



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, JUNE 24, 2002 – 7:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Monsignor Thomas Cahalane, Our Mother of Sorrows Church

PLEDGE OF ALLEGIANCE – Mayor and Council and Public in Attendance

PRESENTATIONS

- (a) Presentation by the U.S. Postal Service of a new U.S. Postage Stamp that commemorates the nation's firefighters.
- (b) Presentation to the Taekwondo State Champions from the Desert Dragon Taekwondo Studio who will compete in the National Taekwondo Junior Olympics.
- (c) Certificate of Appreciation to honor the memory of Katherine Genders, Passion Play Creator.

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

- (a) Report from City Manager JUNE24-02-368 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 tonight'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 L

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 JUNE24-02-360 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

Person Transfer(s)

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| (1) | BUNNY RANCH
3650 E. Speedway Blvd.
Applicant: Cole A. Bailey
City #042-02, located in Ward 6
Series #6
Action must be taken by: July 9, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Planning: In Compliance
Business License: DENIED
(TAXES DUE AND UNPAID) |
| (2) | LIBERTY MARKET
305 W. Irvington
Applicant: Chun S. Lee
City #043-02, located in Ward 5
Series #9
Action must be taken by: July 6, 2002
Public Opinion: PROTESTS FILED
SUPPORT LETTERS FILED | <u>Staff Recommendation</u>

Police: In Compliance
Planning: In Compliance
Business License: In Compliance |

NOTE: For a person to person transfer, the State Liquor Board will not hold a hearing to consider a protest of location or permit testimony against the location at a hearing scheduled to evaluate the personal qualification of the applicant.

Person/Location Transfer(s)

- | | | |
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| (3) | JACK'S ORIGINAL BAR-B-Q
5250 E. 22 nd Street
Applicant: Steven M. Boccardo
City #045-02, located in Ward 5
Series #7
Action must be taken by: July 14, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Planning: In Compliance
Business License: In Compliance |
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NOTE: For a person and location transfer, the State Liquor Board will not hold a hearing to consider a protest of location or permit testimony against the location at a hearing scheduled to evaluate the personal qualifications of the applicant.

Location Transfer(s)

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| (4) | PIZZA HUT #38
1865 W. Valencia Road
Applicant: Walter B. Kyte
City #044-02, located in Ward 1
Series #7
Action must be taken by: July 14, 2002 | <u>Staff Recommendation</u>

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

(c) Special Event(s)

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| (1) | STONEWALL DEMOCRATS
110 S. Church Avenue
Applicant: Dace Park
City #T052-02, located in Ward 6
Date of Event: June 30, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Planning: In Compliance |
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(d) Extension of Premises

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| (1) | PLUSH
340 E. 6 th Street
Applicant: Maebelle Reed
City #EP31-02, located in Ward 6
Date of Event: July 4, 2002
Type: Temporary | <u>Staff Recommendation</u>

Police: In Compliance
Planning: In Compliance |
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7. FINANCE: SALE OF WATER REVENUE BONDS

- (a) Report from City Manager JUNE24-02-373 CITY-WIDE

8. ZONING: (C9-02-05) SARNOFF AUTOMOTIVE – BOWLINE ROAD, C-1 TO C-2

- (a) Report from City Manager JUNE24-02-364 WII
- (b) Zoning Examiner's Report dated June 7, 2002
- (c) Request to rezone approximately 0.47 acres from C-1 (Low-intensity commercial) to C-2 (General commercial). Applicant: Bryan Coombes, on behalf of the property owners, Mordka Enterprises, Inc.

The rezoning site is located on the northwest corner of Bowline Road and Sarnoff Drive. The preliminary development plan is for a 4,608 square foot one-story, 24 foot tall, automotive repair facility.

The Zoning Examiner recommends approval of C-2 zoning. The City Manager recommends approval of C-2 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated March 19, 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. Hours of operation limited to 7:00 AM to 6:00 PM, Monday through Saturday.
3. All repair shop bay doors will be oriented to the west side of the site.
4. The existing, private sixty-four (64) foot wide drainage easement shall not be vacated in whole or in part until the drainage system to convey the discharge in Sarnoff Drive has been constructed by this developer at no expense to the City.
5. A detailed hydrology and hydraulics report shall include design of a drainage conveyance facility for flows concentrating in Sarnoff Drive.
6. All walls constructed along the property boundaries shall not obstruct flows entering the site from Sarnoff Drive or Bowline Road.
7. Dedication, or verification of existence of right-of-way as shown on the *Major Streets and Routes Plan* map along the Sarnoff Drive frontage of the site and dedication of a twenty-five (25) foot radius spandrel at the southeast corner of the site.
8. Installation of curb and a six (6) foot wide sidewalk along Sarnoff Drive and curb and a four (4) foot wide sidewalk along Bowline Road.

9. 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. 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.
10. 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.
11. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
12. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
13. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Six written approvals and three written protests have been received. None of the protests are within the 150 foot protest area.

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

9. ZONING: (C15-02-02) ESTABLISHING ORIGINAL CITY ZONING FOR THE HUGHES ACCESS ROAD/STATE LAND ANNEXATION DISTRICT (CONTINUED FROM MEETING OF JUNE 17, 2002)

- (a) Report from City Manager JUNE24-02-372 WV
- (b) Ordinance No. 9692 relating to zoning; establishing original City zoning for approximately 1,688 acres generally located south of Hughes Access Road and east and west of Country Club Road, which was annexed to the City of Tucson by Ordinance No. 9646, adopted on January 7, 2002; and specifying an effective date.

10. PUBLIC HEARING: C9-56-01, C9-74-34 AND C9-88-12 TARGET — EL CON MALL, R-1, R-2, C-1, C-2 AND C-3 ZONING, CHANGE OF DEVELOPMENT PLAN - ORDINANCE ADOPTION

- (a) Report from City Manager JUNE24-02-365 WVI
- (b) Hearing
- (c) Request to allow a change to the development plan for El Con Mall. Applicant: Lane D. Oden of Fines & Oden P.L.C. on behalf of the property owners, Magna Investment & Development, K-GAM El Con LLC, and Sierra Investment Company.

El Con Mall is located at the northwest corner of Broadway Boulevard and Dodge Boulevard. El Con Mall currently consists of in excess of 1.5 million square feet of retail and commercial space occupying a 93-acre site. Zoning is mixed and includes the R-1 (Low Density Residential), R-2 (Medium Density Residential), C-1 (Low-intensity Commercial), C-2 (General Commercial), and C-3 (Mid-rise Regional Commercial) zones. The applicant is proposing demolition and redevelopment of the 190,727 square foot former Montgomery Wards building with a new 133,000 square foot Target store along with demolition of a 10,000 square foot auto repair center to be replaced by a 6,500 square foot commercial pad.

The City Manager recommends approval of the requested changes to the development plan and adoption of the ordinance presented.

- (d) Ordinance No. 9726 relating to planning and zoning: amending Ordinance No. 9345; amending conditions for approval in rezoning cases C9-56-01, C9-74-34 and C9-88-12; and declaring an emergency.

11. PUBLIC HEARING: PROPOSED WATER FEES ON DEVELOPMENT PROJECTS; AND PROPOSING CHANGES TO OVERSIZING REBATES

- (a) Report from City Manager JUNE24-02-367 CITY-WIDE AND OUTSIDE CITY
- (b) Hearing on the Proposed Plan Review, Inspection, and System Isolation Services Fees, and Oversizing Rebates Study for Developer Water System Projects.
- (c) Ordinance No. 9725 relating to water; amending a section of the Tucson Code, Chapter 27; Article II, rates and charges: Section 27-37, Agreements for construction of water facilities authorized; and declaring an emergency.

Establishing Monday July 29, 2002 as the effective date for implementing new fees and rebate adjustments.

12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager JUNE24-02-371 CITY-WIDE

13. CALL TO THE AUDIENCE

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14. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, July 1, 2002, at 2:00 p.m. and continued at 7:30 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.