



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, SEPTEMBER 16, 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 Alan Field, Spanish Trail Lutheran Church

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance.

PRESENTATIONS

(a) Proclamation – Proclaiming September as National Hispanic Heritage Month

(b) Presentation of the 2002 Energy Star Award from the Environmental Protection Agency, Department of Energy, for excellence in energy performance at the Thomas O. Price Service Center Building #1

(c) Presentation by Council Member Scott for the Ward 4 Back to School Bash

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager SEPT16-02-547 CITY-WIDE

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

(a) Report from City Manager SEPT16-02-548 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. CONSENT AGENDA – ITEMS A THROUGH H

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 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 SEPT16-02-543 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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| (1) | BIANCHI'S PIZZA
1110 N. Silverbell
Applicant: Vincent J. Bianchi
City #063-02, located in Ward 1
Series #12
Action must be taken by: September 30, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Dev. Svcs: In Compliance
Business Lic.: In Compliance |
| (2) | TEXACO
3520 N. Oracle Road
Applicant: Umesh K. Patel
City #065-02, located in Ward 3
Series #10
Action must be taken by: October 7, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Dev. Svcs: In Compliance
Business Lic.: In Compliance |

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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| (3) PACK EM INN
22 W. Drachman
Applicant: Jesus I. Naranjo
City #061-02, located in Ward 6
Series #6
Action must be taken by: September 30, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Dev. Svcs: In Compliance
Business Lic.: 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.

Location Transfer(s)

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| (4) BASHAS' 100
3275 N. Swan Road
Applicant: Michael J. Basha
City #060-02, located in Ward 2
Series #9
Action must be taken by: September 28, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Dev. Svcs: 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 served by the issuance of a license". (A.R.S. Section 4-201)

(c) Special Event(s)

- | | |
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| (1) ARIZONA BUILDERS' ALLIANCE
134 S. 5 th Avenue
Applicant: Cornell E. Collins
City #T067-02, located in Ward 6
Date of Event: October 15, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Dev. Svcs In Compliance |
| (2) UPTOWN OPTIMIST CLUB
900 S. Randolph Way
Applicant: Thomas F. Hogan
City #T068-02, located in Ward 6
Date of Event: October 4, 2002
October 5, 2002
October 6, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
Dev. Svcs: In Compliance
Parks: In Compliance |

(3) ARIZONA THEATRE COMPANY Staff Recommendation
330 S. Scott Avenue
Applicant: Eileen M. Bagnall
City #T071-02, located in Ward 6
Date of Event: September 21, 2002
Police: In Compliance
Dev. Svcs: In Compliance

(d) Extension of Premises

(1) CONGRESS TAP ROOM, INC. Staff Recommendation
311 E. Congress Street
Applicant: Richard S. Oseran
City #EP40-02, located in Ward 6
Date of Event: October 2, 2002
Type: Temporary
Police: In Compliance
Dev. Svcs: In Compliance

(2) KICKSTART GRILL Staff Recommendation
8987 E. Tanque Verde Road, Ste. 335
Applicant: John W. Fahlberg
City #EP 43-02, located in Ward 2
Date of Event: October 4, 2002
November 1, 2002
Type: Temporary
Police: In Compliance
Dev. Svcs: In Compliance

(3) TOMA EL CHARRO AT THE MERCADO Staff Recommendation
6310 E. Broadway Blvd.
Applicant: Raymon C. Flores
City #EP37-02, located in Ward 4
Type: Permanent
Police: In Compliance
Dev. Svcs: In Compliance
Business Lic.: In Compliance

(CONTINUED FROM THE MAYOR AND COUNCIL MEETING OF
SEPTEMBER 3, 2002)

8. COMMUNITY SERVICES: AMENDMENT TO RESOLUTION NO. 16451 RELATING TO METROPOLITAN HOUSING COMMISSION MEMBERSHIP

- (a) Report from City Manager SEPT16-02-555 CITY-WIDE
- (b) Resolution No. 19361 relating to housing; amending Resolution No. 16451 to revise the composition of the Metropolitan Housing Commission to ensure a balance of gender, ethnicity and geographic representation; and declaring an emergency.

9. ZONING: (C9-02-12) OCHOA – ST. MARY’S ROAD, R-2 TO O-2; CITY MANAGER’S REPORT

- (a) Report from City Manager SEPT16-02-552 WI
- (b) Zoning Examiner’s Report dated August 30, 2002
- (c) Request to rezone approximately 0.17 acres from R-2 (Medium Density Residential) to O-2 (Residentially Compatible Office) zoning. Applicant: 3D Architectural Designs on behalf of the property owner, Marc Ochoa.

The rezoning site is located on the northeast corner of St. Mary’s Road and Westmoreland Avenue. The preliminary development plan proposes to convert an existing 1,200 square foot, single-story multi-family residential structure to an office use.

The Zoning Examiner recommends approval of O-2 zoning. The City Manager recommends approval of O-2 zoning subject to certain conditions:

1. A development plan in substantial compliance with the preliminary development plan dated June 7, 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. Renovations and/or repairs to the existing structure shall be limited to one-story and designed to be compatible with the existing residential character of the neighborhood. Elevations indicating colors of all existing and proposed structures shall be submitted at the time of development plan review.
3. Outdoor lighting shall be full cutoff. All outdoor lighting in the parking lot area shall be located below the height of the screen walls.
4. If a commercial dumpster is used, it shall be located a minimum of fifty (50) feet away from residentially zoned or developed property and screened from view from adjacent residential development and public rights-of-way. If residential dumpsters are used, a screened storage area shall be identified on the development plan.
5. A six foot high masonry wall shall be located on the north property boundary with twenty-four (24) inch box canopy trees planted south of the wall a maximum of twenty-five (25) feet apart.
6. A thirty (30) inch high masonry wall shall be installed on the west side of the site along the entire length of the Westmoreland Avenue street frontage, except at vehicular or pedestrian entrances.

7. Vertical curbing shall be installed the length of the property along Westmoreland Avenue to replace the existing wedge curb.
8. Vehicles shall not park in the right-of-way area between the curb and the property line along Westmoreland Avenue.
9. A traffic directional sign shall be installed and maintained at the exit point onto Westmoreland Avenue, directing traffic to proceed south to St. Mary's Road.
10. 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.
11. 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.
12. 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.
13. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
14. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
15. Dedication, or verification of the existence of right-of-way as provided on the *Major Streets and Routes Plan* map, along St. Mary's Road frontage of the site and dedication of a twenty-five (25) foot radius spandrel at the southwest corner of the site.
16. Any unused curb cuts shall be closed.

17. Any existing damaged sidewalk shall be removed and replaced.
18. A drainage report shall be prepared and approved, including detention analysis.
19. Water harvesting techniques will be employed to the maximum extent reasonably possible.
20. Barrier-free access routes shall be designed so that they are free of flooding during the ten-year frequency flood event.
21. The drainage report shall address conformance with FEMA requirements for finished floor elevation and utility installations.
22. One year is allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

One written approval and one written protest 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. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager SEPT16-02-542 CITY-WIDE

11. 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."

12. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, September 23, 2002, at 7:30 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.