





# 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, JANUARY 27, 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 – Captain Christopher Pena, Tucson Fire Department

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

**PRESENTATIONS:**

- a. Presentation of a certificate to Terri Pearson, as an “Extraordinary Citizen”.

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

- a. Report from City Manager JAN27-09-36 CITY-WIDE

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

- a. Report from City Manager JAN27-09-37 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

a. Report from City Manager JAN27-09-38 CITY-WIDE

b. Liquor License Applications

New License(s)

1. Cheba Hut, Ward 6  
1820 E. 6th St.  
Applicant: Steven Duane Bigelow, Jr.  
Series 12, City 83-08  
Action must be taken by: January 30, 2009

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

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

2. Mi Ranchito Supermarket, Ward 1  
1777 W. 36th St.  
Applicant: Sanjay Vinubhai Patel  
Series 10, City 84-08  
Action must be taken by: January 31, 2009

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

Public Opinion:           Written Arguments Opposed Filed  
  Written Arguments In Favor Filed

3. Croesus Limited, L.L.C., Ward 6  
4500 E. Speedway Blvd., Suite #6  
Applicant: Ryan G. Distel  
Series 4, City 85-08  
Action must be taken by: February 6, 2009

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

4. Red Lobster #6354, Ward 1  
5315 S. Calle Santa Cruz  
Applicant: John Michael Knapp  
Series 12, City 87-08  
Action must be taken by: February 8, 2009

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(s)

1. Salpointe Catholic High School, Ward 3  
1545 E. Copper St.  
Applicant: Lori M. Giovannini  
City T105-08  
Date of Event: February 14, 2009  
(Fundraiser)

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

2. Tucson Metro. Community Chorus dba Desert Voices, Ward 6  
738 N. 5th Ave.  
Applicant: Rebecca H. Cohen  
City T107-08  
Date of Event: February 7, 2009  
(Non-profit fundraiser)

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

3. Rialto Theatre Foundation, Ward 6  
318 E. Congress St.  
Applicant: Douglas Biggers  
City T108-08  
Date of Event: February 7, 2009 - February 8, 2009  
(Live music performance at Rialto during gem show)

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

4. Tucson Young Professionals, Ward 1  
140 N. Main Ave.  
Applicant: Teresa Bommarito  
City T109-08  
Date of Event: February 6, 2009  
(To promote community event in downtown Tucson)

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

5. Coyote Taskforce, Inc./Cafe 54, Ward 6  
54 E. Pennington St.  
Applicant: Mindy Bernstein  
City T110-08  
Date of Event: February 14, 2009  
(Valentine's Day Dinner)

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

- d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent change(s) 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 O

**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: (C9-06-03) LARSEN BAKER – GOLF LINKS ROAD, SR TO C-1, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION**

- a. Report from City Manager JAN27-09-41 WARD 4
- b. Ordinance No. 10626 relating to zoning: amending zoning district boundaries in the area located at the southwest corner of Golf Links Road and Houghton Road in Case C9-06-03, Larsen Baker – Golf Links Road, SR to C-1; and setting an effective date.

A three-fourths majority vote will be necessary to adopt the ordinance.

**9. ZONING: (SE-08-39) AT&T AT HOLY TRINITY – 12TH AVENUE, R-1 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT, DIRECT ORDINANCE ADOPTION**

- a. Report from City Manager JAN27-09-42 WARD 1
- b. Report from Zoning Examiner dated December 5, 2008
- c. This is a Special Exception Land Use request to allow the installation of a communication facility concealed within an artificial palm tree, 65 feet in height, within a slump block enclosed equipment compound, 1,600 square feet in size, located on the southeast corner of Twelfth Avenue and Calle Alvord, north of Bilby Road. Applicant: Steve Olson of the Lyle Company.

The special exception request is consistent with the policies and intent of the *Twelfth Avenue-Valencia Road Area Plan* and the *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 were received for this case. No approvals or protests have been received subsequent to the public hearing.

- d. Ordinance No. 10628 relating to zoning; a special exception land use – wireless communications facility use – AT&T at Holy Trinity – 12<sup>th</sup> Avenue – on the southeast corner of Twelfth Avenue and Calle Alvord, north of Bilby Road; approving with conditions the construction of telecommunications facility use within a 65 foot artificial palm tree in the R-1 zone – Case SE-08-39; and setting an effective date.

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

**10. ZONING: (SE-08-40) AT&T – MISSION ROAD, R-1 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT, DIRECT ORDINANCE ADOPTION**

- a. Report from City Manager JAN27-09-43 WARD 1
- b. Report from Zoning Examiner dated December 5, 2008
- c. This is a Special Exception Land Use request to allow the installation of a communication facility concealed within a 65-foot high artificial palm tree with the associated ground equipment to be located within a 1,600 square-foot area enclosed by a block wall, located on the west side of Mission Road between 36<sup>th</sup> Street and Ajo Way. Applicant: Steve Olson, on behalf of the property owners, Enchanted Hills Baptist Church.

The special exception request is consistent with the policies and intent of the *Tumamoc 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 one written protest were received for this case. The protest lies outside the 150-foot protest area and outside the 300-foot notification area. No approvals or protests have been received subsequent to the hearing.

- d. Ordinance No. 10627 relating to zoning; a special exception land use – wireless communications use – AT&T – Mission Road – located on west side of Mission Road between 36<sup>th</sup> Street and Ajo Way; approving with conditions the construction of a telecommunications facility within a 65 foot artificial palm tree in the R-1 zone – Case SE-08-40; and setting an effective date.

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

**11. ZONING: (C9-08-14) ROCKING M CONSTRUCTION – WILMOT ROAD, R-1 TO O-2, CITY MANAGER’S REPORT**

- a. Report from City Manager JAN27-09-44 WARD 4
- b. Report from Zoning Examiner dated December 5, 2008
- c. Request to rezone approximately 0.23 acres from R-1 to O-2 zoning. The rezoning site is located on the west side of Wilmot Road, north of Twenty Second Street. Applicant: Philip Carhuff of Krebs, Carhuff Architects, Inc., on behalf of the property owners, Rocking M Construction, Inc.

The preliminary development plan proposes an office building, 1,478 square feet in size and 16.5 feet in height.

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

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

PROCEDURAL

1. A development plan in substantial compliance with the Design Compatibility Report and the preliminary development plan dated September 10, 2008, revised to show a shared access with the property to the north, and no separate rezoning site access to Wilmot Road, 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. All buildings shall be designed to have “four-sided” architecture and shall be limited to 18 feet in height. Building facades at the rear and sides shall have architectural character and detail comparable to the front façade, including but not limited to color palette, rooflines, and exterior materials. Colored and dimensioned elevation drawings shall be submitted as part of the development plan submittal to demonstrate compliance with this condition.
9. All exterior mechanical equipment shall be screened from view from the surrounding properties and public roadways.
10. All new screen 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. The design of the wall shall be consistent with the overall architectural design theme of the office development. A wall detail shall be provided as part of the development plan submittal to demonstrate compliance with this condition.
11. Six (6) inch wide fence block or greater shall be used for perimeter walls.
12. All outdoor lighting shall be full cutoff, shielded downward, and directed away from adjacent residential parcels.
13. The owner/developer shall provide onsite, screened storage space for two automated plastic containers (APC) and ensure that the containers will not obstruct the sidewalk along Wilmot Road during collection times.

## DRAINAGE/GRADING/VEGETATION

14. 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.
15. One canopy tree shall be provided within the vehicular use area for each four motor vehicle parking spaces. Alternatively, the applicant may demonstrate, through a shade pattern analysis, that the shade pattern created by mature canopy trees, buildings and other structures on the vehicular use area, on June 21 from 9:20 a.m. to 3:30 p.m., shall cover fifty percent of the paved area.

16. 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.

Four written approvals and five written protests were received prior to the Zoning Examiner's public hearing, at that time requiring a three-fourths majority vote of the Mayor and Council to adopt a rezoning ordinance. Subsequent to the Zoning Examiner's public hearing, no written protests have been rescinded. Three of the protests are within the 150 foot area, representing a 59.6 percent protest by area to the east, zero percent to west, 4.9 percent to the north, and 17.2 percent to the south. The protests generally allude to traffic concerns and compatibility with residential properties.

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

12. **REAL PROPERTY: SITE ACQUISITION FOR BROKEN SPRINGS TRAIL WATER BOOSTER STATION (CONTINUED FROM THE MEETING OF JANUARY 13, 2009)**
  - a. Report from City Manager JAN27-09-57 OUTSIDE CITY

- b. Resolution No. 21196 relating to real property; authorizing the City Manager to acquire by negotiation certain real property located near the intersection of Broken Springs Trail and Camino del Cerro for a water booster station and related facilities; and declaring an emergency.

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

- a. Report from City Manager JAN27-09-39 CITY-WIDE

**14. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, February 3, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.