.
16. 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 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.
17. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
18. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
19. If buffelgrass is present on the site, a buffelgrass mitigation management plan shall be created for the site to include common areas before approval of the Native Plant Preservation Plan portion of the Landscape Plan.
20. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) section 3.7.1.1.A, requiring that landscaping should accomplish natural resources conservation; LUC Section 3.7.4.3.B requiring integration of grading, hydrology and landscaping to make the maximum use of stormwater for on-site irrigation; and LUC Section 3.7.4.5.B requiring that stormwater and runoff harvesting be used to supplement drip irrigation for both new and preserved vegetation. Techniques to design and implement water harvesting are described in the City of Tucson's Water Harvesting Guidance Manual. This document can be downloaded as a pdf file from the following website: <<http://dot.ci.tucson.az.us/stormwater/>>.

To comply with the above-referenced LUC sections, rainwater harvested from building roofs, sidewalks, and parking lots shall be employed to assist in supporting landscaped areas including parking lot tree wells, landscape buffers, sidewalk plantings, and other vegetation locations at the site. Development Plans shall include Water Harvesting Plan & Detail (WHPD) sheet(s) showing all water harvesting locations at the site, including common areas, perimeter buffer areas and any retention/detention basins. WHPD sheets should also include the length, width and finished depth of the water harvesting areas, curb openings, raised walkways; use of mulch; and, drainage arrows showing runoff routing to each water harvesting area and information on where overflow will be routed.

The Office of Conservation and Sustainable Development shall be consulted regarding water harvesting principles, techniques, and code requirements.

21. One native species canopy tree shall be provided within the vehicular use area for every four vehicle parking spaces; or, in the alternative, provide a study demonstrating the shade pattern caused by mature canopy trees, buildings, and other structures on the vehicular use area from 9:20 a.m. to 3:20 p.m. MST on June 21 covers fifty percent of the paved vehicle use area.
22. 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".
23. Meet with owner of 3633 W. Apricot Drive to assess drainage problem, contact Pima County to determine authority and permitting requirements to fix identified problems, and fix the problems.
24. ~~Five years are allowed from the date of initial authorization to~~ Comply with all Code requirements and conditions of rezoning by August 4, 2013.

Twelve written approvals and nine written protests were received prior to the Zoning Examiner Hearing. Subsequent to the Zoning Examiner hearing, two additional approvals and one additional protest were received. Two of the protests are within the 150' protest area, constituting a 6.15 percent protest on the south and a 12.23 percent protest on the east. The protests generally allude to property values, traffic and loss of habitat.

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

11. TUCSON CODE: ADOPTION OF THE ANNUAL COMPENSATION PLAN FOR EMPLOYEES OF THE CITY OF TUCSON

- a. Report from City Manager JUNE17-08-320 CITY-WIDE

- b. Ordinance No. 10550 relating to compensation plan; Tucson Code Chapter 10, Civil Service--Human Resources, Article II, Compensation Plan, Section 10-31, Adopting salary schedules for Fiscal Year 2009; implementing Section 10-31; Ratifying, reaffirming and reenacting Sections 10-31(7), Providing percentages for calculation of compensation from salary schedules for employees in specified assignment positions; Section 10-33.1, Proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish; Section 10-34, Incentive pay for fire prevention inspectors; Section 10-34.1, Assignment and incentive pay for maintaining paramedic certification and working as paramedics; Section 10-35, Fire battalion chief call back shift pay; Section 10-48, Supplement to military pay; Section 10-49, Holiday and BOI pay for commissioned officers of the Tucson Police Department of the position of lieutenant and assignment positions of captain and assistant chief; Section 10-52, Longevity compensation plan; Section 10-53, Pipeline protection program; compensation; Section 10-53.1, Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance; Section 10-53.2, Maintenance management program, assignment and incentive pay compensation; Section 10-53.3, Career enhancement program (CEP) incentive pay for commissioned police personnel through rank of captain; Section 10-53.4, Additional compensation for certain public safety command staff; and Section 10-53.5, Honor guard assignment pay for fire commissioned personnel; amending Section 10-33, Language communication compensation; Section 10-37(2), Reallocation of positions compensated under performance based components of the compensation plan; Section 10-39, Increases for exceptionally meritorious service; all as part of implementation of the annual compensation plan for Fiscal Year 2009; and declaring an emergency.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager JUNE17-08-307 CITY-WIDE

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, June 25, 2008, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.