



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**
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. 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 15, 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 – Pastor Gisella Montana, Desert Valley Adventist Church

PLEDGE OF ALLEGIANCE – The Pledge will be led by Webelos Pack 251

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager NOV15-05-596 CITY-WIDE

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

a. Report from City Manager NOV15-05-597 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager NOV15-05-595 CITY-WIDE
- b. Liquor License Applications

New License

- 1. Cafe Poca Cosa, Ward 6
120 E. Pennington
Applicant: Suzana Maria Davila
Series 12, City 92-05
Action must be taken by: November 20, 2005

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

- 2. Korea House Restaurant, Ward 6
4030 E. Speedway Blvd.
Applicant: Kyong M. Baker
Series 12, City 94-05
Action must be taken by: November 26, 2005

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

- 3. Sachiko Sushi III, Ward 3
1800 E. Ft. Lowell Road, #116
Applicant: Young Bun Ishii
Series 12, City 97-05
Action must be taken by: November 28, 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 Transfer

- 4. Olive R Twist Cafe, Ward 6
4915 E. Speedway Blvd.
Applicant: Tanya Elaine Taylor
Series 06, City 95-05
Action must be taken by: November 24, 2005

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

PUBLIC OPINION: PROTEST FILED

5. Rodeway Inn Motel, Ward 1
1365 W. Grant Road
Applicant: Shamsheer Singh
Series 06, City 96-05
Action must be taken by: November 26, 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)

Person/Location Transfer

6. Abella Wedding and Reception Center, Ward 6
5225 E. Speedway Blvd.
Applicant: Judith Irene Muhlestein
Series 06, City 93-05
Action must be taken by: November 20, 2005

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

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event

1. Congregation Anshei Israel, Ward 6
5550 E. 5th Street
Applicant: Patricia W. Citron
City T106-05
Date of Event: December 17, 2005
75th Anniversary Dinner - Dance

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

2. Health World of Scottsdale, Ward 3
4500 N. Oracle Rd., Sp 227
Applicant: Peter Rusin
City T111-05
Date of Event: November 17, 2005
To Introduce Health World to the Community at Large

Staff has indicated the applicant is in compliance with city requirements

d. Agent Change

1. Residence Inn By Marriott, Ward 2
6477 E. Speedway Blvd.
Applicant: Steven Mark Ryan
City AC06-05
Action must be taken by: November 20, 2005

Staff has indicated the applicant is in compliance with city requirements.
2. Tony Romas Oracle, Ward 3
4620 N. Oracle Road
Applicant: Robert William Penprase
City AC07-05
Action must be taken by: November 19, 2005

Staff has indicated the applicant is in compliance with city requirements.
3. VFW #4903, Ward 6
1150 N. Beverly Avenue
Applicant: Franciso Guzman Duenas
City AC08-05
Action must be taken by: November 26, 2005

Staff has indicated the applicant is in compliance with city requirements.
4. Tony Romas Kolb, Ward 2
750 N. Kolb Road
Applicant: Robert William Penprase
City AC09-05
Action must be taken by: November 21, 2005

Staff has indicated the applicant is in compliance with city requirements.
5. Famous Dave's, Ward 3
4565 N. Oracle Road
Applicant: David Michael Dworak
City AC10-05
Action must be taken by: November 21, 2005

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

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

6. **CONSENT AGENDA – ITEMS A THROUGH M**

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: *ARROYO CHICO AREA PLAN* AMENDMENT, ALVERNON/25TH STREET – COMMERCIAL (PARKING)**

- a. Report from City Manager NOV15-05-607 WARD 5
- b. Hearing on a request by Don Laidlaw, on behalf of the property owners, Joseph and Luella Goldman and Jay Goldman to amend the *Arroyo Chico Area Plan* to allow an area designated for residential uses only to be used for parking for the adjacent businesses. The properties are southwest of Alvernon and 22nd Street. More specifically, they are on the east side of Winstel Boulevard, which is one block west of Alvernon, between Juarez Street and 25th Street. The businesses all front on Alvernon, and the area proposed for parking is west of the business.

The applicant requests this public hearing be continued to November 22, 2005. Staff recommends that this public hearing be opened on November 15, testimony taken, and the public hearing continued until November 22, 2005.

9. PUBLIC HEARING: MELPOMENE/22ND STREET ANNEXATION DISTRICT

- a. Report from City Manager NOV15-05-602 WARD 4
- b. Hearing on proposed annexation district located at the southwest corner of Melpomene Way and 22nd Street. The area is comprised of 43 acres or .067 square miles.

The City Manager recommends that the Mayor and Council direct staff to proceed with the Melpomene/22nd Street Annexation District.

10. ZONING: (C9-01-15) QURESHI – QUEEN AVENUE, P TO R-2, ORDINANCE ADOPTION

- a. Report from City Manager NOV15-05-608 WARD 3
- b. Ordinance No. 10216 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of Speedway Boulevard and Queen Avenue in Case C9-01-15, Qureshi – Queen Avenue, P to R-2; and declaring an emergency.

11. ZONING: (C9-05-18) BLYTHE – HAWTHORNE STREET, R-1 TO O-2, CITY MANAGER’S REPORT

- a. Report from City Manager NOV15-05-603 WARD 6
- b. Report from Zoning Examiner dated October 21, 2005
- c. Request to rezone approximately 0.21 acres from R-1 to O-2 zoning located on the northwest corner of Hawthorne Street and Wilmot Road. Applicant: Walter Slack, Darling Environmental and Surveying, on behalf of the property owner, Richard Blythe. The preliminary development plan is to convert the existing 1,714 square foot single-family residence to a professional office use. The Zoning Examiner and City Manager recommend approval of O-2 zoning. Should the Mayor and Council choose to approve the rezoning request, it is recommended that the following conditions be included:
 - 1. A development plan in substantial compliance with the preliminary development plan dated August 2, 2005, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.

2. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
3. The owner/developer shall dedicate right-of-way to a line 75 feet west of and parallel with the centerline/section line of Wilmot Road.
4. The owner/developer shall dedicate a 25-foot radius spandrel at the intersection of Wilmot Road and Hawthorne Street.
5. The owner/developer shall dedicate right-of-way or grant an alley easement to allow the construction of a 24-foot wide, two-way alley along the full width of the lot abutting the alley.
6. The alley shall be paved from Wilmot Road, west to the western property boundary of the lot.
7. A “right turn only” sign shall be posted at the exit to the site.
8. All existing unused curb cuts shall be closed.
9. There shall be no direct access to the site from Wilmot Road with the exception of the proposed improved alley access.
10. Signage may be illuminated and shall be located along the Wilmot Road street frontage only.
11. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) 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 shrubs in voids created by the wall variations.
12. Four (4) inch fence block shall not be used for perimeter walls.
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/or 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. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
15. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

12. ZONING: (C9-97-24) WOOTTON – HOUGHTON ROAD, SR TO R-1, CITY MANAGER’S REPORT

- a. Report from City Manager NOV15-05-604 WARD 2
- b. Report from Zoning Examiner dated October 21, 2005
- c. Request to rezone approximately 10.9 acres located on the west side of Houghton Road, abutting the Agua Caliente Wash from SR to R-1 zoning. Applicant: Charlie Deans on behalf of the property owners, Wootton Revocable Trust. The preliminary development plan is 21 one- and two-story residences. The Zoning Examiner and City Manager recommend denial of R-1 zoning. Should the Mayor and Council authorize this rezoning, staff recommends this case be remanded back to the Zoning Examiner for the establishment of appropriate conditions.

13. FINANCE: GOLF LINKS ROAD, PANTANO PARKWAY TO BONANZA AVENUE DISTRICT PAVING AND LIGHTING IMPROVEMENT (CONTINUED FROM MEETING OF NOVEMBER 1, 2005)

- a. Report from City Manager NOV15-05-610 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.

14. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY GENERAL AND SPECIAL ELECTIONS HELD NOVEMBER 8, 2005

- a. Report from City Manager NOV15-05-612 CITY-WIDE

Material for this item will be available on the City website and in the City Clerk’s office as soon as it becomes available.

15. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager NOV15-05-594 CITY-WIDE

16. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, November 22, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.