



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, NOVEMBER 4, 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 – Jared Adams, Youth Ambassador for the American Diabetes Association

PRESENTATIONS:

- a. Proclaiming November 3 to 8, to be “Yes 2 Kids Week”
- b. Proclaiming November 14, 2008 to be “Diabetes Awareness Day”
- c. Presentation of a LEED Gold Certification to the project team for the new Fire Station #22 and Battalion Chief Headquarters.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager NOV4-08-589 CITY-WIDE

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

- a. Report from City Manager NOV4-08-590 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager NOV4-08-591 CITY-WIDE
- b. Liquor License Applications

Person/Location Transfer(s)

- 1. Fairfield Inn Tucson Airport, Ward 5
6955 S. Tucson Blvd.
Applicant: Randy D. Nations
Series 7, City 67-08
Action must be taken by: November 20, 2008

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

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. Tucson - Sunshine Kiwanis Club, Ward 2
2959 N. Swan Rd.
Applicant: Steven Douglas Juhan
City T90-08
Date of Event: November 23, 2008
(Raise funds for Beads of Courage and Boy Scouts of America)

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

- 2. The University of Arizona Foundation, Ward 6
1031 N. Olive
Applicant: James H. Moore, Jr.
City T92-08
Date of Event: November 15, 2008
(Fundraising for UA Museum of Art)

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

- 3. Southern Arizona AIDS Foundation (SAAF), Ward 6
1303 E. University Blvd.
Applicant: Jessica L. Celentano
City T93-08
Date of Event: November 23, 2008
(Fundraiser-20th Annual Jérôme Beillard Festival for Life)

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

4. Tucson Pima Arts Council, Ward 1
140 N. Main Ave.
Applicant: Roberto Bedoya
City T95-08
Date of Event: November 15, 2008
(Art awards to Latino Community)

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

5. Tucson Hispanic Chamber of Commerce, Ward 3
3300 N. Fairview
Applicant: Maricela Solis de Koster
City T97-08
Date of Event: November 15, 2008 - November 16, 2008
(Fundraiser)

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 M

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: PARK AVENUE, IRVINGTON ROAD TO VALENCIA ROAD DISTRICT STREET LIGHTING AND SIDEWALK IMPROVEMENT

- a. Report from City Manager NOV4-08-593 WARD 5
- b. Hearing: This is the final hearing for the project. Interested parties may present objections to the legality of the assessment or any of the previous proceedings, or present evidence that the construction was not performed according to the contract.
- c. Resolution No. 21133 relating to Transportation; approving assessment and previous proceedings for the “Park Avenue, Irvington Road to Valencia Road District Street Lighting and Sidewalk Improvement,” in the City of Tucson, Arizona.

Staff recommends that the Mayor and Council adopt the subject resolution approving Assessments and Previous Proceedings.

9. ZONING: (C9-08-02) MARISCOS – GRANT ROAD, R-2 TO C-1, CITY MANAGER’S REPORT

- a. Report from City Manager NOV4-08-594 WARD 3
- b. Report from Zoning Examiner dated August 29, 2008
- c. Request to rezone an area extending 98 feet south of the current C-1 zoning line from R-2 to C-1 zoning. The rezoning site is located on the south side of Grant Road between Sixth and Fourth Avenues, south of Mariscos Chihuahua Restaurant. Applicant: Ben Buehler-Garcia, on behalf of the property owner, Graciela Garcia Valle.

The preliminary development plan proposes to provide required parking, a loading zone and a trash dumpster in order to support the north adjacent restaurant.

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

The Zoning Examiner and staff recommend authorization of P zoning extending 39 feet south from the existing C-1 zoning line subject to the following conditions:

PROCEDURAL

- 1. A development plan in substantial compliance with the preliminary development plan dated August 14, 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. One year is allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

7. Any proposed outdoor lighting shall be directed down and away from residentially zoned properties and public roadways and be as low in elevation as possible.
8. 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.
9. The owner/applicant shall provide a six-foot high block wall along the south, east and west perimeter of the site.
10. Six (6) inch wide fence block or greater shall be used for perimeter walls.
11. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Screen walls visible from the public right-of-way or when adjacent to residentially zoned property, 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. In addition, any continuous wall greater than 75 feet in length and 3 feet in height shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.

DRAINAGE/GRADING/VEGETATION

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. 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.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

14. The owner/applicant shall clearly delineate at least one pedestrian access point on the street frontage from Grant Road and pedestrian circulation from these access points to the commercial building and rear parking lot on the site plan.

Five written approvals and four written protests were received during the Zoning Examiner's public hearing on seven dates, requiring a three-fourths majority of the Mayor and Council to adopt a rezoning ordinance. No additional approvals or protests have been received subsequent to the Zoning Examiner's public hearing. Two of the protests are within the 150 foot area, representing a 51.95 percent protest by area to the east, and a 26.83 percent protest by area to the west.

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

10. ZONING: (C9-06-30) PALO VERDE IMPORT/EXPORT – SPEEDWAY BOULEVARD, R-1 TO O-2, ORDINANCE ADOPTION

- a. Report from City Manager NOV4-08-595 WARD 6
- b. Ordinance No. 10600 relating to zoning: amending zoning district boundaries in the area located on the northwest corner of Speedway Boulevard and Norton Avenue in Case C9-06-30, Palo Verde Import/Export – Speedway Boulevard, R-1 to O-2; 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 NOV4-08-592 CITY-WIDE

12. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, November 18, 2008, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.