



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

MONDAY, AUGUST 5, 2002 – 2:00 P.M.  
AND CONTINUED AT 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 – Pastor Charles Aufdenkampe, Faith Lutheran Church

PLEDGE OF ALLEGIANCE – Mayor and Council and Public in Attendance.

PRESENTATION

- (a) Proclamation – Proclaiming August 20, 2002 as 227<sup>th</sup> Anniversary of the founding of the City of Tucson.
- (b) Presentation of the American Public Works Association Project of the Year Award for the Pantano Project to the Transportation Department.

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

- (a) Report from City Manager AUG5-02-432 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. CAP WATER LITIGATION

- (a) Report from City Manager AUG5-02-433 CITY-WIDE & OUTSIDE CITY

6. CONSENT AGENDA - ITEMS A THROUGH XX

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.

7. LIQUOR LICENSE APPLICATIONS

- (a) Report from City Manager AUG5-02-434
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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| <p>(1) C &amp; T OIL #3<br/>550 N. Alvernon<br/>Applicant: Fieldon T. Cooley<br/>City #054-02, located in Ward 6<br/>Series #10<br/>Action must be taken by: August 12, 2002<br/>Public Opinion: <b>PROTEST FILED</b></p> | <p><u>Staff Recommendation</u><br/><br/>Police: In Compliance<br/>Planning: In Compliance<br/>Business License: In Compliance</p> |
| <p>(2) GRANT RD TEXACO<br/>1570 W. Grant Road<br/>Applicant: Michael E. Jacoby<br/>City #055-02, located in Ward 1<br/>Series #10<br/>Action must be taken by: August 17, 2002</p>  | <p><u>Staff Recommendation</u><br/><br/>Police: In Compliance<br/>Planning: In Compliance<br/>Business License: In Compliance</p> |

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| <p>(3) MI RANCHITO R &amp; D MARKET<br/> 5301 S. Park Avenue<br/> Applicant: Sanjay V. Patel<br/> City #057-02, located in Ward 5<br/> Series #10<br/> Action must be taken by: August 26, 2002<br/> Public Opinion: <b>PROTEST FILED</b></p> | <p><u>Staff Recommendation</u><br/> Police: In Compliance<br/> Planning: In Compliance<br/> Business License: In Compliance</p> |
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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)

Person Transfer(s)

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| <p>(4) GUADALAJARA GRILL<br/> 1730 E. Prince Road<br/> Applicant: Seth P. Holzman<br/> City #053-02, located in Ward 3<br/> Series #7<br/> Action must be taken by: August 9, 2002</p> | <p><u>Staff Recommendation</u><br/> Police: In Compliance<br/> Planning: In Compliance<br/> Business License: In Compliance</p> |
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| <p>(5) FENDERSKIRTS BAR &amp; GRILL<br/> 140 S. Kolb Road<br/> Applicant: James A. Gibson<br/> City #056-02, located in Ward 2<br/> Series #6<br/> <br/> Action must be taken by: August 18, 2002</p> | <p><u>Staff Recommendation</u><br/> Police: In Compliance<br/> Planning: In Compliance<br/> Business License: <b>Review<br/> Not Complete</b></p> |
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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.

(c) Special Event(s)

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| <p>(1) SOUTH TUCSON LIONS<br/> 4823 S. 6<sup>th</sup> Avenue<br/> Applicant: Fernando Acevedo<br/> City #T056-02, located in Ward 5<br/> Date of Event: August 25, 2002</p> | <p><u>Staff Recommendation</u><br/> Police: In Compliance<br/> Planning: In Compliance<br/> Parks &amp; Recreation: In Compliance</p> |
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- (2) DANCE SOUTHWEST Staff Recommendation  
 315 N. Woodland Vista  
 Applicant: Lori K. Franklin-Garcia Police: In Compliance  
 City #T062-02, located in Ward 6 Planning: In Compliance  
 Date of Event: August 17, 2002
  
- (3) TUCSON BREAKFAST LIONS CLUB Staff Recommendation  
 4823 S. 6<sup>th</sup> Avenue  
 Applicant: Raymond J. McKee Police: In Compliance  
 City #T063-02, located in Ward 5 Planning: In Compliance  
 Date of Event: August 31, 2002 Parks & Recreation: In Compliance  
 September 1, 2002

(d) Extension of Premises

- (1) MCMAHON'S STEAKHOUSE Staff Recommendation  
 2959 N. Swan Road  
 Applicant: Robert B. McMahon Police: In Compliance  
 City #EP35-02, located in Ward 2 Planning: In Compliance  
 Type: Permanent Business License: In Compliance
  
- (2) KICKSTART GRILL Staff Recommendation  
 8987 E. Tanque Verde Road  
 Applicant: John W. Fahlberg Police: In Compliance  
 City #EP36-02, located in Ward 2 Planning: In Compliance  
 Date of Event: August 9, 2002  
 September 6, 2002  
 Type: Temporary
  
- (3) PLUSH Staff Recommendation  
 340 E. 6<sup>th</sup> Street  
 Applicant: Maebelle Reed Police: In Compliance  
 City #EP38-02, located in Ward 6 Planning: In Compliance  
 Date of Event: August 24, 2002  
 Type: Temporary

**8. MAGISTRATES: APPOINTMENT OF CITY MAGISTRATE**

- (a) Report from City Manager AUG5-02-444 CITY-WIDE
  
- (b) Ordinance No. 9753 relating to city magistrates; appointing Michael Lex City Magistrate of the City of Tucson; fixing compensation and declaring an emergency.

**9. RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT: AUTHORIZATION TO ACQUIRE CERTAIN REAL PROPERTY AT 26 – 72 EAST CONGRESS STREET**

- (a) Report from City Manager AUG5-02-487 WVI
- (b) Resolution No. 19315 relating to the Rio Nuevo Multipurpose Facilities District; authorizing the Rio Nuevo Multipurpose Facilities District to acquire certain real property at 26 – 72 E. Congress Street from the United States General Services Administration at a negotiated purchase price of \$36,000; and declaring an emergency.

**10. PERSONNEL MATTERS: AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT**

- (a) Report from City Manager AUG5-02-494 CITY-WIDE

**11. BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager AUG5-02-473 CITY-WIDE

**AT THIS TIME MAYOR AND COUNCIL  
WILL RECESS THE REGULAR MEETING AND  
WILL RECONVENE AT 7:30 P.M.**

**RECONVENE THE REGULAR SESSION – 7:30 P.M.**

**ROLL CALL**

**PRESENTATION:**

Certificates of Appreciation to Lizeth Quijada Grijalva and Lori Fraesdorf, teachers from Manzo Elementary School in recognition of their participation in the development of the Reclaimed Water Song and Music Video.

**12. ZONING: (C9-01-21) SHULTZ & ROLLINS – OLSEN AVENUE, R-2 TO O-2, ORDINANCE ADOPTION**

- (a) Report from City Manager AUG5-02-466 VIII
- (b) Ordinance No. 9752 relating to zoning: amending zoning district boundaries in the area located on the southwest corner of Fort Lowell Road and Olsen Avenue in Case C9-01-21, Shultz & Rollins – Olsen Avenue, R-2 to O-2; and setting an effective date.

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

**13. ZONING: (C9-01-04) 4D PROPERTIES – SILVERBELL ROAD, RX-2 TO R-3 AND C-1, ORDINANCE ADOPTION**

- (a) Report from City Manager AUG5-02-467 WI
- (b) Ordinance No. 9751 relating to zoning: amending zoning district boundaries in the area located on the west side of Silverbell Road 565 feet north of Ironwood Hill Drive and the north side of Ironwood Hill Drive approximately 475 feet west of Silverbell Road in Case C9-01-04, 4D Properties – Silverbell Road, RX-2 to R-3 and C-1; and setting an effective date.

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

**14. ZONING: (C9-02-09) VERONA PARTNERS – STONE AVENUE, I-1 TO C-2; CITY MANAGER’S REPORT AND ORDINANCE ADOPTION**

- (a) Report from City Manager AUG5-02-485 WIII
- (b) Zoning Examiner’s Report dated June 28, 2002
- (c) Request to rezone approximately 3.59 acres from I-1 (Light Industrial) to C-2 (General Commercial). Applicant: Gromatzky Dupree & Associates on behalf of the property owners, Verona Partners.

The rezoning site is located on the northeast corner of Stone Avenue and Lester Street. The preliminary development plan is for a mixed use development with 70 apartments and 5,000 square feet of retail/office space.

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. A minimum of 5,000 square feet of retail/office space in Building 1, facing the Stone Avenue street frontage.
3. Building 1 to be placed as close to Stone Avenue as practical.
4. Compliance with the adopted *Stone Avenue Corridor Study* plant palette for landscaping installed along Stone Avenue.
5. Elevations indicating design compatibility with the *Stone Avenue Corridor Study*.
6. Information detailing the activity proposed for the area identified as “common area” on the preliminary development plan.
7. Dedication of right-of-way, if necessary, as shown on the *Major Streets and Routes Plan* and a twenty-five (25) foot radius spandrel at the southwest corner of the site.
8. Installation of sidewalks along all street frontages as shown on the preliminary development plan.

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.
10. 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.
11. 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.
12. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
13. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
14. 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 has been received. The protest is within the 150 foot protest area and represents a 7.7 percent protest by area to the south.

- (d) Ordinance No. 9756 relating to zoning: amending zoning district boundaries in the area located at the northeast corner of Stone Avenue and Lester Street in Case C9-02-09, Verona Partners – Stone Avenue, I-1 to C-2; and setting an effective date.

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

**15. WATER: NOTICE OF INTENTION TO INCREASE WATER RATES, AND SCHEDULING A PUBLIC HEARING FOR SEPTEMBER 9, 2002**

- (a) Report from City Manager AUG5-02-486 CITY-WIDE & OUTSIDE THE CITY
- (b) Resolution No. 19312 relating to water; approving and authorizing the CWAC rate recommendations; approval of Notice of Intent to increase certain water rate components and fees; to schedule a public hearing; and declaring an emergency.

The City Manager recommends that the Mayor and Council:

- File the Citizens' Water Advisory Committee Report "*Recommendation on Distribution of FY 2003 Water Sales Revenues Among Customer Classes/Related Rate Schedule*" in the City Clerk's Office as the report supporting the proposed rate schedule.
- Adopt the Resolution presented, giving notice of intention to increase water rates
- Set September 9, 2002, as the date for a public hearing on the proposed rate schedule; and
- Consider an ordinance on September 9, 2002, that would make all approved rate changes effective on October 14, 2002.

**16. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23) THE *LAND USE CODE (LUC)* RELATING TO PROTECTED DEVELOPMENT RIGHTS**

- (a) Report from City Manager AUG5-02-468 CITY-WIDE
- (b) Hearing.
- (c) Ordinance No. 9750 relating to planning and zoning; amending portions of the Tucson Code, Chapter 23, Land Use Code concerning protected development rights; Article V, Administration, Division 1, Powers and Duties; Division 3, Special Development Applications; Article VI, Definitions, Division 2, Listing of Words and Terms; and declaring an emergency.

**17. PUBLIC HEARING: KINO AREA PLAN AMENDMENT, INDUSTRIAL SITE 2**

- (a) Report from City Manager AUG5-02-495 WV
- (b) Hearing.

**18. PUBLIC HEARING: *RINCON SOUTHEAST SUBREGIONAL PLAN* AMENDMENT, HARRISON/I-10**

- (a) Report from City Manager AUG5-02-488 WIV
- (b) Hearing on a request by MJM Consulting Inc. on behalf of the property owner to amend the Land Use Intensity Category of the *Rincon Southeast Subregional Plan*, Harrison/I-20 from MIR (Medium Intensity Rural) to MHIU (Medium High Intensity Urban) to allow a wider range of residential uses on the subject site, a 226-acre parcel located on Kolb Road, approximately one mile south of Interstate-10.
- (c) Resolution No. 19316 relating to planning and zoning; amending the Rincon/Southeast Subregional Plan; and declaring an emergency.

**19. 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."

**20. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, September 3, 2002, at 2:00 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

