



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, SEPTEMBER 22, 2009 – 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 – Monsignor Thomas Cahalane, Our Mother of Sorrows Parish

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Proclaiming September 28 through October 4, 2009 to be “American Indian Awareness Days.”
- b. Proclaiming October to be “Trees for Tucson Month.”
- c. Presentation of certificates of recognition to City Employees for suggestions in the Budget 911 program.

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

- a. Report from City Manager SEP22-09-482 CITY-WIDE

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

- a. Report from City Manager SEP22-09-483 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager SEP22-09-484 CITY-WIDE
- b. Liquor License Application(s)

New License(s)

- 1. Old Peking Restaurant, Ward 6
2522 E. Speedway Blvd.
Applicant: Zhu Hezhi
Series 12, City 60-09
Action must be taken by: September 27, 2009

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

- 2. Sabor Tropical, Ward 3
1929 E. Grant Rd.
Applicant: Monica Del Carmen Lopez Jaramillo
Series 12, City 58-09
Action must be taken by: September 24, 2009

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

Public Opinion: Written Argument In Favor 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)

- 1. Fourth Avenue Merchants Association, Ward 6
4th Ave. between University Blvd and 9th St.
Applicant: John A. Sedwick
City T47-09
Date of Event: December 11, 2009 - December 13, 2009
(Fundraising civic event)

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

2. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Wy.
Applicant: Michelle Grace Conklin
City T58-09
Date of Event: October 11, 2009
(Fundraising event - A Butterfly Affaire)

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

3. Rotary Club of Tucson, Ward 2
3231 N. Craycroft Rd.
Applicant: William Palmer Patton, II
City T59-09
Date of Event: October 17, 2009
(Car show fundraiser for Reading Seed Literacy Program)

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

4. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Amanda Ivy Reed
City T61-09
Date of Event: October 9, 2009
(Exhibition opening reception)

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

5. St. Margaret Mary Alacoque Parish, Ward 1
801 N. Grande Ave.
Applicant: Federico T. Valdenegro
City T66-09
Date of Event: October 3, 2009 - October 4, 2009
(Annual fiesta)

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

Public Opinion: Written Argument In Favor Filed

6. Tucson's Young Professionals, Inc., Ward 1
140 N. Main Ave.
Applicant: Kevin A. Moreau
City T67-09
Date of Event: October 2, 2009
(To promote community/event in downtown Tucson)

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

7. Saints Peter and Paul Catholic School, Ward 6
1436 N. Campbell Ave.
Applicant: Ralph C. Nunez
City T69-09
Date of Event: October 3, 2009
(School fundraiser/funds are utilized to enhance facility and grounds)

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

8. Artsake Foundation, Ward 6
Congress St. between 4th Ave. & 6th Ave.; 5th Ave. between
Toole & Broadway Blvd.
Applicant: Jeb Bley Schoonover
City T70-09
Date of Event: October 3, 2009
(Fundraiser)

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

9. St. Joseph Parish Fiesta, Ward 6
215 S. Craycroft Rd.
Applicant: Mathias Peter Wirtz
City T71-09
Date of Event: October 9, 2009 - October 10, 2009
(Annual social event for parish)

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

10. Our Mother of Sorrows Parish, Ward 4
1800 S. Kolb Rd.
Applicant: Argelia Saavedra
City T72-09
Date of Event: October 9, 2009 - October 11, 2009
(Annual parish fiesta)

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

11. Tucson Culinary Festival, Ward 1
17 W. Congress St.
Applicant: Maya T. Luria
City T80-09
Date of Event: October 9, 2009
(Exploring cultural cocktails)

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

d. Agent Change/Acquisition of Control/Restructure

1. Famous Dave's, Ward 3
4565 N. Oracle Rd.
Applicant: David Michael Dworak
Series 12, City AC6-09
Action must be taken by: October 4, 2009

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

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

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, 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: AMENDING THE 2004 PIMA COUNTY BOND PROGRAM TO ADD BOA SORTE AS AN ELIGIBLE PROJECT

- a. Report from City Manager SEP22-09-494 WARD 2 AND OUTSIDE CITY
- b. Hearing on a request by Pima County for the City of Tucson to approve the addition of the Boa Sorte site as an eligible project under the 2004 Pima County Bond Program.
- c. Resolution No. 21395 relating to parks and habitat conservation; requesting the Board of Supervisors to amend Pima County Ordinance 2004-18, the Bond Implementation Plan Ordinance for the May 18, 2004 Bond Election, and add Boa Sorte as a property that is eligible to purchase for conservation under Bond Project OS1.15 Agua Caliente; and declaring an emergency.

9. ZONING: (C9-09-04) BROWN FAMILY PARTNERSHIP – DREXEL ROAD, R-1 TO C-2, CITY MANAGER’S REPORT

- a. Report from City Manager SEP22-09-487 WARD 5
- b. Report from Zoning Examiner dated July 24, 2009
- c. Request to rezone approximately 5.90 acres from R-1 to C-2 zoning. The rezoning site is located on the southeast corner of Campbell Avenue and Drexel Road. Applicant: Robert Conant of the Planning Center on behalf of the property owners Garold C. Brown Family Limited Partnership.

The preliminary development plan proposes a 472-unit, single story, self-storage facility.

The rezoning proposal is consistent with and supported by the policy direction in the *Kino Area Plan* and the *General 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 May 7, 2009, 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. The owner/developer shall record the Airport Disclosure Statement form that discloses the existence, and operational characteristics of the Tucson International Airport, to future owners or tenants of the property, prior to the City's approval of the development plan or final plat. The Airport Disclosure Statement shall further convey the right to the public to lawfully use the airspace above the property.
4. 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.
5. Dedication of a 50-foot-wide trail access easement along Rodeo Wash to include:
 - a. A 10-foot-wide paved asphalt path to be constructed within the easement.
 - b. Easement shall be landscaped.
 - c. A safety railing shall be provided along Rodeo Wash.
 - d. Final path design, landscaping and irrigation of easement corridor and trail connections shall be subject to approval by the City of Tucson Parks and Recreation Department.
6. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
7. 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.
8. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

9. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
10. The site perimeter is to be fully secured at all times, and access to the site shall be secured.
11. Hours of operation are limited to 7:00 a.m. to 7:00 p.m.
12. An employee shall be onsite at all times the facility is open for business.
13. Perimeter security lighting shall be provided throughout the night, and interior security lighting shall be provided as needed. All lighting shall be shielded, directed downward, and as low in elevation as is reasonably possible.
14. Building height shall be limited to a maximum of 16 feet.
15. Exterior mechanical equipment shall be ground mounted, and screened from the view from the surrounding properties and streets.

Quality in Design

16. Enhanced landscaping shall be provided along the southern edge of the site, within the 50-foot wide WASH Ordinance study area.
17. Decorative eight (8)-foot-high masonry walls shall be provided along the south and east borders of the site.
18. Portions of the walls of the storage units may serve as the perimeter wall for the site. Those wall segments shall be constructed of decorative block and painted with graffiti-resistant paint. Decorative eight (8)-foot-high wrought iron fencing shall be provided between the wall segments along Drexel Road and Campbell Avenue.
19. The office building, and exterior storage building walls visible from the surrounding properties and streets, shall be designed to fit in with the residential character of, and be consistent with, the architectural styles in the surrounding neighborhood.
20. Color elevations, and exterior wall and perimeter fencing details shall be provided as part of the development plan submittal, to demonstrate compliance with the rezoning conditions. Documentation demonstrating that the development fits into the residential character of the neighborhood, and is

consistent with neighborhood architectural styles, shall also be provided with the development plan submittal.

21. The office building, and exterior storage building walls visible from the surrounding properties and streets, shall incorporate a design treatment that is visually interesting at the pedestrian level. The design treatment shall include two or more decorative textures and/or materials, such as block, brick, stucco, tile, stone, etc., and it shall be graffiti-resistant.
22. A consistent design treatment shall be provided along all four elevations of the development that are visible from the surrounding properties and streets.
23. 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.
24. Six (6) inch wide fence block or greater shall be used for perimeter walls.
25. The owners/developers shall ensure that graffiti is removed within five working days of discovery.

DRAINAGE/GRADING/VEGETATION

26. 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.
27. 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 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. Consult the Office of Conservation and Sustainable Development prior to the development of water harvesting plans.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

- 28. Access drive shall be located a minimum of 300 feet form the Campbell Avenue/Drexel Road intersection.
- 29. A sign shall be posted at the Drexel Road exit, reading “Watch for pedestrians and bicyclists”.
- 30. Applicant shall dedicate or verify the existence, of the east half right-of-way of Campbell Avenue per the MS&RP, including intersection widening.

31. Applicant shall dedicate or verify the existence, of the east half right-of-way of Drexel Road per the MS&RP, including intersection widening.
32. Applicant shall dedicate a 30-foot radius spandrel at the northwest corner of the site.
33. Applicant shall install additional lane pavement, curbs and sidewalks along Campbell Avenue and Drexel Road frontages of the site. Said improvements shall include necessary traffic signal modifications and pavement tapers beyond the limits of the site.
34. Applicant shall provide an ADA accessible bus shelter pad (not to include the shelter structure) and connecting sidewalk. The bus shelter pad or new sidewalk shall connect directly to the back of curb as required by ADA to provide a stable wheelchair lift deployment area.

Zero written approvals and zero written protests were received prior to the Zoning Examiner's public hearing on July 9, 2009. Subsequent to the Zoning Examiner's public hearing, one written approval and zero written protests were received.

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

10. PROFESSIONAL SERVICES CONTRACT: WITH DOWNTOWN TUCSON PARTNERSHIP FOR CONSULTING SERVICES

- a. Report from City Manager SEP22-09-495 CITY-WIDE
- b. Resolution No. 21394 relating to consultant services; authorizing and approving the execution of a contract for consultant services between the City of Tucson and Downtown Tucson Partnership, an Arizona non-profit corporation; and declaring an emergency.

11. DEVELOPMENT AGREEMENT: APPROVING DEFERRAL OF IMPACT FEES AND CONTRIBUTION TO THE AFFORDABLE HOUSING TRUST FUND FOR THE OASIS GOLF LINKS AND OASIS HARRISON RESIDENTIAL DEVELOPMENTS

- a. Report from City Manager SEP22-09-492 WARDS 2 AND 4

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

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager SEP22-09-485 CITY-WIDE

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, October 6, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.