



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 Tuesdays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

- 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
Kathleen Dunbar – Vice Mayor

Council Members

José J. Ibarra	Ward 1	Shirley C. Scott	Ward 4
Carol W. West	Ward 2	Steve Leal	Ward 5
Kathleen Dunbar	Ward 3	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. In addition, replays of the meetings are cablecast on Tucson 12 as follows:
 Wednesdays – 9:00 p.m. Thursdays – 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

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting which will be open to the public:

REGULAR MEETING

**TUESDAY, NOVEMBER 1, 2005 – 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 – Rabbi Samuel Cohon, Temple Emanu-El

PLEDGE OF ALLEGIANCE – The Pledge will be led by the Boy Scout Troop 332

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager NOV1-05-579 CITY-WIDE

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

a. Report from City Manager NOV1-05-580 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager NOV1-05-583 CITY-WIDE
- b. Liquor License Applications

New License

- 1. Wilmot Shell, Ward 5
7710 S. Wilmot Road
Applicant: Michael George Wystrach
Series 10, City 84-05
Action must be taken by: November 7, 2005

Staff has indicated the applicant is in compliance with city requirements.

- 2. Vero Amore, Ward 2
3305 N. Swan Road, St. B-105
Applicant: Aric Kaiser Mussman
Series 12, City 86-05
Action must be taken by: November 6, 2005

Staff has indicated the applicant is in compliance with city requirements.

- 3. S & S Spirits, Ward 1
210 W. 5th Street
Applicant: Jeffrey Brian Sorrentino
Series 04, City 89-05
Action must be taken by: November 13, 2005

Staff has indicated the applicant is in compliance with city requirements.

- 4. Arizona Pizza Company, Ward 6
5855 E. Broadway Blvd. #114
Applicant: Kenneth David Rubinstein
Series 12, City 90-05
Action must be taken by: November 14, 2005

Staff has indicated the applicant is in compliance with city requirements.

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 the community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Person/Person Transfer

5. Maverick King of Clubs, Ward 2
6622 E. Tanque Verde Road
Applicant: Karen Sue Markovich
Series 06, City 81-05
Action must be taken by: November 4, 2005

Staff has indicated the applicant is in compliance with city requirements.

6. Why Can't We Be Friends, Ward 6
187 N. Park Avenue
Applicant: Brandon Michael McDowell
Series 07, City 85-05
Action must be taken by: November 5, 2005

Staff has indicated the applicant is in compliance with city requirements.

7. Famous Sams #4, Ward 3
3620 N. 1st Avenue
Applicant: Connie Lou Gardner
Series 06, City 91-05
Action must be taken by: November 14, 2005

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications, and reliability. (A.R.S. Section 4-203)

Location Transfer

8. Pizza Hut Wingstreet #25, Ward 2
8906 E. Tanque Verde
Applicant: Walter Brent Kyte
Series 07, City 87-05
Action must be taken by: October 31, 2005

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a location transfer, Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203; Rule R19-1-102)

c. Special Event

1. AZ Historical Society Docent Council, Ward 6
949 E. 2nd Street
Applicant: Armand Martin Ronstadt
City T92-05
Date of Event: November 15, 2005
Fundraiser for AZ Historical Society Docent Council

Staff has indicated the applicant is in compliance with city requirements.

2. Fox Tucson Theatre Foundation, Ward 6
151 S. Granada Avenue
Applicant: Herb R. Stratford
City T95-05
Date of Event: November 5, 2005
Film Festival

Staff has indicated the applicant is in compliance with city requirements.

3. Kokopelli Winery, Ward 6
536 N. 4th Avenue
Applicant: Dennis Michael Minchella
City T96-05
Date of Event: December 9 - December 11, 2005
Fourth Avenue Street Fair

Staff has indicated the applicant is in compliance with city requirements.

4. Tucson Celtic Festival Association, Ward 3
4502 N. First Avenue
Applicant: Sharon Ann Caldwell
City T97-05
Date of Event: November 4 - November 5, 2005
A Cultural Fiesta

Staff has indicated the applicant is in compliance with city requirements.

5. The Glassman Foundation, Ward 2
6503 E. Tanque Verde Road
Applicant: Don W. Haskell
City T98-05
Date of Event: November 6, 2005
Fundraiser for Local Children's Charities

Staff has indicated the applicant is in compliance with city requirements.

6. The Tucson Rodeo Committee Inc., Ward 5
4801 S. 6th Avenue
Applicant: Gary Gene Williams
City T99-05
Date of Event: February 18 - February 26, 2006
To Stage the Annual Tucson Rodeo - La Fiesta De Los Vaqueros

Staff has indicated the applicant is in compliance with city requirements.
7. It's Happening Downtown Inc., Ward 1
Calle Carlos Arruza
Applicant: Barbara A. Zelano
City T103-05
Date of Event: November 19, 2005
Community Cultural Event

Staff has indicated the applicant is in compliance with city requirements.
8. Caridad - de Porres Inc., Ward 1
845 N. Main
Applicant: Joseph Michael Baker
City T104-05
Date of Event: November 5 - November 6, 2005
Fundraiser

Staff has indicated the applicant is in compliance with city requirements.
9. SAAF Southern Arizona Aids Foundation, Ward 6
1303 E. University Blvd.
Applicant: Michele Bart
City T105-05
Date of Event: November 19, 2005
17th Annual Jerome Beillard Festival for Life Fundraiser

Staff has indicated the applicant is in compliance with city requirements.
10. Southern Arizona Assoc. for the Visually Impaired, Ward 5
2805 E. Ajo Way
Applicant: David Boyer
City T107-05
Date of Event: November 4, 2005
Fundraising

Staff has indicated the applicant is in compliance with city requirements.

11. Congress Street Historic Theatres Foundation, Ward 6
318 E. Congress Street
Applicant: Douglas William Biggers
City T108-05
Date of Event: November 6, 2005
Live Music Event Celebrating The Day of The Dead Parade

Staff has indicated the applicant is in compliance with city requirements.

6. CONSENT AGENDA – ITEMS A THROUGH G

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. PUBLIC HEARING: ZONING (C9-02-32) A-C INVESTMENTS – AJO WAY, R-1/R-2/I-1 TO I-1, CHANGE OF PRELIMINARY DEVELOPMENT PLAN (CONTINUED FROM THE MEETING OF OCTOBER 4, 2005)

- a. Report from City Manager NOV1-05-586 WARD 5
- b. At the request of the applicant staff recommends this item be continued to December 13, 2005

9. PUBLIC HEARING: ZONING (C9-00-03) NEW WORLD HOMES – 22ND STREET, SR AND RX-1 TO C-1, REQUEST FOR TIME EXTENSION

- a. Report from City Manager NOV1-05-591 WARD 2
- b. Hearing: on a request for a five-year time extension for the completion of the rezoning conditions for the property located at the southwest corner of 22nd Street and Harrison Road. Applicant: Jim Richard of Richard+Bauer Architecture, on behalf of World Savings, the property owner. The preliminary development plan is for a 2,970 square foot financial services use on 1.22 acres, the final phase of a large rezoning for 74 single family lots on 18.7 acres in addition to the subject commercial zoning.

The original five-year authorization expires on November 6, 2005. A public hearing is required because the request, if approved will extend the time for completion of rezoning conditions more than five (5) years from the date of the last public hearing.

The City Manager recommends the approval of the requested five-year time extension, subject to compliance with the following revised conditions of rezoning:

1. A subdivision plat, in substantial compliance with the preliminary development plan, the Design Compatibility Report, and the Environmental Resource Report, is to be submitted for review and approval in accordance with Section 4.1.1 of the *LUC*, including, but not limited to:
 - a. A separate development plan, limited to a maximum of 8,000 square feet of gross floor area (GFA) shall be submitted for the commercial portion of the rezoning site
 - b. A maximum of seventy-six (76) one-story residential units on the residential portion with a maximum building height of eighteen (18) feet., except lots 18 through 25, as shown on the preliminary development plan, which are restricted to a building height of sixteen (16) feet measured to the top of the roof peak.
 - c. A maximum of one access driveway from 22nd Street to the commercial portion of the rezoning site, to align with the existing shopping center driveway on the opposite side of the street.
 - d. A maximum of one access driveway from Harrison Road to the commercial portion of the rezoning site, located at least two hundred (200) feet from the center line of 22nd Street.

- e. A maximum of one access street to the residential portion on Harrison Road which shall align with the median opening designed in the Harrison Road – 22nd Street to Golf Links Road paving improvement district.
 - f. A maximum of one access street to the residential portion on 22nd Street.
 - g. A one foot no-access easement around the perimeter of the project, except at the access points.
 - h. A 60 foot minimum lot width and 65 foot principal building setback from the south site property line for lots 18 through 25 as shown on the preliminary development plan. Additionally, a covered porch would be allowed within the building setback area.
 - i. A six (6) foot tall masonry screen wall at the back of the lots adjacent to the south property line.
 - j. A five (5) foot tall masonry screen wall at the back of the lots on the west property line.
 - k. The Home Owner's Association will be responsible for maintenance of all common areas.
 - l. An opaque fence will be installed across the drainageway entering the rezoning site along the south property line between lots 19 and 20. The space below the fence will be no larger than the minimum required per the City Engineer.
 - m. Development of the rezoning site shall be in compliance with the Native Plant Preservation Ordinance (NPPO).
2. The owner/developer shall dedicate right-of-way, per the *Major Streets and Routes Plan*, along 22nd Street and Harrison Road.
 3. The owner/developer shall be required to provide in-lieu fees of \$36 per lineal foot of frontage of 22nd Street to cover the cost of seventeen (17) feet of future pavement, curb, and sidewalk. If the improvement district or Harrison Road is not constructed, the owner/developer shall also be required to provide in-lieu fees of \$36 per lineal foot of frontage of Harrison Road. The timing and manner of funding to be determined by the City Engineer.

4. The owner/developer shall provide an eastbound deceleration lane for the proposed subdivision access road on 22nd Street. The widening of 22nd Street shall also include a westbound deceleration lane and the proper taper transition for the proposed subdivision access road.
5. The owner/developer shall prepare a Traffic Impact Study Category I report for the commercial site and shall implement necessary improvements demonstrated to be appropriate, as approved by the City Engineer.
6. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
7. The owner/developer shall provide temporary widening of Harrison Road to provide for a northbound deceleration left turn lane into the commercial parcel if developed prior to the Harrison Road – 22nd Street to Golf Links Road district improvement project.
8. The owner/developer shall contribute for box culverts for Robb Wash under 22nd Street. The contribution shall be approximately fifty (50) percent of the cost of the culvert up to \$75,000.
9. The Robb Wash will be maintained as open space in accordance with the Watercourse, Amenity, Safety and Habitat Ordinance (WASH) and the following conditions:
 - a. A copy of the study area delineation, hydrology/hydraulic study, plant/habitat inventory, resource area delineation, mitigation plan, wash treatment, and preservation/revegetation plan, if any, will be submitted to a representative of the neighborhood for review and comment at the same time as it is submitted to City officials for approval.
 - b. Areas set aside for habitat and open space preservation in accordance with the WASH Ordinance will be protected by a perpetual deed restriction that prohibits alteration of wildlife habitat or landscape from its natural state or consumption of the open space.
10. The eastern tributary shall be adequately designed to accept the 100-year off-site storm runoff. Its confluence shall be designed to comply with City drainage standards.
11. A drainage report shall be submitted for review and approval, including retention/detention calculations/requirements.

12. Water harvesting techniques shall be utilized by conveying rooftop, parking area access lane (PAAL), and parking area drainage to designated water harvesting areas. In the residential areas, storm runoff may be first directed to landscape areas with overflow into the Robb Wash channel. Lots shall not be graded to accept lot to lot drainage.
13. The owner/developer shall contribute for improvements to the Old Spanish Trail Bicycle and Pedestrian Path. The contribution shall be determined in conjunction with the City and County Parks and Recreation Departments based on the final number of residential units.
14.
 - a. A minimum ten (10) foot wide landscape buffer with canopy trees shall be provided adjacent to the 22nd Street and Harrison Road right-of-ways and the existing R-1 zoned land to the west of the rezoning site.
 - b. A minimum twenty (20) foot wide landscape buffer with canopy trees shall be provided adjacent to the existing R-1 zoned land to the south of the rezoning site including a landscaped drainageway.
15. Commercial structures, walls, and residential units shall be constructed of building materials that are muted desert colors, or painted muted desert colors which will blend with the local desert environment. Brighter colors shall be limited to accent use.
16. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Those screen walls visible from the public right-of-way 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. In addition, any continuous wall greater than 75 feet in length and 3 feet in height shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
17. Mechanical units shall be ground mounted.
18. All outdoor lighting shall be directed down and away from residential parcels and public roadways and be as low in elevation as possible.
19. All new dumpsters and loading spaces shall be placed at least fifty (50) feet from residentially zoned or developed property.
20. An on-the-ground survey by a qualified archeologist shall be performed before any ground modification, and if any remains are found, a data recovery program approved by the Arizona State Museum shall be

performed. Archeological/cultural remains encountered during ground modification activities shall be mitigated in accordance with guidelines provided by the Arizona State Museum.

21. Areas set aside for habitat and open space preservation in accordance with the WASH Ordinance will be fenced off and protected prior to any on-site development activity.
22. The U. S. Fish and Wildlife Service guidelines regarding the Cactus Ferruginous Pygmy Owl shall be followed.
23. The Arizona Game and Fish Department guidelines regarding raptors, bats, gila monsters, and special status plants and animals shall be followed.
24. “Safe by Design” concepts shall be incorporated in the development plan and subdivision plat for review by the Tucson Police Department.
25. A silt fence will be in place before grading occurs to deter snakes from entering adjacent properties to the south and west of the site.
26. Compliance with all Code requirements and conditions of rezoning by November 6, ~~2005~~ 2010.
27. The owner/developer shall provide a non-motorized, publicly-accessible trail easement, a minimum of 12 ft wide, along the west side of the property and adjacent to the Robb Wash and extending from 22nd St to Harrison Road.
28. Decomposed granite shall not exceed 50 percent of the ground cover area. The remaining ground cover material shall be comprised of ground covering plants and shrubs.

Zero (0) written approvals and fifteen (15) written protests have been received for this case. Thirteen (13) of the protests lie within the 150 foot protest area resulting in a protest by area of 67.27 percent to the south, 28.57 percent to the west, and zero (0) percent to the north and east.

A simple majority vote will be necessary to approve the requested time extension.

10. PUBLIC HEARING: GOLF LINKS ROAD, PANTANO PARKWAY TO BONANZA AVENUE DISTRICT PAVING AND LIGHTING IMPROVEMENT

- a. Report from City Manager NOV1-05-578 WARD 4
- b. Resolution No. 20198 approving assessment and previous proceedings for the “Golf Links Road, Pantano Parkway to Bonanza Avenue District Paving and Lighting Improvement,” in the City of Tucson, Arizona.

11. REAL PROPERTY: PROPOSAL TO EXCHANGE PROPERTY AT THE SITE OF HISTORIC FORT LOWELL FOR PROPERTY ON EAST SPEEDWAY BOULEVARD

- a. Report from City Manager NOV1-05-582 WARDS 2 AND 6

The material on this item will be distributed as soon as it is available.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager NOV1-05-581 CITY-WIDE

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, November 15, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

The meeting of November 8 has been cancelled.