



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, DECEMBER 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 – Reverend David Wilkinson, St. Francis in the Foothills United Methodist Church

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

PRESENTATION

- (a) Presentation of a Certificate of Appreciation to Marilyn “Corkey” Ronstadt for service to the Central Arizona Water Conservation District Board of Directors.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager DEC16-02-771 CITY-WIDE

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

- (a) Report from City Manager DEC16-02-772 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 N**

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 DEC16-02-760 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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| (1) | TEXACO STAR MART
6280 E. Broadway Blvd.
Applicant: Gregory M. Sargovetz
City #088-02, located in Ward 4
Series #10
Action must be taken by: December 27, 2002 | <u>Staff Recommendation</u>
Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (2) | GO! GO! MART
2200 E. Broadway Blvd.
Applicant: Ricardo J. Parada
City #089-02, located in Ward 5
Series #10
Action must be taken by: December 30, 2002 | <u>Staff Recommendation</u>
Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (3) | DA VINCI ITALIAN RESTAURANT
3535 E. Ft. Lowell Road
Applicant: Alberto D. Gallo
City #092-02, located in Ward 3
Series #12
Action must be taken by: January 3, 2003 | <u>Staff Recommendation</u>
Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |

- (4) CHINA - THAI CUISINE Staff Recommendation
6502 E. Tanque Verde Road
Applicant: John J. Healy Police: In Compliance
City #093-02, located in Ward 2 DSD: In Compliance
Series #12 Bus. License: In Compliance
Action must be taken by: January 4, 2003
- (5) MARIO'S MINI MART Staff Recommendation
1523 N. Park Avenue #101 & # 105
Applicant: Ahlam K. Ellulu Police: Review in process
City #094-02, located in Ward 3 DSD: In Compliance
Series #10 Bus. License: In Compliance
Action must be taken by: January 6, 2003
Public Opinion: Protest Filed
- (6) LE DELICE BAKERY & CAFE Staff Recommendation
7245 E. Tanque Verde Road
Applicant: Maurice J. Cochard Police: In Compliance
City #096-02, located in Ward 2 DSD: In Compliance
Series #12 Bus. License: In Compliance
Action must be taken by: January 12, 2003

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 Transfers

- (7) MARGARITA BAY BAR & RESTAURANT Staff Recommendation
7415 E. 22nd Street
Applicant: Dennis M. Murphy Police: In Compliance
City #090-02, located in Ward 2 DSD: In Compliance
Series #06 Bus. License: In Compliance
Action must be taken by: December 31, 2002
- (8) PRIME LIQUOR Staff Recommendation
4513 S. 6th Avenue
Applicant: Karolyn Y. Lopez Police: Review in process
City #091-02, located in Ward 5 DSD: In Compliance
Series #09 Bus. License: In Compliance
Action must be taken by: January 3, 2003
Public Opinion: Protest Filed

- (9) SANTE FE BAR & GRILL Staff Recommendation
 7130 S. Nogales Hwy.
 Applicant: Michael J. Carbajal Police: **DENIED**
 City #083-02, located in Ward 1 DSD: In Compliance
 Series #6 Bus. License: In Compliance
 Action must be taken by: December 17, 2002

**(CONTINUED FROM THE MAYOR AND COUNCIL MEETING OF
 DECEMBER 9, 2002)**

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)

- (10) PIZZA HUT #11 Staff Recommendation
 2943 N. Campbell Avenue
 Applicant: Walter B. Kyte Police: In Compliance
 City #095-02, located in Ward 3 DSD: In Compliance
 Series #07 Bus. License: In Compliance
 Action must be taken by: January 7, 2003

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)

- (1) TUCSON SYMPHONY ORCHESTRA Staff Recommendation
 140 N. Main Avenue
 Applicant: Andrew D. Johnson Police: In Compliance
 City #T088-02, located in Ward 1 DSD: In Compliance
 Date of Event: February 7, 2003
- (2) TUCSON SYMPHONY ORCHESTRA Staff Recommendation
 140 N. Main Avenue
 Applicant: Andrew D. Johnson Police: In Compliance
 City #T089-02, located in Ward 1 DSD: In Compliance
 Date of Event: March 22, 2003

- (3) TUCSON SYMPHONY ORCHESTRA Staff Recommendation
 140 N. Main Avenue
 Applicant: Andrew D. Johnson Police: In Compliance
 City #T090-02, located in Ward 1 DSD: In Compliance
 Date of Event: April 11, 2003
- (4) THE TUCSON RODEO COMMITTEE, INC. Staff Recommendation
 4801 S. 6th Avenue
 Tucson Rodeo Grounds Police: In Compliance
 Applicant: Gary G. Williams DSD: In Compliance
 City #T102-02, located in Ward 5 Parks: In Compliance
 Date of Event: February 16, 2003
 February 17, 2003
 February 18, 2003
 February 19, 2003
 February 20, 2003
 February 21, 2003
 February 22, 2003
 February 23, 2003
- (5) KNIGHTS OF COLUMBUS; ST PIUS X Staff Recommendation
 COUNCIL #10762
 1800 N. Camino Pio Decimo Police: In Compliance
 Applicant: Robert J. Palomino DSD: In Compliance
 City #T106-02, located in Ward 2
 Date of Event: December 31, 2002

(d) Extension of Premises

- (1) BRANDING IRON BAR Staff Recommendation
 5442 S. 12th Avenue
 Applicant: Virginia E. Gomez Police: **Review in Process**
 City #EP62-02, located in Ward 1 DSD: **Review in Process**
 Date of Event: January 4, 2003
 Type: Temporary

8. TUCSON CODE: AMENDING (CHAPTER 28) RELATING TO THE TUCSON PROCUREMENT CODE ACCEPTING THE STATISTICAL FINDINGS FROM THE DISPARITY STUDY UPDATE II

- (a) Report from City Manager DEC16-02-780 CITY-WIDE

Additional material regarding item will be provided prior to the Mayor and Council meeting.

9. ZONING: (C9-02-21) SCHOMAC – BELVEDERE AVENUE, C-1 AND C-2 TO R-2; CITY MANAGER’S REPORT

- (a) Report from City Manager DEC16-02-777 WV
- (b) Report from Zoning Examiner dated November 22, 2002.
- (c) Request to rezone approximately 9.8 acres from C-1 and C-2 (Low-intensity and General Commercial) to R-2 (Medium Density Residential) zoning. Applicant: Planning Center on behalf of the property owner, Schomac Properties.

The rezoning site is located on the west side of Belvedere Avenue, approximately 400 feet south of Twenty-second Street. The preliminary development plan is for seventy-five, one-and two-story, single family residences.

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

1. A subdivision plat in substantial compliance with the preliminary development plan dated November 5, 2002, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
2. Residences on the east side of the project shall have a minimum rear yard setback of 20 feet from the Belvedere Avenue right-of-way.
3. A ten (10) foot wide landscaped area shall be provided along the Belvedere Avenue street frontage, including a minimum of one, twenty-four (24) inch box canopy tree for every twenty-five (25) feet of frontage.
4. Canopy trees shall be planted along all interior streets a minimum of one tree every other lot.
5. Trail easements shall be provided along the Swan Park and Naylor Washes. Trail easements shall be a minimum of twenty-five (25) feet

wide and improved with a twelve- (12) foot wide all-weather pedestrian path, canopy trees and low-growth planting material. Trail easements and the twelve- (12) foot wide all-weather pedestrian paths shall connect with the ends of each cul-de-sac, and with the Belvedere Avenue right-of-way.

6. Screen walls adjacent to the trail system shall be designed as “view walls.” View walls shall be a minimum of 80 percent open and shall be constructed of wrought iron or other similar attractive open fencing material above three (3) feet above grade.
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. The local street cross-section within the subdivision shall be designed to accommodate on-street parking on both sides of the street.
10. The applicant shall dedicate, or verify the existence of appropriate right-of-way along the Belvedere Avenue frontage of the site and dedicate twenty-five (25) foot radius spandrels at the corners of streets intersecting with Belvedere Avenue.
11. The applicant shall install, or verify the existence of curb and sidewalk along the Belvedere Avenue frontage of the site. These improvements shall extend north to the north side of the Naylor Wash reinforced concrete box culvert (RCBC).
12. A sixteen- (16) foot wide public drainage maintenance easement shall be provided along the Swan Park Wash and Naylor Wash.
13. A complete drainage report shall be provided.
14. A Conditional Letter of Map Revision (CLOMR) is required for any lot that encroaches into the currently mapped flood hazard area of Naylor Wash. This CLOMR shall be obtained prior to approval of the final plat or issuance of any permits.
15. All lots shall have buildable site prior to approval of the final plat.

16. 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.
17. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
18. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
19. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Three written approvals and two written protests have been received.

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

10. PUBLIC IMPROVEMENTS: EUCLID AVENUE, BROADWAY BOULEVARD TO SPEEDWAY BOULEVARD DISTRICT SIDEWALK AND LIGHTING IMPROVEMENT – AWARD OF CONTRACT

- (a) Report from City Manager DEC16-02-764 WVI
- (b) Declaration of bids received on November 12, 2002. Recommendation of award of contract provided by the Superintendent of Streets.
- (c) Award of construction contract to Mountain Power.

11A. BOARDS, COMMISSIONS AND COMMITTEES: APPOINTMENT TO THE CIVIL SERVICE COMMISSION (CONTINUED FROM MEETING OF DECEMBER 9, 2002)

- (a) Report from City Manager DEC16-02-778 CITY-WIDE
- (b) Resolution No. 19450 relating to the Civil Service Commission; appointing a commissioner; fixing annual compensation, and declaring an emergency.

11B. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager DEC16-02-773

12. 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."

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, January 6, 2003, at 2:00 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.