



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.

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).

Spanish language interpreting assistance is available during the meeting. If you need assistance, contact the Council Reporter located near the front, right side of the Chambers.

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, address, whether you reside in the City of Tucson and whom you represent, before proceeding. Any person who is representing people 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".
- 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
Steve Leal – Vice Mayor

Council Members

José J. Ibarra **Ward 1**
Carol W. West **Ward 2**
Karin Uhlich **Ward 3**

Shirley C. Scott **Ward 4**
Steve Leal **Ward 5**
Nina J. Trasoff **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, DECEMBER 20, 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 – Reverend Melinda Nay, Center for Joyful Living

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance
- 3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**
 - a. Report from City Manager DEC20-05-682 CITY-WIDE
- 4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS**
 - a. Report from City Manager DEC20-05-683 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager DEC20-05-688 CITY-WIDE
- b. Liquor License Applications

New License

- 1. New Dragon’s View Restaurant, Ward 1
400 N. Bonita Avenue
Applicant: Kuo (Jason) Kei Wong
Series 12, City 100-05
Action must be taken by: December 26, 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/Location Transfer

- 2. New Dragon’s View Restaurant, Ward 1
400 N. Bonita Avenue
Applicant: Kuo (Jason) Kei Wong
Series 07, City 102-05
Action must be taken by: December 31, 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. Agent Change

- 1. Fraternal Order of Eagles #180, Ward 3
1530 N. Stone Ave
Applicant: Woodrow Wilson Turner Jr.
Series 14, City AC12-05
Action must be taken by: December 24, 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 S

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: TUCSON CODE, AMENDING (CHAPTER 7), RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS FOR MOBILE ICE CREAM VENDORS

- a. Report from City Manager DEC20-05-701 CITY-WIDE
- b. Hearing on the proposed adoption of an ordinance requiring criminal history checks of applicants for licenses for mobile ice cream vendors.
- c. Ordinance No. 10236 relating to business licenses and occupational license tax; amending Chapter 7 by adding a new Article XXIII providing for Licensing and Operational Requirements for ice cream truck vendors; amending Section 19-41 to add an Occupational License Tax on ice cream truck vendors; and declaring an emergency.

9. ZONING: (C9-96-10) SCHOMAC – 22ND STREET, C-2 ZONING, ORDINANCE ADOPTION, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN

- a. Report from City Manager DEC20-05-707 WARD 5
- b. Ordinance No. 10237 relating to zoning: amending zoning conditions/Preliminary Development Plan on approximately 9.08 acres on the property located in the vicinity of the southwest corner of 22nd Street and Bellvedere Avenue in rezoning Case No. C9-96-10, Schomac Group – 22nd Street, and superceding Ordinance No. 9202; and declaring an emergency.

Staff recommends approval of the proposed preliminary development plan and amended conditions and adoption of the ordinance.

10. PUBLIC HEARING: ZONING (C9-02-32) A-C INVESTMENT – AJO WAY, R-1/R-2/I-1 TO I-1, CHANGE OF PRELIMINARY DEVELOPMENT PLAN (CONTINUED FROM THE MEETING OF DECEMBER 13, 2005)

- a. Report from City Manager DEC20-05-702 WARD 5
- b. Hearing on a request for a change of preliminary development plan for a rezoning site located on the northeast corner of Kino Parkway and Ajo Way in the interior of the Kino/Ajo interchange. Applicant: Walter Hoge, on behalf of the property owner, Rio West Development & Construction, Inc.

The revised preliminary development plan proposes 107,200 square feet of office, warehouse, and convenience store/gas station uses on 8.5 acres.

Staff recommends approval of the requested change of preliminary development plan subject to the following recommended conditions.

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- 1. A development plan in substantial compliance with the preliminary development plan dated October 25, 2005, ~~November 11, 2002~~ and the Design Compatibility Report, is to be submitted and approved in accordance with the requirements of the *Land Use Code*.
- 2. The City of Tucson Department of Transportation shall approve a site design for Parcel 2 that demonstrates the south/north bound traffic lanes on the Kino Parkway ramp are safe, accessible, and maneuverable for large commercial vehicles, such as but not limited to semi-tractor trailers, which require servicing or delivering to this site, using the Kino Parkway ramp entrance.

3. All structures shall be a maximum of thirty-six (36) feet in height, and shall be comparable in building mass and setbacks with the adjacent Pima County Government Complex.
4. All primary activity shall occur within enclosed buildings.
5. Service bay doors on Parcel 2 shall be placed facing the interior of the site. Interior buildings shall be prohibited from locating service bay doors which are oriented toward the residential neighborhood, unless one of the following screening options has been installed:
 - A. The construction of an eight foot high masonry wall, along the entire northern and eastern perimeter; or
 - B. After completion of all perimeter buildings along the northern and eastern perimeter, interior buildings may locate service bay doors to the north or east after demonstrating that the service bay doors are screened from the residential neighborhood by the perimeter buildings.
6. The south, east, and north property lines shall include an embellished landscape buffer, comparable in depth, and shall match the density of trees, plants, shrubs, and groundcover material as established by the Pima County Juvenile Facility along Ajo Way. If the property is developed in phases, these improvements shall be completed with the first phase.
7. All noise-generating-uses, including but not limited to trash enclosures, loading zones, and outdoor mechanical equipment, shall be appropriately screened and located a minimum of fifty (50) feet from the northern and eastern property lines.
8. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls 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.
9. Any continuous wall greater than seventy-five (75) feet in length and three (3) feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
10. 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.

11. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
12. Outdoor lighting shall be full cut-off – shielded and directed downward and away from residential uses, no more than twenty (20) feet in height from the eventual grade of the site measured to the light source.
13. Any access point to the parcels from Ajo Way shall be a minimum of 150 feet from the intersection of Interstate-10 and Kino Parkway access ramps as measured from the westernmost curb return from the access ramps to the easternmost curb return at the driveways to the parcels.
14. Dedication, or verification of the existence, of right-of-way as shown on the *Major Streets and Routes Plan* map, shall be provided, including all intersection widening, along all streets, including a thirty (30) foot radius spandrel at all street corners.
15. Right turn/deceleration lanes shall be provided at all access points.
16. Any existing curb cuts not approved for access shall be closed.
17. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
18. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.
19. The development plan shall incorporate and show any proposed phases.
20. A traffic impact analysis shall be required.
21. Any additional modifications to the interchange or signalization required by the Traffic Impact Analysis shall be at no expense to the City or ADOT.
22. The owner/developer shall provide an Airport Disclosure Statement to run with the land, as required by the Tucson Airport Authority (TAA).
23. The roadway improvements required by these conditions are necessary traffic safety measures for the increased use of the property and are not capacity improvements of the arterial roadway system as provided in

Tucson Code, Section 23A-87, and therefore do not qualify as offsets to road impact fees.

24. If the Mayor and Council adopt a policy to delay the approval of nonresidential rezoning cases prior to the effective date of impact fees as provided in Tucson Code, Section 23A-86, the owner/developer agrees to pay the equivalent of any such fees during all times prior to the effective date of nonresidential fees if this case is approved in advance of that effective date.

11. PUBLIC HEARING: VALENCIA RESERVE ANNEXATION DISTRICT

- a. Report from City Manager DEC20-05-694 WARD 5
- b. Hearing on proposed annexation district bounded on the north by Valencia Road, on the west by Alvernon Way, on the south by Los Reales Road and on the east by Swan Road. The area is comprised of 689 acres or 1.076 square miles.

The City Manager recommends that the Mayor and Council direct staff to proceed with the *Valencia Reserve Annexation District*.

12. CITY MAGISTRATES: APPOINTING TWO CITY MAGISTRATES; ESTABLISHING COMPENSATION FOR MAGISTRATES; AND APPROVING A STANDARDIZED PROCESS FOR FUTURE SALARY ADJUSTMENTS AND AFFIRMING THE REPORTING REQUIREMENTS FOR CITY COURT

- a. Report from City Manager DEC20-05-696 CITY-WIDE
- b. Ordinance No. 10231 relating to City Magistrates; appointing Jeffrey A. Klotz as City Magistrate of the City of Tucson; setting compensation for Magistrates; and declaring an emergency.
- c. Ordinance No. 10234 relating to City Magistrates; appointing Margarita B. Bernal as City Magistrate of the City of Tucson; setting compensation for Magistrates; and declaring an emergency.
- d. Approve a standardized process for future Magistrate salary adjustment and affirm and maintain the regular performance reporting requirements for City Court as recommended by the City Manager.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager DEC20-05-684 CITY-WIDE

14. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, January 4, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.