



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

**MONDAY, MAY 19, 2003 – 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 – President Philippe J. Kradolfer, The Church of Jesus Christ of Latter-day Saints

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

**PRESENTATIONS**

- (a) Presentation of the Government Finance Officers Association’s Distinguished Budget Preparation Award to the City of Tucson for the Biennium beginning July 1, 2002
- (b) Proclaiming May 18 to May 24 as “Public Works Week”
- (c) Presentation of the Operations Support Award to Steve Paz of the Department of Transportation by the Southern Arizona Branch of the American Public Works Association
- (d) Presentation to Mayor and Council by Gridley Middle School students “There’s No Business Like Road Business”

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager MAY19-03-301 CITY-WIDE

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

- (a) Report from City Manager MAY19-03-302 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 I**

**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 MAY19-03-299 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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| (1) | SAMANIEGO PLACE<br>222 S. Church<br>Applicant: Catherine P. Lambert<br>City #023-03, located in Ward 6<br>Series #12<br>Action must be taken by: June 8, 2003           | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
| (2) | CIRCLE K STORE #6286<br>8630 Golf Links Road<br>Applicant: Kim K. Kwiatkowski<br>City #024-03, located in Ward 4<br>Series #10<br>Action must be taken by: June 8, 2003 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>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/Location Transfer(s)

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| (3) JOHAN’S TAVERN<br>5306 S. Civano Blvd.<br>Applicant: Alan J. Boertjens<br>City #025-03, located in Ward 4<br>Series #7<br>Action must be taken by: June 8, 2003<br>Public Opinion: <b>Protests filed</b> | <u>Staff Recommendation</u><br><br>Police: In Compliance<br><b>DSD: DENIED</b><br>Bus. License: In Compliance |
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NOTE: For a person and location transfer, Mayor and Council can consider both the applicant’s capability, qualifications and reliability, and location issues.

(c) Special Event(s)

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| (1) OUR MOTHER OF SORROWS CHURCH<br>1800 S. Kolb Road<br>Applicant: Thomas M. McGuire<br>City #T046-03, located in Ward 4<br>Date of Event: May 30, 2003<br>May 31, 2003<br>June 1, 2003<br>(Fundraiser) | <u>Staff Recommendation</u><br><br>Police: In Compliance<br><b>DSD: Review in process</b> |
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(d) Extension of Premises

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| (1) KICKSTART GRILL<br>8987 E. Tanque Verde Road, Suite 335<br>Applicant: John W. Fahlberg<br>City #EP19-03, located in Ward 2<br>Date of Event: June 4, 2003<br>July 4, 2003<br>Type: Temporary<br>Series: #12<br>(Bike Show) | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
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**8. ZONING: (C9-02-04) CHICANOS POR LA CAUSA - SILVERBELL ROAD, SR TO R-1, ORDINANCE ADOPTION**

- (a) Report from City Manager MAY19-03-312 W1
- (b) Ordinance No. 9855 relating to zoning: amending zoning district boundaries in the area located on the west side of Silverbell Road at Introspect Drive in case C9-02-04, Chicanos por la Causa, SR to R-1; and setting an effective date.

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

**9. ZONING: (C9-02-31) US HOME – BENSON HIGHWAY, I-1 TO R-1**

- (a) Report from City Manager MAY19-03-300 W5
- (b) Report from Zoning Examiner dated April 25, 2003
- (c) Request to rezone approximately 56 acres from I-1 (Light Industrial) to R-1 (Low Density Residential) zoning. Applicant: Dick Walbert of the Planning Center, on behalf of the property owner, David Cada of US Home.

The rezoning site is located on the north side of Julian Wash approximately 300 feet north of Benson Highway and 300 feet east of Campbell Avenue. The preliminary development plan proposes 282, one and two-story single-family residences on 56 acres as part of a larger development consisting of 590 units on a total of 116 acres. The additional 60 acres are already zoned R-1.

The Zoning Examiner recommends approval of R-1 zoning. The City Manager recommends approval of R-1 zoning subject to the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated November 14, 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. The owner/developer shall dedicate sufficient land to create a fifty (50) foot wide public trail corridor on the northern bank of Julian Wash along the entire length of the project from its eastern edge to the northwest corner of the parcel.

3. The owner/developer shall install landscaping, irrigation and a trail constructed to the City/County Divided Urban Pathway standard within the Julian Wash trail corridor. This standard includes a twelve (12) foot wide path, and eight (8) foot wide meandering natural surface path. All landscaping within the Julian Wash trail corridor shall be native plant species. In lieu of the above, the owner/developer may provide a contribution in the amount of \$44 per linear foot of frontage along the Julian Wash to the Tucson Parks and Recreation Department for use towards completion of the improvements.
4. Where perimeter walls are provided along lot lines that abut the Julian Wash Trail, either “a” or “b” shall apply:
  - a. Adjacent to one-story homes, the wall treatment shall consist of a minimum three (3) foot block wall with wrought iron on top. Adjacent to two-story homes, the wall treatment shall consist of a solid block wall or a minimum three (3) foot block wall with wrought iron on top.
  - b. An alternative design acceptable to the Development Services Department.
5. The neighborhood park located within the interior of the project shall be connected to the Julian Wash trail corridor by a landscaped eight (8) foot wide meandering, asphalt or similar hard surface path along the drainageway.
6. Integrated pedestrian connections shall be provided between recreation facilities, usable open space areas, and pedestrian facilities along the street.
7. Along lot frontages, a minimum fifteen (15) foot wide landscape/pedestrian area shall be provided on both sides of the street, measured from the back of curb. On each side of the street, the landscape/pedestrian area shall include, but is not limited to, one (1) canopy tree per two (2) lots.
8. “Safe by Design” concepts shall be incorporated in the development plan for review.
9. All walls visible from a public right-of-way are to be graffiti-resistant and incorporate one or more visually appealing design treatments. These treatments may include the use of two or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments (jog, curve, notch, setback, etc.); and/or, trees and shrubbery in voids created by wall variations.

10. Right turn/deceleration lanes shall be installed on abutting streets at access points to the development.
11. A 100-year storm capacity reinforced concrete structure, including bridges, as approved by the City Engineer, shall be installed at all drainage crossings.
12. Any existing curb cuts that will not be used for vehicular access shall be closed.
13. 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.
14. No structure, off-street parking, vehicular circulation, off-street loading, or maneuvering space, landscaping, or screening improvements required by the *Land Use Code*, may be constructed, erected, placed, or extended in the future right-of-way unless specifically allowed.
15. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
16. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Two (2) written approvals 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. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager MAY19-03-303 CITY-WIDE

**11. CALL TO THE AUDIENCE**

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**12. ADJOURNMENT**

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