



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, JULY 8, 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 – Chaplain Jeff Mockabee, City of Tucson Police Department

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Presentation of certificates to Latin American Students as Honorary Citizens of Tucson

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager JULY8-08-348 CITY-WIDE

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

- a. Report from City Manager JULY8-08-349 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager JULY8-08-351 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Madre Mia’s Mexican Cuisine, Ward 3
1535 N. Stone Ave.
Applicant: Beatriz Elena Cervantes Nuñez
Series 12, City 39-08
Action must be taken by: July 19, 2008

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

- 2. 7-Eleven #13048J, Ward 6
5457 E. Pima St.
Applicant: Nicholas Carl Guttilla
Series 10, City 40-08
Action must be taken by: July 21, 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)

- 3. November Bar & Cabaret, Ward 3
4001 N. Romero Rd.
Applicant: Ryan Nicholas Gomes
Series 6, City 41-08
Action must be taken by: July 28, 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)

1. ArtFare The Muse, Ward 6
55 N. 6th Ave.
Applicant: Gayle A. Tignor Collins
City T44-08
Date of Event: August 2, 2008
(Fundraiser for Façade Improvements)

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

2. Tucson's Young Professionals, Inc., Ward 1
140 N. Main Ave.
Applicant: Kelly Burke Perks
City T45-08
Date of Event: August 1, 2008
(To promote community event in downtown Tucson)

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. 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 HH

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: (C9-08-03) SELLAROLE, LLC – SELLAROLE ROAD, SR TO R-1, CITY MANAGER’S REPORT

- a. Report from City Manager JULY8-08-362 WARD 4
- b. Report from Zoning Examiner dated June 6, 2008
- c. Request to rezone approximately 11.74 acres from SR to R-1 zoning. The rezoning site is located on the north side of Sellarole Road and approximately 2,043 feet west of Harrison Road. Applicant: Paragon Architects, LLC on behalf of the property owner, Sellarole, LLC.

The preliminary development plan is for a single-family residential subdivision consisting of 41 single-story homes at a density of 3.49 units per acre.

The rezoning proposal is consistent with and supported by the policy direction in both the *South Pantano Area Plan* and the *General Plan*.

The Zoning Examiner and staff recommend authorization of R-1 zoning subject to the following conditions:

PROCEDURAL

- 1. A subdivision plat in substantial compliance with the preliminary development plan dated March 13, 2008, 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. 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 exterior mechanical equipment shall be screened from view from adjacent development and street frontages, and it shall be architecturally integrated into the overall design of the development.
9. An eight-foot (8') high masonry wall shall be placed along the eastern and southern edges of the site and a six-foot high masonry wall shall be placed along the western and northern edges of the site. Walls along the western and northern perimeters shall be designed as view walls. The walls shall have an open design above the lowest 3.5 feet, and approximately 75% of the area above 3.5 feet shall consist of openings.
10. All walls visible from a public right-of-way and/or adjacent to existing residential development shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall 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. A typical section shall be placed on the tentative plat or landscape plan.
11. Any continuous screen wall greater than seventy-five (75) feet in length and three (3) feet in height and visible from a public right-of-way or existing residential development shall have a varied wall alignment (jog, curve, notch, setback, etc.).
12. Building elevations on the sides and rear shall be designed to have architectural character and detail comparable to the front elevation for units abutting the north, south, east and west sides of the project. Consistent design treatment, including but not limited to color palette, rooflines, signs, and trim materials shall be provided, and no two units of the same kind or color shall be placed next to one another. Dimensioned and color elevation drawings are to be submitted with the subdivision plat.
13. Structure heights will be no greater than twenty (20) feet and limited to one-story.
14. Access to Sellarole Road shall be restricted to a gated emergency route only.
15. Primary access to the subdivision shall be provided via a bridge connecting this development to Hearthstone Drive. Sidewalk connection will continue from Hearthstone Drive into the proposed development.

16. The owner/applicant shall provide the recreation area design including amenities with the tentative plat submittal. The recreation areas and retention basins shall incorporate elements of usable open space and active/passive recreational space and those pedestrian facilities will be accessible to the handicapped. These areas will be made ADA accessible with a minimum five-foot wide path constructed of either stabilized DG, asphalt, or textured concrete. In addition to shaded seating areas, the recreation areas will include but are not limited to a ramada, tables, and an outdoor grill.
17. Owner/developer shall provide a range of shade trees from the Low Water Use Drought Tolerant List to increase the usability of the recreation areas. An appropriate amount of longer living and diverse shade producing trees, including evergreens that are in the Low Water Use Drought Tolerant List shall be provided to increase appearance, shade, and longevity diversity. Do not use any vegetation that has thorns at maturation in the recreation area.
18. A gated and keyed pedestrian access to the wash, with a minimum width of six (6) feet, shall be located on the west side of the proposed development to promote recreational use of the Pantano Wash, and to provide a connection to the surrounding neighborhoods.
19. To enhance public safety and reduce incidences of crime, perimeter walls along areas that abut designated open areas and common areas shall incorporate "Safe by Design" concepts as follows: the masonry portion of the wall shall include sections that do not exceed four (4) feet in height, except for pillars, with wrought iron or other similar open fencing materials on top, or sections of wrought iron or other similar open fencing materials.
20. Provide a minimum of one fifteen (15) gallon tree, no more than ten (10) feet from the back of the sidewalk, on every other lot frontage to create a pleasant microclimate for pedestrians and increase the aesthetic appeal of the development.
21. Six (6) inch wide fence block, or greater, shall be used for perimeter walls.

DRAINAGE/GRADING/VEGETATION

22. 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.
23. The owner/developer shall enter into an agreement with Pima County Regional Flood Control District (RFCDD) concerning the dedication of the southwest corner of the site that is located in the FEMA floodplain area. Otherwise, it shall be dedicated to the City of Tucson.

24. 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

25. The owner/developer shall submit a copy of the Traffic Impact Analysis at the time of subdivision plat review.
26. Dedication or verification of existence, of appropriate abutting/accessing rights-of-way shall be provided at the time of subdivision plat review as determined by Development Services.
27. The owner/developer shall provide installation of all-weather access improvements to the site.
28. The required street frontage access and container placement area for curbside refuse and recycle collection services shall be demonstrated for each lot on the tentative plat.
29. Owner/Developer shall work with the City Department of Transportation to properly locate and install speed ramps on Hearthstone Drive, between the new access bridge and Stella Road.

OTHER

30. Owner/Developer shall work with the Kristina Park HOA to relocate the gang mail boxes on Hearthstone Drive, to an agreed upon location that provides safer access, because of the projected traffic volume increase due to the new subdivision
31. Owner/Developer shall prepare a disclosure statement clearly informing buyers of lots or homes that the subdivision is in a livestock area, thus, future residents can expect noises, odors, flies, horses and other such elements in the area. The owner/developer shall provide, with the tentative plat submittal, a copy of the disclosure statement, and a signed certification that it will be made available to all potential buyers, prior to signing any contract.

One written approval and twelve written protests were received prior to the Zoning Examiner's public hearing on May 22, 2008, at that time requiring a simple majority vote of Mayor and Council to adopt a rezoning ordinance. No additional protests or approvals have been received subsequent to the Zoning Examiner's public hearing. Five protests are within the 150 foot area, representing a 13.35 percent protest by area to the north, and zero percent in all other directions. The protests generally allude to traffic and drainage issues.

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

9. ZONING: (SE-08-06) VERIZON AT MCGRAW'S – HOUGHTON ROAD, SR ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

- a. Report from City Manager JULY8-08-379 WARD 4
- b. Report from Zoning Examiner dated June 6, 2008
- c. This is a Special Exception Land Use request to allow the installation of a wireless communication monopole and panel antennas, concealed within an artificial saguaro cactus, 30 feet in height, and associated ground equipment located on the southwest side of the McGraw's Cantina, on the west side of Houghton Road and south of Escalante Road. Applicant: Todd Daoust, of Commscapes, on behalf of the property owner, Tucson Cactus and Cattle Co.

The proposed stealth tower is in compliance with the performance criteria for a wireless communication facility. The special exception request is consistent with the policies and intent of the *South Pantano Area Plan* and *General Plan*.

The Zoning Examiner and staff recommend approval of the special exception request subject to the conditions in the ordinance provided.

One written approval and zero written protests have been received.

- d. Ordinance No. 10564 relating to zoning: approving a special exception land use, Communications Use, Verizon at McGraw's, located on the west side of Houghton Road, south of Escalante Road; approving with conditions the construction of a 30 foot high wireless communications tower disguised as a saguaro cactus in the SR Zone, Case SE-08-06; and setting an effective date.

A simple majority vote will be necessary to approve the rezoning ordinance.

10. ZONING: (SE-07-28) AT&T MCGRAWS – HOUGHTON ROAD, SR ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

- a. Report from City Manager JULY8-08-381 WARD 4
- b. Report from Zoning Examiner dated February 15, 2008
- c. This is a Special Exception Land Use request to allow the placement of a 35-foot high cellular communications monopole disguised as a saguaro cactus with associated equipment at the rear of the existing restaurant located on the west side of Houghton Road and south of Escalante Road. Applicant: Scott Quinn, on behalf of the property owner, Tucson Cactus and Cattle Co.

The proposed stealth tower is in compliance with the performance criteria for a wireless communication facility. The special exception request is consistent with the policies and intent of the *South Pantano Area Plan* and *General Plan*.

The Zoning Examiner and staff recommend approval of the special exception request subject to the conditions in the ordinance provided.

Zero written approvals and zero written protests have been received.

- d. Ordinance No. 10565 relating to zoning: approving a special exception land use, Communications Use, AT&T McGraws, located on the west side of Houghton Road, south of Escalante Road; approving with conditions the construction of a 35-foot high wireless communications tower disguised as a saguaro cactus in the SR Zone, Case SE-07-28; and setting an effective date.

A simple majority vote will be necessary to approve the rezoning ordinance.

11. ZONING: (SE-08-02) AT&T – ANKLAM ROAD, C-1 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

- a. Report from City Manager JULY8-08-380 WARD 1
- b. Report from Zoning Examiner dated April 25, 2008

- c. This is a Special Exception Land Use request to allow the placement of a 55-foot high cellular communications monopole disguised as a palm tree with associated equipment at the rear of an existing office building located at the northeast corner of Anklam Road and La Cholla Boulevard. Applicant: Scott Quinn, on behalf of the property owner, 2010 Anklam Properties, LLC.

The proposed stealth tower is in compliance with the performance criteria for a wireless communication facility. The special exception request is consistent with the policies and intent of the *Tumamoc Area Plan*, Subarea 19 and *General Plan*.

The Zoning Examiner and staff recommend approval of the special exception request subject to the conditions in the ordinance provided.

Two written approvals were received prior to the Zoning Examiner's public hearing on April 10, 2008.

- d. Ordinance No. 10567 relating to zoning: approving a special exception land use, Communications Use, AT&T–Anklam Road, located near the northeast corner of Anklam Road and La Cholla Boulevard; approving with conditions the construction of a 55 foot high wireless communications tower disguised as a palm tree in the C-1 Zone, Case SE-08-02; and setting an effective date.

A simple majority vote will be necessary to approve the rezoning ordinance.

12. CITY CLERK: APPOINTMENT OF THE CITY CLERK

- a. Report from City Manager JULY8-08-384 CITY-WIDE
- b. Ordinance No. 10566 relating to the City Clerk; appointing the City Clerk; and declaring an emergency.

13. LABOR AGREEMENT: WITH THE TUCSON POLICE OFFICERS ASSOCIATION

- a. Report from City Manager JULY8-08-390 CITY-WIDE
- b. Resolution No. 21025 relating to employee relations; authorizing the City Manager to execute an Agreement with the Tucson Police Officers Association (TPOA) effective July 1, 2008 through June 30, 2011; and declaring an emergency.

14. RELATING TO PERSONNEL: AMENDING TUCSON CODE (CHAPTER 22) DEATH BENEFITS FOR EMPLOYEE GROUP ELIGIBLE FOR REPRESENTATION BY TUCSON POLICE OFFICERS ASSOCIATION

- a. Report from City Manager JULY8-08-389 CITY-WIDE
- b. Ordinance No. 10569 relating to Other Insurance Benefits; amending the Tucson Code Chapter 22, Article VI Section 22-101 Death benefit for employee group eligible for representation by TPOA, and declaring an emergency.

15. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager JULY8-08-350 CITY-WIDE

16. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, August 6, 2008, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.