



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, JUNE 3, 2002 – 2:00 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Reverend Steve Melde, Christ Presbyterian Church

PLEDGE OF ALLEGIANCE – Mayor and Council, Staff and Public in Attendance

PRESENTATIONS:

- (a) Certificate of Appreciation to Sid Morse for providing 240 new wheelchairs to Tucson's Sister City of Almaty, Kazakhstan.

3. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager JUNE3-02-299 CITY-WIDE

4. CALL TO THE AUDIENCE:

At this time, any member of the public is allowed to address the Mayor and City Council on any issue *not listed on today's agenda*. 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."

5. CONSENT AGENDA - ITEMS A THROUGH K

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.

6. LIQUOR LICENSE APPLICATIONS

- (a) Report from City Manager JUNE3-02-293
- (b) LIQUOR LICENSE APPLICATION(S)

Location Transfer(s)

- | | |
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| (1) PETER PIPER PIZZA #00550
1370 N. Silverbell Road #192
Applicant: Donald Robert Baxla
City #037-02, located in Ward 1
Series 7
Action must be taken by June 22, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Planning: In Compliance
Business License: In Compliance |
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NOTE: State law provides that a new license, "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 community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

(c) Special Event(s)

- | | |
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| (1) METROPOLITAN TUCSON
CONVENTION & VISITORS BUREAU
134 S. 5th Avenue
Applicant: Victoria Anne Doyle
City #T043-02, located in Ward 6
Date of Event: June 20, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Planning: In Compliance |
| (2) TUCSON BREAKFAST LIONS CLUB
4823 S. 6th Avenue
Applicant: Raymond James McKee
City #T047-02, located in Ward 5
Date of Event: June 14, 2002
June 15, 2002 | <u>Staff Recommendation</u>

Police: Review not complete
Planning: In Compliance
Parks & Recreation: In Compliance |

- (3) SANTA RITA EXCHANGE CLUB
3700 S. La Cholla Blvd.
Applicant: Richard Domonic Medran
City #T050-02, located in Ward 1
Date of Event: June 8, 2002
Staff Recommendation
Police: **Review not complete**
Planning: In Compliance
Parks & Recreation: In Compliance
- (4) JUVENILE DIABETES RESEARCH FOUNDATION
200 S. 6th Avenue
Applicant: Lori Stratton
City #T051-02, located in Ward 6
Date of Event: June 6, 2002
Staff Recommendation
Police: In Compliance
Planning: In Compliance

(d) Extension of Premises

- (1) KICKSTART GRILL
8987 E. Tanque Verde Road
Applicant: John W. Fahlberg
City #EP25-02, located in Ward 2
Date of Event: June 7, 2002
 June 15, 2002
 July 5, 2002
Type: Temporary
Staff Recommendation
Police: In Compliance
Planning: In Compliance
- (2) TAMALEZATLA PLACITA VILLAGE
110 S. Church Street, #7136
Applicant: Brenda Z. Silvas
City #EP26-02, located in Ward 6
Date of Event: June 8, 2002
Type: Temporary
Staff Recommendation
Police: In Compliance
Planning: In Compliance
- (3) CHUY'S
7101 E. 22nd Street
Applicant: James "Brian" Latta
City #EP28-02, located in Ward 2
Date of Event: June 22, 2002
Type: Temporary
Staff Recommendation
Police: In Compliance
Planning: In Compliance

7. **ELECTIONS: CANVASSING RETURNS AND DECLARING RESULTS OF THE MAY 21, 2002 SPECIAL ELECTION**

- (a) Report from City Manager JUNE3-02-313 CITY-WIDE

8. POLITICAL ACTIVITIES: AMENDING THE TUCSON CODE TO ALLOW CIVIL SERVICE EMPLOYEES TO PARTICIPATE IN CITY OF TUCSON ELECTIONS

- (a) Report from City Manager JUNE3-02-314 CITY-WIDE

9. WATER: UPDATED TUCSON WATER FINANCIAL PLAN FOR FISCAL YEARS 2002 THROUGH 2007

- (a) Report from City Manager JUNE3-02-298 CITY-WIDE & OUTSIDE CITY
- (b) Resolution No. 19219 relating to Tucson Water: approving and authorizing the Tucson Water Financial Plan for the period from fiscal year 2002 to fiscal year 2007, and an increase in water rates charged by the City of Tucson; and declaring an emergency.

10. ZONING: (C9-01-25) KEMMERLY COMPANY – CAMINO SECO, RX-1 TO R-1, ORDINANCE ADOPTION

- (a) Report from City Manager JUNE3-02-311 WII
- (b) Ordinance No. 9711 relating to zoning: amending zoning district boundaries in the area located at the southeast corner of Camino Seco and Wrightstown Road in Case C9-01-25, Kemmerly Company, RX-1 to R-1; and setting an effective date.

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

11. ZONING: (C9-02-06) WALGREEN'S – ALVERNON WAY, O-3 TO C-1, CITY MANAGER'S REPORT

- (a) Report from City Manager JUNE3-02-306 WIII
- (b) Report from Zoning Examiner dated May 10, 2002
- (c) Request to rezone approximately 0.74 acres from O-3 (Mid-Rise Office) to C-1 (Low-intensity Commercial) zoning. Applicant: Anne Warner of Planning Resources, on behalf of the property owners, Ben-Cor.

The rezoning site is located at the northwest corner of Alvernon Way and Grant Road. The preliminary development plan is for a 13,650 square foot drug store on 1.6 acres.

The Zoning Examiner and the City Manager recommend approval of C-1 zoning subject to the following conditions:

1. A development plan, in substantial compliance with the preliminary development plan dated April 24, 2002, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. All on-site lighting shall be no higher than sixteen (16) feet, measured to the light source, within fifty (50) feet of the north property line. All on-site lighting shall be directed away from any residential development.
3. A landscape plan shall be submitted and approved including:
 - a. A minimum 25-foot wide landscape buffer shall be provided adjacent to the west 146 feet of the north property line.
 - b. A ten (10) to twenty (20) foot wide landscape buffer shall be provided adjacent to the balance of the north property line.
 - c. An eight foot tall decorative masonry wall along the north property line.
4. The pavement width at the entrance to the one-way drive north of the building shall be no more than 20 feet wide.
5. The parking spaces accessed via the one-way drive shall not be perpendicular to the PAAL.
6. The loading zone north of the building shall be parallel to the one way access drive north of the building.
7. The access drive to Haskell at the north end of the site shall be a left-turn and exit only.
8. All one-way drives shall be appropriately marked with signage and pavement marking.
9. Vehicular and pedestrian connectivity shall be provided to the commercial development at the intersection of Grant Road and Alvernon Way.
10. If determined to be appropriate by the Traffic Engineering Section, a pedestrian table crossing Haskell Drive and connecting with the on-site pedestrian system shall be provided.
11. Dedication, or verification of existence, of right-of-way per the *Major Streets and Routes Plan* map, including applicable intersection widening, along the Grant Road and Alvernon Way.

12. Developer responsible to provide striping on Alvernon Way for left turn access into property. Developer responsible to upgrade traffic signal to video detection in all four directions to increase efficiency of signal at intersection to improve southbound left turn stacking.
13. Installation of a westbound right turn/deceleration bus pullout lane on Grant Road at the Grant Road access point.
14. In lieu of installing an additional lane of pavement and relocating the existing curb and sidewalk along the Alvernon Way frontages of the property site, the owner/developer shall contribute \$85 per foot of Grant Road and Alvernon Way frontage at the time of ordinance adoption to cover the costs of these future improvements.
15. Installation of curb and sidewalk along Haskell Drive.
16. All landscaped areas shall be depressed six inches.
17. A detailed hydrology and hydraulics report shall include analysis showing no impact to existing flow conditions in Alvernon Way and specifically the intersection on Alvernon Way and Grant Road.
18. There shall be no adverse impact to existing flow conditions in adjacent properties upstream or downstream.
19. There shall be no impediment to flow as a result of raising the site to comply with the finished floor elevation requirements in the floodplain of Alvernon Wash.
20. The drainage report shall include a provision of five (5) year Threshold Retention storage on-site.
21. The building pad must be removed from the Federal Emergency Management Agency (FEMA) flood plain by submitting a Letter of Map Revision Report to FEMA, prior to issuance of a building permit.
22. Any on-site or off-site drainage infrastructure constructed to mitigate flooding on this site shall be at no expense to the public.
23. A floodplain use permit is required before the approval of the grading plan.
24. Walls constructed on the north property boundary shall have weep holes large enough to allow unrestricted flows through the site.
25. Architectural design of the north and west sides of the building shall be commensurate with the south and east sides of the building.

26. Raised or textured crosswalks shall be provided in all locations where the pedestrian system crosses PAAL's.
27. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate two or more of the following decorative materials options: (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.
28. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
29. 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 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.
30. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
31. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
32. Five years from the date of initial authorization are allowed to comply with all Code requirements and conditions of rezoning.

Six written approvals and zero written protests have been received.

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

12. ZONING: (C9-02-03) KB HOME – WALNUT AVENUE, SR TO R-1, CITY MANAGER’S REPORT

- (a) Report from City Manager JUNE3-02-303 WII
- (b) Report from Zoning Examiner dated May 10, 2002
- (c) This is a request to rezone approximately 10.9 acres, from SR (Very-Low Density Residential) to R-1 (Low Density Residential). Applicant: The Planning Center, on behalf of the property owners, KB Home.

The rezoning site is located west of the the Walnut Avenue alignment approximately 600 feet north of Fort Lowell Road and 750 feet east of Alvernon Way The preliminary development plan is for a residential subdivision with 53 single family detached units utilizing the Residential Cluster Project option for a density of 4.9 units per acre.

The City Manager and Zoning Examiner recommend approval of R-1 zoning subject to the following conditions:

- 1. A subdivision plat, in substantial compliance with the preliminary development plan, the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1 of the *Land Use Code*.
- 2. Dedication of right-of-way to accommodate a new east-west spine road. The right-of-way width and alignment and the roadway improvements on the subject parcel shall be consistent and coordinated with the rights-of-way widths, alignments and improvements on the abutting parcels to the east and west. Said roadway improvements shall include 100-year storm capacity drainage structures at all drainage crossings. The roadway improvements shall be installed prior to the first lot release.
- 3. In lieu of dedication and installation of the east-west spine road, the developer must demonstrate that an alternate access, acceptable to the City of Tucson Department of Transportation, will be provided to the project.
- 4. A minimum ten (10) foot landscape/pedestrian area shall be provided on both sides of the new east/west spine road, measured from the back of curb. On each side of the street, the landscape pedestrian area shall contain a minimum of one canopy every 25 linear feet, and appropriate shrubs and groundcover.
- 5. A gate is to be maintained at the south end of the 20-foot wide electrical easement that runs along the east boundary of the site, to prevent unwanted vehicular access from Walnut Avenue. Additionally, no access to the subject property will be taken from Walnut Avenue for on-site construction purposes.

6. A one foot, "No Vehicular Access" easement shall be recorded along the south property line.
7. The local street cross-section within the subdivision shall be designed to accommodate on-street parking on one or both sides of the street.
8. The location of any "No Parking" signs shall be disclosed by a note on the final plat and shall be shown on the tentative plat.
9. A twenty (20) foot wide landscaped pedestrian corridor and a ten (10) foot wide pedestrian trail, surfaced with compacted decomposed granite as a minimum, shall be provided to connect the interior street system with the end of Walnut Avenue and the existing pedestrian bridge crossing the Christopher City Wash. The pedestrian connection to Walnut Avenue shall be designed to prevent vehicular access.
10. All offsite flows arriving at the southeast corner of the property shall be safely conveyed to Christopher City Wash at no expense to public.
11. Residences along the south and west property line shall be a maximum of one story, not to exceed fourteen (14) feet in height.
12. Development shall complement the surrounding residential developments. Compatibility shall be demonstrated for elements including but not limited to: signs, lighting, screen walls, landscaping, rooflines, colors, materials, and architectural design. Elevations with color renderings of proposed structures shall be submitted as part of the tentative plat.
13. All structures and freestanding walls are to be of earth-toned colors.
14. A 12-foot wide landscape border shall be provided along the west property line.
15. A 15-foot wide landscape border shall be provided along the south property line.
16. All mechanical equipment shall be screened and architecturally integrated with the design of the development.
17. Street numbers shall be clearly visible from public rights-of-way. The size, location, and style of numerals shall be based on the character of the building.
18. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls 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.

19. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
20. All private open space and landscape areas, including detention/retention areas, shall be designated as common area and maintained by the homeowners association.
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 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. The U. S. Fish and Wildlife Service guidelines regarding the Cactus Ferruginous Pygmy Owl shall be followed.
23. The Arizona Game and Fish Department guidelines regarding raptors, bats, gila monsters, and special status plants and animals shall be followed.
24. The rezoning site shall be subject to the requirements of the City of Tucson Landfill Ordinance No. 8852.
25. Grading of the development parcel shall not occur more than four (4) months before construction.
26. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
27. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
28. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Zero written approvals and one written protest have been received. The protest is within the 150 foot area, representing a 20.8 percent protest by area to the west.

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

13. ZONING: (C9-01-33) LODGE ON THE DESERT – ALVERNON WAY, O-3 TO C-1, CITY MANAGER’S REPORT

- (a) Report from City Manager JUNE3-02-304 WVI
- (b) Report from Zoning Examiner dated May 10, 2002
- (c) This is a request to rezone approximately 4.5 acres from O-3 (Mid-rise Office) to C-1 (Low-intensity Commercial) zoning. Applicant: Tetine Price of Kevin Howard Architects, on behalf of the owners, Lodge Partners L.L.C.

The rezoning site is located on the east side of Alvernon Way, between Poe and Holmes Streets. The preliminary development plan proposed sixty-eight additional hotel rooms in six new buildings; an office, lobby and gift shop addition; a new pool; and new motor vehicle parking spaces.

The City Manager and Zoning Examiner recommend approval of C-1 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. All new facilities shall be architecturally consistent with the existing buildings on the site.
3. All outdoor lighting shall be directed down and away from adjacent residential uses with light poles a maximum height of sixteen (16) feet.
4. Additional restaurant facilities may not be constructed on the site.
5. Use of the parcel is limited to a hotel and related uses.
6. Primary vehicular access shall be from Alvernon Way only.
7. Fire access only to be provided from a gated parking area access lane (PAAL) from Holmes Street. The gate shall be architecturally consistent with the masonry wall along the northern property boundary.
8. Principal pedestrian access to the site shall be provided from Alvernon Way. Additional design considerations shall be employed to ensure visibility and security for the site by providing additional architectural details, landscaping and security lighting that defines the entryway.

9. Six (6) trees shall be installed at the southeast corner of the site in the locations shown on the landscape plan dated December 19, 2001.
10. The minimum building setback for all two-story buildings shall be 70 feet from the east property line as shown on the preliminary development plan. This area shall be developed with a parking lot, with landscaping on both the east and west sides of the parking lot.
11. East-facing windows and balconies shall be designed and located to protect the privacy of adjacent residences. Elevations, with the landscaping on the east and west sides of the parking lot superimposed in two separate layers, shall be provided for the east side of all two-story buildings to demonstrate how the privacy of adjacent residences has been protected.
12. The owner/developer shall dedicate right-of-way, or provide verification of existence of right-of-way in conformance with the *Major Streets and Routes Plan* (MS&R) map with the center line of the right-of-way based on the Fernald Section Line along Alvernon Way. Should the requested dedications impact any existing structures, the owner/developer may, in lieu of the dedication, record an 'Irrevocable Offer to Dedicate.' Owner/developer shall contact the City of Tucson Real Estate division to record said document prior to approval of the development plan.
13. Dedication of twenty-five (25) foot radius spandrels at the northwest and southwest corners of the site. Should the requested dedications impact any existing structures, the owner/developer may, in lieu of the dedication, record an 'Irrevocable Offer to Dedicate.' Owner/developer shall contact the City of Tucson Real Estate division to record said document prior to approval of the development plan.
14. Installation, or verification of existence of, curbs, sidewalks and curb access ramps along all street frontages of the site.
15. Prepare and submit for approval a drainage report that addresses both detention and five (5) year Threshold Retention.
16. The existing drainage pattern shall not be altered. All flows from Alvernon Way shall be accepted by the development. Flows exiting the site at the northeast corner shall not increase the currently existing discharge into Holmes Street.
17. All roof and parking area drainage shall be first directed to water harvesting areas on-site prior to discharging into adjacent streets or existing residential areas.
18. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls 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.

19. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
20. 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.
21. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
22. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
23. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Seven written approvals and two written protests have been received. One of the protests is within the 150 foot area, representing a 6.8 percent protest by area to the north.

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

14. PUBLIC HEARING: PRINCE ROAD, I-10 TO FIRST AVENUE DISTRICT LIGHTING IMPROVEMENT

- (a) Report from City Manager JUNE3-02-296 VIII
- (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. 19202 approving assessment and previous proceedings for the "Prince Road, I-10 to First Avenue District Lighting Improvement," in the City of Tucson, Arizona.

15. PUBLIC HEARING: BILBY ROAD, DEL MORAL BOULEVARD TO COUNTRY CLUB DISTRICT PAVING IMPROVEMENT

- (a) Report from City Manager JUNE3-02-297 WV
- (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. 19201 approving assessment and previous proceedings for the “Bilby Road, Del Moral Boulevard to Country Club District Paving Improvement,” in the City of Tucson, Arizona.

16. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager JUNE3-02-292 CITY-WIDE

This item has been scheduled should the governing body wish to consider the following items as well as any personal appointments to boards, commissions and committees.

17. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on *any issue*. 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."

18. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, June 10, 2002, at 7:30 p.m. in the Graham/Greenlee Rooms of the Tucson Convention Center, 260 South Church (East Entrance), Tucson, Arizona.