



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

**TUESDAY, SEPTEMBER 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 – Pastor Warren Swanson, Body of Christ Free Lutheran Church

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

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager SEPT3-02-505 CITY-WIDE

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

(a) Report from City Manager SEPT3-02-502 CITY-WIDE

5. 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."

6. CAP WATER LITIGATION

(a) Report from City Manager SEPT3-02-503 CITY-WIDE AND OUTSIDE CITY

7. CONSENT AGENDA - ITEMS A THROUGH P

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. LIQUOR LICENSE APPLICATIONS

- (a) Report from City Manager SEPT3-02-504
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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| (1) TINY'S HILL TOP MARKET
1843 W. Ajo Way
Applicant: Maria R. Muñoz
City #058-02, located in Ward 1
Series #10
Action must be taken by: September 13, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Development Services: 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)

Person Transfer(s)

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| (2) 22 ND STREET LIQUORS
5174 E. 22 nd Street
Applicant: Deuk J. Yoon
City #059-02, located in Ward 5
Series #9
Action must be taken by: September 13, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Development Services: In Compliance
Business License: In Compliance |
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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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| (1) COMITÉ DE FESTIVIDADES MEXICANAS
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City #T054-02, located in Ward 1
Date of Event: September 13, 2002
September 14, 2002
September 15, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Development Services: In Compliance
Parks & Recreation: In Compliance |
| (2) CHURCH OF ST. MICHAEL AND ALL ANGELS
602 N. Wilmot Road
Applicant: John R. Smith
City #T055-02, located in Ward 2
Date of Event: September 28, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Development Services: In Compliance |
| (3) ST. DEMETRIOS GREEK ORTHODOX CHURCH
1145 E. Ft. Lowell Road
Applicant: Susan Parker-Hotchkiss
City #T059-02, located in Ward 3
Date of Event: September 26, 2002
September 27, 2002
September 28, 2002
September 29, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Development Services: In Compliance |
| (4) TUCSON SYMPHONY WOMEN'S ASSOCIATION
110 S. Church
Applicant: Carole B. Levine
City #T064-02, located in Ward 6
Date of Event: September 26, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Development Services: In Compliance |
| (5) TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T065-02, located in Ward 1
Date of Event: September 13, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Development Services: In Compliance |
| (6) TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T066-02, located in Ward 1
Date of Event: September 22, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Development Services: In Compliance |

(7)	SOUTHERN SUDANESE RESETTLEMENT PROGRAM 516 N. 5 th Avenue Applicant: John Aza City #T070-02, located in Ward 6 Date of Event: September 6, 2002	<u>Staff Recommendation</u> Police: In Compliance Development Services: In Compliance
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(d) Extension of Premises

(1)	CONGRESS TAP ROOM, INC. City #EP39-02, located in Ward 6 Date of Event: September 16, 2002 Type: Temporary	<u>Staff Recommendation</u> Development Services: In Compliance
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(2)	TAMALEZ AT LA PLACITA VILLAGE 110 S. Church, #7136 Applicant: Brenda Z. Silvas City #EP41-02, located in Ward 6 Date of Event: September 7, 2002 September 15, 2002 September 28, 2002 October 6, 2002 Type: Temporary	<u>Staff Recommendation</u> Police: In Compliance Development Services: In Compliance
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(3)	TOMA EL CHARRO AT THE MERCADO 6310 E. Broadway Blvd. Applicant: Raymon C. Flores City #EP37-02, located in Ward 4 Type: Permanent	<u>Staff Recommendation</u> Police: DENIED Development Services: In Compliance
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9. ZONING: (C9-02-10) TETRA CORPORATION – GLENN STREET, O-3 TO C-2, CITY MANAGER’S REPORT

- (a) Report from City Manager SEPT3-02-512 WIII
- (b) Zoning Examiner’s Report dated July 26, 2002
- (c) Request to rezone approximately 1.95 acres from O-3 (Mid-rise Office) to C-2 (General Commercial) zoning. Applicant: Planning Resources on behalf of the property owner, Steven King of Tetra Corporation.

The rezoning site is located on the southwest corner of Laguna Street and Balboa Avenue adjacent to the existing Tetra facility. The preliminary development plan proposes expansion of the existing light assembly and warehouse facility operated in conjunction with a sheltered workshop, and a facility for job development and placement of low functioning adults.

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. Dedication, or verification of existence, of necessary right-of-way, along the Balboa Avenue and Laguna Street frontages of the site.
3. Dedication of a twenty-five (25) foot radius spandrel at the northeast corner of the site.
4. Installation, or verification of existence, of curb, sidewalk and curb access ramps along the Balboa Avenue, Laguna Street and Glenn Street frontages of the property.
5. All roof mounted mechanical equipment shall be screened from view from adjacent residential development and public rights-of-way.
6. The loading zone and dumpster shall be located on the west side of the site.
7. 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.
8. 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.
9. 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.
10. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
11. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

12. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

One written approval 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.

10. PERSONNEL MATTERS: REAPPOINTMENT OF THE CITY ATTORNEY

- (a) Report from City Manager SEPT3-02-519 CITY-WIDE
- (b) Ordinance No. 9761 relating to the City Attorney; reappointing the City Attorney; and declaring an emergency.

11. PUBLIC HEARING: (DHIZ-02-01) DOWNTOWN HERITAGE INCENTIVE ZONE, REQUEST FOR DEMOLITION – MOUNTAIN OYSTER CLUB, 286 AND 300 NORTH ASH ALLEY

- (a) Report from City Manager SEPT3-02-516 WI
- (b) Hearing on a request by Forrest Metz, on behalf of the property owner, Daniel Bates, for demolition of two structures within the Downtown Heritage Zone for the property located at 286 and 300 North Ash Alley. The preliminary development plan is for construction of a new parking lot.

The City Manager recommends the Mayor and Council delay the requested demolition, subject to conditions as recommended by the Tucson-Pima County Historical Commission.

12. BOARDS, COMMISSIONS & COMMITTEES

- (a) Report from City Manager SEPT3-02-498 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, September 9, 2002, at 7:30 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.