



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Mondays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

5:30 p.m. session [Order of business]

- Invocation and Pledge of Allegiance
- Presentations
- Summary of Current Events
- Liquor license applications
- Consent Agenda

- Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.
- Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.
- Other Mayor and Council business as listed on the agenda for the meeting.

Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. : www.tucsonaz.gov/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.tucsonaz.gov/agdocs. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor
Fred Ronstadt – Vice Mayor

Council Members

José J. Ibarra **Ward 1**
Carol W. West **Ward 2**
Kathleen Dunbar **Ward 3**

Shirley C. Scott **Ward 4**
Steve Leal **Ward 5**
Fred Ronstadt **Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639, FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:

Tuesdays – 9:00 p.m. Wednesdays – 9:00 a.m. Sundays – 9:00 a.m.

VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, DECEMBER 6, 2004 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Reverend Dan Hurlbert, Desert Skies United Methodist Church

PLEDGE OF ALLEGIANCE – Led by Boy Scout Pack 251

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager DEC6-04-659 CITY-WIDE

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

(a) Report from City Manager DEC6-04-660 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

(a) Report from City Manager DEC6-04-658 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

(1) TONY ROMA’S ORACLE
4620 N. Oracle Road
Applicant: Kenneth D. Elder
City #087-04, Ward 3
Series #12

Action must be taken by: December 16, 2004

Staff Recommendation

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

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| (2) | TONY ROMA'S KOLB
750 N. Kolb Road
Applicant: Kenneth D. Elder
City #088-04, Ward 2
Series #12
Action must be taken by: December 16, 2004 | <u>Staff Recommendation</u>

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

6. CONSENT AGENDA – ITEMS A THROUGH D

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.

7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker". 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".

8. MAYOR AND COUNCIL: SELECTION OF A VICE-CHAIR

- (a) Report from City Manager DEC6-04-661 CITY-WIDE
- (b) Resolution No. 19972 relating to the Vice-Chair of the Mayor and Council; selecting a Vice-Chair; and declaring an emergency.

9. ZONING: (SE-04-14) TUCSON BOTANICAL GARDENS – ALVERNON WAY R-1 AND R-2 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

- (a) Report from City Manager DEC6-04-664 W6
- (b) Report from Zoning Examiner dated November 19, 2004
- (c) This is a Special Exception Land Use request to allow expansion of an existing 5.31 acre cultural use to 5.72 acres in the R-1 and R-2 zones. Applicant: Nancy Laney of Tucson Botanical Gardens.

The preliminary development plan proposes to expand the site by incorporating two adjacent residential lots along Sycamore Avenue, and to add 11,294 square feet of new office, research and storage space to the existing 10,196 square feet of buildings.

The site is located on the east side of Alvernon Way, approximately 600 feet south of Grant Road, running through the block to Sycamore Avenue.

The Zoning Examiner recommends approval of the special exception land use request. The City Manager recommends approval of the special exception land use request subject to the conditions in the ordinance provided.

Five (5) written approvals and two (2) written protests have been received. The protests generally allude to traffic and concern over business use of residential property.

- (d) Ordinance No. 10091 relating to zoning; a special exception land use – cultural use – Tucson Botanical Gardens – Alvernon Way – east side of Alvernon Way, approximately 600 feet south of Grant Road, running through the block to Sycamore Avenue; approving with conditions the expansion of the site by incorporating two adjacent residential lots along Sycamore Avenue, and the construction of 11,294 square feet of new office, research and storage space in addition to the existing 10,196 square feet of buildings on the site in the R-1 and R-2 zones – case SE-04-14; and setting an effective date.

A simple majority vote will be necessary to approve the special exception land use.

10. ZONING: (SE-04-11) ALLTEL – RILLITO RACETRACK RX-1 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

- (a) Report from City Manager DEC6-04-665 W3
- (b) Report from Zoning Examiner dated November 19, 2004

- (c) This is a Special Exception Land Use request to allow a communications use. Applicant: Beverly Kinison of Alltel Communications, on behalf of the property owner, Pima County Parks and Recreation Department.

The preliminary development plan proposes a 63-foot tall wireless communications tower disguised as a palm tree on the 87 acre site.

The site is located on the east side of First Avenue, north of the Rillito River.

The Zoning Examiner recommends approval of the special exception land use request. The City Manager recommends approval of the special exception land use request subject to the conditions in the ordinance provided.

Nine (9) written approvals and eight (8) written protests have been received. The protests generally allude to health concerns, commercialization of public facilities, and proximity to residential development.

- (d) Ordinance No. 10092 relating to zoning; a special exception land use – communication use – Alltel – Rillito Racetrack – east side of First Avenue, north of the Rillito River; approving with conditions the construction of a 63 foot tall cellular tower in the RX-1 zone – case SE-04-11; and setting an effective date.

A simple majority vote will be necessary to approve the special exception land use.

11. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager DEC6-04-657 CITY-WIDE

12. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, December 13, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.