



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

**MONDAY, MARCH 17, 2003 – 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 – Reverend Gary Stokes, Vineyard City Church

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

PRESENTATIONS

- (a) Proclamation - proclaiming the week of March 16 - 22, 2003 to be Media Democracy Week

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager MARCH17-03-148 CITY-WIDE

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

- (a) Report from City Manager MARCH17-03-149 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 MAR17-03-165 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

- | | | |
|-----|---|---|
| (1) | 7-ELEVEN #18981C
3501 E. Grant Road
Applicant: Troy A. Petty
City #005-03, located in Ward 3
Series #10
Action must be taken by: March 28, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (2) | MARISCOS CHIHUAHUA
999 N. Swan Road
Applicant: Blanca E. Morales
City #007-03, located in Ward 6
Series #12
Action must be taken by: March 30, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: DENIED
Bus. License: In Compliance |
| (3) | EL CANTARITO MEXICAN FOOD
4695 N. Oracle Road #105
Applicant: Ricardo B. Soto Sr.
City #008-03, located in Ward 3
Series #12
Action must be taken by: March 30, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (4) | CHINATOWN BUFFET
5005 S. Campbell Avenue
Applicant: Junting Lei
City #011-03, located in Ward 5
Series #12
Action must be taken by: April 5, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |

NOTE: State law provides that for a new license application, "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)

- | | |
|---|---|
| (5) CITY LIMITS
6350 E. Tanque Verde Road
Applicant: Bradley J. Nozicka
City #010-03, located in Ward 2
Series #6
Action must be taken by: April 3, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: DENIED
Bus. License: In Compliance |
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NOTE: For a person to person transfer Mayor and Council may consider the applicant's capability, qualifications and reliability.

Person/Location Transfer(s)

- | | |
|---|---|
| (6) SMOKIN' - A BARBECUE PLACE
4699 E. Speedway Blvd.
Applicant: Robert B. McMahon
City #009-03, located in Ward 6
Series #7
Action must be taken by: March 30, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
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NOTE: For a person and location transfer Mayor and Council can consider the applicant's capability, qualifications and reliability.

(c) Special Event(s)

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| (1) SATORI INC., DBA SATORI SCHOOL
3727 N. 1 st Avenue
Applicant: Phyllis L. Gold
City #T009-03, located in Ward 3
Date of Event: April 26, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (2) ARTHRITIS FOUNDATION
GREATER SOUTHWEST CHAPTER
2960 N. Campbell Avenue
Applicant: Carol M. Chamberlain
City #T011-03, located in Ward 3
Date of Event: April 26, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

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| <p>(3) TUCSON INTERNATIONAL
MARIACHI CONFERENCE
221 S. 6th Avenue
between 12-13 Street
Applicant: Alfonso Dancil
City #T013-03, located in Ward 6
Date of Event: April 26, 2003</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
DSD: In Compliance
Parks & Rec.: In Compliance</p> |
| <p>(4) TUCSON BOTANICAL GARDENS
2150 N. Alvernon Way
Applicant: Cynthia D. Taylor
City #T014-03, located in Ward 6
Date of Event: March 21, 2003</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
DSD: In Compliance</p> |
| <p>(5) MUSCULAR DYSTROPHY
ASSOCIATION
2970 N. Swan Road
Applicant: Thomas A. DuPlain
City #T016-03, located in Ward 2
Date of Event: April 11, 2003</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
DSD: In Compliance</p> |
| <p>(6) ST. AMBROSE SCHOOL
300 S. Tucson Blvd.
Applicant: Sylvia M. Belda
City #T017-03, located in Ward 6
Date of Event: April 4, 2003
April 5, 2003</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
DSD: In Compliance</p> |
| <p>(7) KOKOPELLI WINERY
534 & 536 N. 4th Avenue
Applicant: Donald L. Minchella
City #T019-03, located in Ward 6
Date of Event: March 21, 2003
March 22, 2003
March 23, 2003</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
DSD: In Compliance</p> |
| <p>(8) CHICANOS POR LA CAUSA TUCSON
3700 S. La Cholla
Kennedy Park Fiesta Area
Applicant: Otilia Arvizu
City #T020-03, located in Ward 1
Date of Event: April 12, 2003
April 13, 2003</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
DSD: In Compliance
Parks & Rec.: In Compliance</p> |

(d) Extension of Premises

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| (1) | BISON WITCHES BAR & DELI
326 N. 4 th Avenue
Applicant: Thomas R. Partridge
City #EP06-03, located in Ward 6
Date of Event: April 19, 2003
Type: Temporary | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (2) | PLUSH
340 E. 6 th Street
Applicant: Maebelle Reed
City #EP08-03, located in Ward 6
Date of Event: March 21, 2003
March 22, 2003
March 23, 2003
Type: Temporary | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

8. ZONING: (C9-01-22) NEW WORLD HOMES – HOUGHTON ROAD, SR TO R-1, ORDINANCE ADOPTION

- (a) Report from City Manager MARCH17-03-160 WIV
- (b) Ordinance No. 9824 relating to zoning: amending zoning district boundaries in the area located on the northwest corner of Old Spanish Trail and Houghton Road in Case C9-01-22, New World Homes – Houghton Road, SR to R-1; and setting an effective date.

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

9. RIO NUEVO PROJECT: GRANT APPLICATION FOR FEDERAL BROWNFIELDS FUNDS TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY

- (a) Report from City Manager MARCH17-03-169 WI
- (b) Resolution No. 19538 relating to redevelopment; approving and authorizing submission of a Grant Application to the U.S. Environmental Protection Agency for federal Brownfields funds for the redevelopment of various sites within the Rio Nuevo boundaries; and declaring an emergency.

The City Manager recommends adoption of Resolution No. 19538 in support of the grant application.

10. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (c) Report from City Manager MARCH 17-03-147 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

11. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED BUDGET FOR FISCAL YEAR 2004

- (a) Report from City Manager MARCH 17-03-163 CITY-WIDE
- (b) Hearing. This is the first of two public hearings to be held on the City's Recommended Budget for Fiscal Year 2004. This hearing is to allow the public an opportunity to comment on the budget prior to the beginning of the Mayor and Council budget review process. The second public hearing is scheduled for April 28, 2003.

12. PUBLIC HEARING: PROPOSED WATER "SYSTEM EQUITY" FEE

- (a) Report from City Manager MARCH 17-03-161 CITY-WIDE AND OUTSIDE THE CITY
- (b) Hearing on the implementation of the proposed Water System Equity Fee. This one-time fee, to be assessed at the time of meter application, recovers a proportionate share of the cost of water system infrastructure serving the new connection to the system. This cost has been previously funded by monthly water rates. With the system equity fee in place, increases to monthly water rates will be less than they otherwise would be.

The Mayor and Council will be asked to adopt the proposed fee at its April 7, 2003, Regular Meeting.

13. PUBLIC HEARING: (SE-02-27) COPELAND – PIMA STREET, C-1 ZONING SPECIAL EXCEPTION – APPEAL OF ZONING EXAMINER’S DECISION

- (a) Report from City Manager MARCH17-03-162 WVI
- (b) Hearing on an appeal of the Zoning Examiner’s decision in special exception case SE-02-27 Copeland – Pima Street. The appeal has been filed by Tim Rout, on behalf of the property owner, Jean Marie Copeland.

The preliminary development plan is for a 4,932 square foot self-service car wash on an 0.80 acre C-1 zoned parcel located on the south side of Pima Street east of Alvernon Way.

The Zoning Examiner held a public hearing on December 19, 2002 and issued a decision to deny the special exception request on December 27, 2002. The City Manager recommends the Zoning Examiner’s decision be upheld and the appeal be denied.

14. PUBLIC HEARING: TUCSON CODE – AMENDING CHAPTER 20, PARADE AND ASSEMBLY ORDINANCE

- (a) Report from City Manager MARCH17-03-166 CITY-WIDE
- (b) Hearing: Proposed amendments to Chapter 20 of the Tucson Code regulating parades and assemblies on City roadways. It also addresses parades and assemblies on other City property if they block access or impede or prevent the property’s use for its intended public purpose.
- (c) Ordinance No. 9825 relating to motor vehicles and traffic; regulating use of City roadways or other property for parades or assemblies; requiring permits from the Chief of Police (“Chief”) for parades or assemblies held in a City roadway, or held on other City property so as to block access to that property, or City facilities located on that property, or hinder the property’s use for its intended public purpose; exempting certain parades and assemblies from permit requirements; specifying the procedures and standards the Chief must use in granting, denying or revoking permits, and providing for judicial review of those decisions; specifying the Chief’s regulatory powers regarding parades and assemblies for which a permit has been issued, public conduct during parades and assemblies, dispersal of parades or assemblies held without a required permit or in violation of permit requirements, and separation of parades or assemblies that represent a potential danger to Public Safety; creating necessary definitions; amending Chapter 20 of the Tucson Code by adding a new Article XI, consisting of Sections 20-510 through 20-542; and declaring an emergency.

The City Manager recommends approval of Ordinance No. 9825.

15. 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."

16. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, March 24, 2003, at 7:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.