



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, JANUARY 17, 2007 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Glenn P. Howell, Tucson Human Relations Commission Chairperson

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Presentation to Catalina Foothills Marching Band in honor of the first Tucson high school band to be invited to perform in the Macy's Thanksgiving Day Parade.
- b. Presentation to Maku Wood, Catalina Foothills High School, in recognition of receiving the Bob Hope Band Scholarship Award.
- c. Proclaiming the week of January 15 – 19, 2007 as "Homes for Arizonans Week".

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager JAN17-07-22 CITY-WIDE

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

- a. Report from City Manager JAN17-07-23 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager JAN17-07-24 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. My Brother’s Place, Ward 6
135 E. Congress St.
Applicant: Ernest Dale Krull
Series 12, City 123-06
Action must be taken by: January 20, 2007

Review in process.
- 2. Rio Cafe, Ward 6
2526 E. Grant Rd.
Applicant: Richard Leland Epling
Series 12, City 124-06
Action must be taken by: January 28, 2007

Staff has indicated the applicant is in compliance with city requirements.
- 3. Big L Market, Ward 5
1353 S. 4th Ave.
Applicant: David John Gutierrez
Series 10, City 125-06
Action must be taken by: January 29, 2007

Review in process.

Public Opinion: Written Argument Opposed Filed
- 4. The French Quarter, Ward 6
3146 E. Grant Rd.
Applicant: Gayane Terzian
Series 12, City 126-06
Action must be taken by: January 29, 2007

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)

c. Special Event

1. Santa Cruz Parish, Ward 5
1220 S. 6th Ave.
Applicant: William M. Sneyd
City T89-06
Date of Event: February 17, 2007 - February 18, 2007
(52nd Fiesta de La Familia)

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

d. Agent Change

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 F

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: (C9-06-10) LLDN – VALENCIA ROAD, R-2 TO C-1 AND C-2, CITY MANAGER’S REPORT

- a. Report from City Manager JAN17-07-27 WARD 1
- b. Report from Zoning Examiner dated December 29, 2006
- c. Request to rezone approximately 3.03 acres from R-2 (Medium-density, Single- and Multi-family Residential) to C-1 (Low-intensity Commercial) and C-2 (General Commercial) zoning. Applicant: William Podolsky, on behalf of the property owner, LLDN Development Company. The rezoning site is located at the southwest corner of Valencia Road and Nogales Highway. The owner/developer proposes to construct a one-story convenience store with 14 fuel dispensing locations and 18,855 square feet of retail uses in two additional one-story buildings.

The *12th Avenue/Valencia Road Area Plan* and the *General Plan* support commercial uses and C-2 zoning at this location. All of the proposed uses are permitted within the Airport Environs Zone. The rezoning site is not within the Runway Protection Zone (RPZ) identified by the Federal Aviation Administration (FAA). The Tucson Airport Authority supports the rezoning request.

On September 6, 2006, the Mayor and Council voted 6 to 0 to remand this rezoning request to the Zoning Examiner for a new public hearing for a further finding of fact regarding the safety of a gas station at this location in proximity to Tucson International Airport.

On November 3, 2006, the applicant submitted additional information to staff including exhibits depicting the location of the main runway and the associated “clear zone” at Tucson International Airport in 1974 and the present time which showed that the main runway has been moved away from the rezoning site.

The Zoning Examiner held a new public hearing on December 14, 2006 on behalf of the Mayor and Council. The Zoning Examiner recommends approval of C-1 and C-2 zoning.

Staff recommends authorization of C-1 and C-2 zoning subject to the recommended conditions.

- 1. A development plan in substantial compliance with the preliminary development plan dated May 16, 2006, 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 owner/developer shall dedicate the applicable right-of-way along Valencia Road and Nogales Highway street frontages including applicable intersection widening.

3. The owner/developer shall dedicate a 30-foot radius spandrel at the northeast corner of the site.
4. Prior to a development plan approval, an airport disclosure statement shall be recorded with the land to inform current and future property owners of the potential aviation impacts to the site. Information of the airport disclosure statement shall be included as a general note on the development plan and shall include the recordation information.
5. Parking area access lanes and on-site pedestrian circulation systems shall be designed and located on the site to allow future connectivity with the adjacent parcels to the west and south.
6. Outdoor lighting mounted on west or south building elevations shall be mounted at a minimum height to provide safe security lighting and shall be shielded so that bulb/element glare is not visible from adjacent properties.
7. Prior to development plan approval, the Department of Transportation shall review the project for compliance with future Regional Transportation Authority limited Parkway requirements as it applies to Valencia Road.
8. If a building permit or tentative plat for residential development on the adjacent R-2 zoned properties is submitted to the City of Tucson prior to the submittal of a development plan for the rezoning site, the following conditions shall apply:
 - a. Noise generating ancillary uses, such as but not limited to: dumpsters, loading zones, drive-through lanes, outdoor public address systems, ATMs, guard dogs, and other noise generating uses shall be located no less than 50 feet from the west and south property lines.
 - b. The minimum setback for structures along the west and south property boundaries shall be no less than 45 feet.
 - c. Delivery and/or loading activity shall occur between the hours of 7:00 A.M. to 10:00 P.M.
 - d. Fifteen-gallon native canopy trees shall be planted twenty-five feet on center along the full length of the west and south property lines. All trees shall be on a permanent irrigation system.

9. The integrity of architectural design elements shall be applied to the sides and rear building façades when those structures are visible from the right-of-way and any pedestrian links and paths.
10. The owner/developer shall construct a bus pull-out/pull-through and a bus shelter on the Old Tucson-Nogales Hwy (U.S. 89), as determined by the Department of Transportation.
11. Six-foot high masonry walls shall screen outdoor storage areas and no outdoor storage shall be stacked to be visible above the enclosure walls.
12. The owner/developer shall submit a Category II traffic impact analysis at the time of development plan review.
13. The proposed development shall be limited to one access point from each street frontage.
14. The owner/developer shall install additional pavement along the entire street frontage of both Valencia Road and Nogales Highway to accommodate a five-foot wide bike lane.
15. The owner/developer shall install a right-turn lane along the entire project length on Valencia road.
16. The owner/developer shall provide for signal improvements at the intersection of Valencia Road and Nogales Highway not to exceed \$25,000.
17. The owner/developer shall install a right turn lane at the Nogales Highway access point.
18. 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.
 - a. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
 - b. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin side slopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.

- c. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
 - d. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
 - e. All security barriers and screening for detention/retention basins shall meet Safe by Design guidelines.
19. 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.
 20. Four (4) inch or less masonry block shall not be used for perimeter walls.
 21. 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.
 22. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
 23. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
 24. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Three (3) written approvals and three (3) written protests were received prior to the Zoning Examiner’s public hearing on December 14, 2006. Two (2) of the protests are within the 150 foot area, representing a 4 percent protest by area to the north, a 0 percent protest by area to the east, a 0 percent protest by area to the south, and a 0 percent protest by area to the west. The protests generally allude to concerns regarding traffic congestion, and public safety.

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

9. ZONING: (C9-04-21) WESTERN FINANCIAL – CRAYCROFT ROAD, ORDINANCE ADOPTION

- a. Report from City Manager JAN17-07-26 WARD 6
- b. Ordinance No. 10368 relating to zoning: amending zoning district boundaries in the area located at the northeast corner of Craycroft Road and Lester Street in Case C9-04-21, Western Financial – Craycroft Road, R-2 to O-1; and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance.

10. ZONING: (C9-05-28) DESCO SOUTHWEST – GRANT ROAD, ORDINANCE ADOPTION

- a. Report from City Manager JAN17-07-28 WARD 2
- b. Ordinance No. 10369 relating to zoning: amending zoning district boundaries in the area located on the north side of Grant Road, approximately one-half mile west of Wilmot Road in Case C9-05-28, DESCO Southwest - Grant Road, R-1 to O-3, and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance.

11. ZONING: (C9-05-19) OT DRAGOON – PIMA STREET, R-1 TO R-3, ORDINANCE ADOPTION

- a. Report from City Manager JAN17-07-29 WARD 2
- b. Ordinance No. 10370 relating to zoning: amending zoning district boundaries in the area located on the north side of Pima Street at the alignment of Alamo Avenue in Case C9-05-19, OT Dragoon – Pima Street, R-1 to R-3, and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance.

12. WATER: NOTICE OF INTENTION TO INCREASE THE WATER SYSTEM EQUITY FEE, AND SCHEDULING A PUBLIC HEARING FOR MARCH 20, 2007

- a. Report from City Manager JAN17-07-33 CITY-WIDE AND OUTSIDE CITY
- b. Resolution No. 20560 relating to water; authorizing the adoption of a notice of intention to increase a water system equity fee; and declaring an emergency.

It is recommended that the Mayor and Council:

- Adopt the Notice of Intention to increase the system equity fee;
- File the November 10, 2006 System Equity Fee Update report, which includes the proposed fees schedule, with the City Clerk; and
- Establish March 20, 2007, as the date for a public hearing on the proposed fee increase.

13. WATER: NOTICE OF INTENTION TO ESTABLISH A CAP WATER RESOURCE FEE, AND SCHEDULING A PUBLIC HEARING FOR MARCH 20, 2007

- a. Report from City Manager JAN17-07-34 CITY-WIDE AND OUTSIDE CITY
- b. Resolution No. 20561 relating to water; authorizing the adoption of a notice of intention to implement a Central Arizona Project (“CAP”) Water Resource fee; and declaring an emergency.

It is recommended that the Mayor and Council:

- Adopt the Notice of Intention to establish the fee;
- File the *CAP Water Resource Fee* Report, which includes the proposed fees schedule, with the City Clerk as the report supporting the new fee; and
- Establish March 20, 2007, as the date for a public hearing on the proposed fee.

14. LICENSE RENEWAL: REQUESTING COX COMMUNICATIONS TO PROVIDE A FORMAL RENEWAL PROPOSAL TO THE CITY OF TUCSON

- a. Report from City Manager JAN17-07-36 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-

15. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager JAN17-07-21 CITY-WIDE

16. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, January 23, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.