





# 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

**WEDNESDAY, AUGUST 6, 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 – Rabbi Samuel M. Cohon, Temple Emanu-El

PLEDGE OF ALLEGIANCE – Led by Girl Scout Cadet Troop 565

**PRESENTATIONS**

- a. Presentation of Copper Plaque to Jerry Gary as an “Extraordinary Volunteer”
- b. Proclaiming September to be “Emergency Preparedness Month”
- c. Proclaiming August 20 to be the “233rd Anniversary of Tucson”

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

- a. Report from City Manager AUG6-08-393 CITY-WIDE

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

- a. Report from City Manager AUG6-08-394 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

- a. Report from City Manager AUG6-08-395 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Buffalo Wild Wings Grill and Bar, Ward 1  
1390 W. Irvington Rd.  
Applicant: Chris Nicholas Miller  
Series 12, City 42-08  
Action must be taken by: August 2, 2008

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

Development Services has indicated the applicant is not in compliance with city requirements.

- 2. Circle K Store #3391, Ward 5  
3301 S. 6th Ave.  
Applicant: Kim Kenneth Kwiatkowski  
Series 9, City 43-08  
Action must be taken by: August 7, 2008

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

Public Opinion: Written Arguments Opposed Filed.

- 3. Courtyard By Marriott, Ward 6  
201 S. Williams Blvd.  
Applicant: Sandra Denise Hallinan  
Series 11, City 46-08  
Action must be taken by: August 18, 2008

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

- 4. Grand Buffet, Ward 1  
1690 W. Valencia Rd.  
Applicant: Yun Gan Lu  
Series 12, City 47-08  
Action must be taken by: August 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)

5. Laffs Comedy Caffe, Ward 6  
2900 E. Broadway, Ste. 160  
Applicant: Gary Don Bynum  
Series 6, City 44-08  
Action must be taken by: August 8, 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)

Location Transfer(s)

6. Peter Piper Pizza, Ward 1  
5385 S. Calle Santa Cruz,  
Applicant: Donald Robert Baxla  
Series 7, City 45-08  
Action must be taken by: August 17, 2008

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

NOTE: State law provides that for a location transfer, Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203; Rule R19-1-102)

c. Special Event(s)

1. Arizona Theatre Company, Ward 6  
330 S. Scott Ave.  
Applicant: Sandra B. Um  
City T43-08  
Date of Event: September 27, 2008  
(Annual Fundraising Gala)

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

2. Comite de Festividades Mexicanas, Ward 1  
3700 S. La Cholla Blvd.  
Applicant: Mercedes M. Guerrero  
City T46-08  
Date of Event: September 13 & September 14, 2008  
(To celebrate Mexican Independence Day)

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

3. Tucson Breakfast Lions Club, Ward 5  
4823 S. 6th Ave.  
Applicant: Wayne Francis Locke  
City T47-08  
Date of Event: August 30 & August 31, 2008  
(Fundraiser)

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

4. Satori, Inc., Ward 3  
3727 N. 1st Ave.  
Applicant: Phyllis L. Gold  
City T50-08  
Date of Event: September 6, 2008  
(Annual fundraiser silent & live auction)

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

5. Tucson's Young Professionals, Inc., Ward 1  
140 N. Main Ave.  
Applicant: Kelly Perks  
City T53-08  
Date of Event: September 5, 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 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 Z**

**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: APPLICATION BY TUCSON GREYHOUND PARK FOR AN OFF-TRACK BETTING SITE LOCATED AT THE OLIVER R. TWIST CAFÉ, 4915 EAST SPEEDWAY BOULEVARD (CONTINUED FROM THE MEETING OF MAY 20, 2008)**

- a. Report from City Manager AUG6-08-399 WARD 6
- b. Hearing on a request by Tucson Greyhound Park for a new off-track betting site located at the Oliver R. Twist Café, 4915 East Speedway Boulevard.
- c. Resolution No. 20949 relating to off-track betting facilities; approving Oliver R. Twist Café, 4915 East Speedway Boulevard, Tucson, Arizona, as an off-track betting site for horse and dog racing for the Tucson Greyhound Park; and declaring an emergency.

**9. APPEAL: (S-08-15) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION – SUNRISE ASSISTED LIVING (MAYOR AND COUNCIL APPEAL CASE NO. S-08-002)**

- a. Report from City Manager AUG6-08-428 WARD 3
- b. Applicant/Appellant: Frank S. Bangs Jr., Lewis and Roca, LLP, representing the applicant, MetSun Tucson AZ Senior Living LLC, doing business as Sunrise Assisted Living.

This is an appeal of a decision of the Sign Code Advisory and Appeals Board to deny a request for sign area variance to Sunrise Assisted Living. The applicant/appellant requests the decision be reversed and that the submitted variance which would allow the existing 16.1 square foot freestanding sign to be placed inside of the 30-foot landscape buffer along 1<sup>st</sup> Avenue.

The applicant is appealing the Board’s decision to the Mayor and Council.

Staff recommends that the Mayor and Council consider the merits of the appeal and vote to uphold, reverse or modify the decision of the Board.

**10. TRANSPORTATION: RENAMING NORTH JONES AVENUE FROM THE NORTH SIDE OF EL CON MALL TO EAST FIFTH STREET AS “NORTH GUAPO WAY”**

- a. Report from City Manager AUG6-08-406 WARD 6
- b. Ordinance No. 10574 relating to transportation; renaming North Jones Avenue, from the north side of El Con Mall to East 5<sup>th</sup> Street, to “North Guapo Way”; and declaring an emergency.

**11. ZONING: (C9-08-04) LA MARIPOSA – HOUGHTON ROAD, SR AND O-3 TO P, CITY MANAGER’S REPORT**

- a. Report from City Manager AUG6-08-418 WARD 2
- b. Report from Zoning Examiner dated July 3, 2008
- c. Request to rezone approximately 3.02 acres from SR and O-3 to P zoning. The rezoning site is located west of Houghton Road and north of Speedway Boulevard. Applicant: Scott Rumel and Steve Brennen on behalf of the property owner, The Club at La Mariposa, LLC.

The preliminary development plan is for a 249 space parking lot expansion for the existing clubhouse, resulting in a total of 400 spaces.

The rezoning proposal is consistent with and supported by the policy direction in both the *Bear Canyon Neighborhood Plan* and the *General Plan*.

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

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated April 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. 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/or 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.
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 an agreement with Pima County that specifies compliance with requirements for on-site sewage disposal and air quality.
7. Due to the existence of an open zoning violation, one year is allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of this rezoning.

### LAND USE COMPATABILITY

8. The owner/developer shall use some type of porous pavement, porous asphalt or pervious concrete, around wheel stops and/or planter areas within the parking lot so as to allow rain to pass through it thereby increasing soil moisture availability to parking lot plantings and reducing the runoff from the site and surrounding areas.
9. All outdoor lighting should be full cutoff, and 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. One canopy tree shall be provided within the vehicular use area for each four motor vehicle parking spaces, or the shade pattern caused by mature canopy trees, buildings, and other structures on the vehicular use area from 9:20 to 3:20 p.m. MST on June 21 must cover fifty percent of the paved area.

### DRAINAGE/GRADING/VEGETATION

11. Water harvesting techniques shall be incorporated into the development in accordance with C.O.T. Water Harvesting Guidance Manual. Specifications for water harvesting shall be clearly delineated on site plans to ensure it is correctly implemented at all necessary stages of construction.
12. 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.
13. Plants shall consist of native species, selected based on their presence in the adjacent intact riparian area. Plant selection shall also be based on water use, and should consist of species listed on the ADWR plant list. Additional mesoriparian or hydriparian species may be used as part of the oasis allowance if located within water harvesting basins.

Forty-four written owner approvals and two written protests were received prior to the Zoning Examiner's public hearing on May 29, 2008, and June 19, 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. Both protests lie outside the 150 foot protest area, representing a zero percent protest in all four directions. The protests generally allude to traffic and noise from events at the club.

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

**12. ZONING: (C9-08-05) MESQUITE VALLEY GROWERS – SPEEDWAY BOULEVARD, C-1 AND RX-2 TO C-2, CITY MANAGER’S REPORT**

- a. Report from City Manager AUG6-08-419 WARD 2
- b. Report from Zoning Examiner dated July 3, 2008
- c. Request to rezone approximately 9.64 acres from C-1 and RX-2 to C-2 zoning. The rezoning site is located on the northwest corner of Speedway Boulevard and Maguire Avenue, east of Pantano Road. Applicant: Michael Marks, on behalf of the property owner, Thomas Birt.

The preliminary development plan proposes an indoor/outdoor public area, the garden center retail gift shop, plant sales operations, a café with outdoor dining and courtyard, a warehouse, an office, and associated parking.

The rezoning proposal is in general compliance with the *General Plan* and the *Pantano East Area Plan*.

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

PROCEDURAL

- 1. A development plan in substantial compliance with the preliminary development plan dated April 9, 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. A six-foot-high masonry wall shall be placed along the north property line of the expansion area where it abuts residential uses.
9. Along street rights-of-way 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.
10. 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.
11. Six (6) inch wide fence block or greater shall be used for perimeter walls.
12. All dumpsters and loading zones shall be located at least fifty feet from any residential property line. Dumpsters shall be screened with walls and vegetation.
13. Four-sided architecture shall be employed on all buildings. Rear and side facades 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 similar to surrounding residential (or commercial) units. Site and building entry points to be highlighted and accented. Dimensioned elevation drawings shall be submitted as part of the development plan submittal.
14. 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.
15. Meet all parking, loading, and vehicle maneuvering requirements onsite.

DRAINAGE/GRADING/VEGETATION

16. Applicant shall provide a 10-foot landscape border along the Speedway frontage, and along Maguire Avenue adjacent to the parking lot. The 10' foot wide landscape borders shall consist of drought tolerant, low-maintenance vegetation. Landscaping shall not encroach more than five feet into the Speedway Boulevard right-of-way, consistent with what has already been approved for the existing landscape border by the Department of Transportation.
17. Applicant to provide drought-tolerant planting around basin area.
18. One canopy tree shall be provided within the vehicular use area for each four motor vehicle parking spaces, or the shade pattern caused by mature canopy trees, buildings, and other structures on the vehicular use area from 9:20 to 3:20 p.m. MST on June 21 must cover fifty percent of the paved area.
19. 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.
20. Specifications for water harvesting shall be clearly delineated on site plans to ensure it is correctly implemented at all necessary stages of construction. Consultation with the Office of Conservation and Sustainable Development regarding water harvesting principles, techniques and code requirements is required.
21. 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

- 22. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development will be at no expense to the Public.
- 23. Dedication, or verification of existence, of right-of-way, per the Major Streets and Routes Plan (and as needed to accommodate fronting roadway improvements), along the Speedway Boulevard site frontage.
- 24. Dedication of right-of-way along Maguire Avenue as needed to accommodate the installation of appropriate right-of-way improvements as required by this rezoning and DSD development standards.
- 25. Installation of a right turn/deceleration lane on Speedway Boulevard (as approved by TDOT Traffic Engineering).
- 26. Curb cuts along Speedway Blvd. will be limited to three with a minimum distance of 150 feet between access points and a minimum corner clearance of 50 feet or as determine by the Department of Transportation.
- 27. Any existing unused curb cuts/driveways along the abutting roadways/site frontages shall be closed.
- 28. All access drives along Speedway Blvd shall be in conformance with the Transportation Access Management Guidelines for the City of Tucson.
- 29. Installation of new curbing and sidewalk along the entire Maguire Avenue site/property frontage (approximately 1250'). Said improvements shall be installed by the owner/developer or through a separate project agreement between the owner/developer and the City.
- 30. Applicant agrees to modify the site plan in the future to accommodate a cross-access driveway with one of the two parcels abutting to the west, in the event that the land use on either of those two parcels changes and it undergoes a revised Development Plan or Site Plan.

OTHER

31. Provisions for on site refuse/recycle collection and storage/enclosure shall be shown on the Development Plan at the time of submittal for staff review. Refer to DS 6-01.0 for minimum requirements.
32. Educational signage should be installed at the "recycle pond" to explain the capture and reuse of water.

Six written approvals and three written protests were received prior to the Zoning Examiner's public hearing on May 29, 2008, resulting in a 22.49 percent protest to the north and requiring a three-fourths majority vote of Mayor and Council to adopt a rezoning ordinance. Subsequent to the Zoning Examiner's May 29, 2008 hearing date, and prior to the June 19, 2008 continuation date of the public hearing, one additional written protest was received, and the one written protest to the north was rescinded. Currently, there are six written approvals and three written protests on file for this case. One of the protests is within the 150 foot protest area, representing a 0.3 percent protest by area to the south, and zero percent protest in all other directions. The protests generally allude to traffic and the level of commercial development in the area.

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

**13. ZONING: (C9-07-03) HSL PROPERTIES – PANTANO ROAD, SR TO P, TIME EXTENSION AND CHANGE OF CONDITIONS**

- a. Report from City Manager AUG6-08-423 WARD 4
- b. Request to allow a six-month time extension and change of conditions for property located on the west side of Pantano Road, south of Escalante Road. Applicant: Steve Oliverio, WLB Group, on behalf of the property owner, HSL Properties.

The original one-year authorization will expire on August 6, 2008.

The preliminary development plan proposes construction of 110 additional parking spaces, on 1.16 acres, to serve the existing commercial use located north of the rezoning site.

The *Groves Neighborhood Plan* supports the development of the site for parking.

Staff recommends approval of a one-year time extension, from August 6, 2008, to August 5, 2009, and approval of the requested change of conditions, subject to the following revised conditions. Within the recommended conditions, deleted text is ~~strikethrough~~, new text is underlined.

1. A development plan in substantial compliance with the preliminary development plan dated February 5, 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. 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 minimum of ~~16~~ one (1) canopy trees per every four (4) parking spaces shall be installed within the parking area, with ~~at least 75 percent~~, or a minimum of twelve (12), of these canopy trees to be planted along the entire west side of the parking area.
4. Canopy trees shall be a minimum 15 gallon in size.
5. Security lighting shall be mounted no higher than wall on the west side of the rezoning site.
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. Damage to perimeter walls, regardless of the cause, will be repaired within five (5) working days.
8. If archaeological features are found during project construction, testing and data recovery will 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.
9. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
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. ~~One year is allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning by August 5, 2009~~
12. 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. Site plans shall include Water Harvesting Plan & Detail sheet(s) showing all water harvesting locations at the site including common areas, perimeter buffer areas and any retention/detention basins and should 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.

Three written approvals and three written protests were received prior to the Zoning Examiner's public hearing on April 12, 2007, at that time requiring a simple majority vote of Mayor and Council to adopt a rezoning ordinance. Prior to the Zoning Examiner's April 26, 2008 continuation of the public hearing, three additional written protests were received, and no written protests were recinded. Currently there are three written approvals and six written protests on file for this case. Two of the protests are within the 150 foot area, representing a 25.5 percent protest to the west. The protests generally allude to the fact the owner did not have permission to build the parking lot.

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

**14. CITY MAGISTRATES: APPOINTING NIKKI A. CHAYET AS A CITY MAGISTRATE AND FIXING COMPENSATION (CONTINUED FROM THE MEETING OF JUNE 3, 2008)**

- a. Report from City Manager AUG6-08-400 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.

**15. CITY MAGISTRATES: APPOINTING KAREN MAISH-LEAVITT AS A LIMITED SPECIAL CITY MAGISTRATE AND FIXING COMPENSATION**

- a. Report from City Manager AUG6-08-401 CITY-WIDE
- b. Ordinance No. 10572 relating to City Magistrates; appointing Karen Maish-Leavitt Limited Special City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

**16. MAYOR AND COUNCIL: SELECTION OF VICE-MAYOR**

- a. Report from City Manager AUG6-08-416 CITY-WIDE
- b. Resolution No. 21033 relating to the Vice-Mayor of the Mayor and Council; selecting a Vice-Mayor.

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

- a. Report from City Manager AUG6-08-396 CITY-WIDE

**18. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, September 3, 2008, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.