



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, MAY 9, 2006 – 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 – Chaplain Scott McKinney, Tucson Fire Department, Fire Station Nine

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Proclaiming May 7 to May 13 to be Building Safety Week

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager MAY9-06-229 CITY-WIDE

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

- a. Report from City Manager MAY9-06-230 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager MAY9-06-225 CITY-WIDE

b. Liquor License Applications

New License

1. Old Peking Chinese Restaurant & Sushi Bar, Ward 6
2522 E. Speedway Blvd.
Applicant: Laxiu Tian
Series 12, City 24-06
Action must be taken by: May 18, 2006

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

2. 7-Eleven #17403D, Ward 6
1080 N. Columbus Blvd.
Applicant: Manju Mittal
Series 10, City 28-06
Action must be taken by: May 19, 2006

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

3. Park Ave Bar & Grill, Ward 5
4525 S. Park Ave
Applicant: Rose Mary Spencley-Gallegos
Series 06, City 34-06
Action must be taken by: May 22, 2006

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

4. European Market, Ward 6
4500 E. Speedway #36
Applicant: Olga Ivanovna Chausovskaya
Series 06, City 29-06
Action must be taken by: May 28, 2006

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. Our Lady Queen of All Saints Roman Catholic Church, Ward 5
2915 E. 36th St.
Applicant: Albert P. Borboa
City T24-06
Date of Event: May 20, 2006
Charitable Church Programs

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

d. Agent Change

1. K of C, Ward 5
1330 S. Mountain View Ave.
Applicant: George Joseph High
Series 14, City AC08-06
Action must be taken by: May 29, 2006

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 E**

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 (C9-00-35) MILLSTONE II – INTERSTATE 10 R-2 TO C-2, REQUEST FOR TIME EXTENSION**

- a. Report from City Manager MAY9-06-228 WARD 1
- b. Hearing: on a request for a five-year time extension for the completion of the rezoning conditions for the property located on the southwest corner of the Interstate 10 Frontage Road and Simpson Street (aka Misson Lane). Applicant: Joe Millstone, the property owner. The preliminary development plan is for an 8,666 square foot tent structure and associated parking lot to be used in connection with the Gem and Mineral Show.

The original five-year authorization expires on August 6, 2006. 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.

Staff recommends the approval of the requested five-year time extension from August 6, 2006 to August 6, 2011, subject to compliance with the following revised conditions of rezoning:

1. A development plan, in substantial compliance with the Preliminary Development Plan and the Design Compatibility Report is to be submitted for review and approval in accordance with Section 5.3.8 of the *LUC*, including, but not limited to:
 - a. All areas that are not surfaced for the tent pad or parking area shall be landscaped.
 - b. Vehicular access to the rezoning site shall be from Simpson Street only and shall be signed or otherwise designated right turns only. The balance of the perimeter shall be secured against vehicular access with bollards, post and chain, or similar devices.
 - c. The landscape plan shall include provisions for permanent (year-around) landscape maintenance.
 - d. All structures shall utilize earthtone colors. Brighter colors may be used as accent only.
 - e. The tent and the parking lot shall be located as far from the north property line as possible.
 - f. Chain link fencing is not permitted.
2. A drainage report shall be submitted for review and approval, addressing onsite and offsite flow conditions.
3. A twenty (20)-foot wide drainage/access easement shall be provided along the east bank of the 18th Street Wash.
4. Water harvesting techniques shall be utilized by first directing parking area and roof discharge into landscape areas prior to outflow into the 18th Street Wash.
5. 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.
6. The development of the property is limited to construction of a parking lot and an approximately 8,666 square foot pad for the proposed tent. Commercial uses are limited to that pad. Any change in the development of the property that requires additional structural construction shall be subject to approval by the Mayor and Council as a change of this condition.

7. All outdoor lighting shall be directed down and away from adjacent residential parcels and public roadways. Lighting fixtures shall be mounted no higher than 16 feet measured to the light source.
8. Archeological/cultural remains encountered during ground modification activities shall be mitigated in accordance with guidelines provided by the Arizona State Museum.
9. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
10. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
11. Five years are allowed in which to comply with all Code requirements and conditions of rezoning.

Four (4) written approvals and zero (0) written protests have been received for this case.

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

9. ZONING: (C9-00-03) NEW WORLD HOMES – 22ND STREET, SR AND RX-1 TO C-1, ORDINANCE ADOPTION

- a. Report from City Manager MAY9-06-232 WARD 2
- b. Ordinance No. 10275 relating to zoning: amending zoning district boundaries in the area located at the southwest corner of 22nd Street and Harrison Road in Case C9-00-03 (RZ06-35) New World Homes – 22nd Street, SR and RX-1 to C-1; and setting an effective date.

A three-fourths majority vote will be necessary to adopt the ordinance.

10. ZONING: (C15-05-03) ESTABLISHMENT OF ORIGINAL CITY ZONING FOR THE CONTRACTOR'S WAY ANNEXATION DISTRICT, COUNTY CI-2 TO CITY I-2, EXTENSION OF AIRPORT ENVIRONS ZONE, CITY MANAGER'S REPORT, AND ORDINANCE ADOPTION

- a. Report from City Manager MAY9-06-234 WARD 5
- b. Report from Zoning Examiner dated April 21, 2006

- c. The request to zone to establish original City zoning for approximately 3.02 acres from County CI-2 (County general industrial) to City I-2 (City medium intensity industrial) located on the east-side of Contractor's Way approximately 300 feet north of Ajo Way. No new development is proposed.

- d. The zoning site is generally located on the east-side of Contractor's Way approximately 300 feet north of Ajo Way. No new development is proposed.

The Zoning Examiner recommends approval of the I-2 zoning and extending the Airport Environs Zone (AEZ) within the Contractor's Way Annexation District.

Staff recommends adoption of the ordinance establishing City zoning of I-2, and extending the Airport Environs Zone within the Contractor's Way Annexation District.

Zero (0) written approvals and zero (0) written protests have been received.

- d. Ordinance No. 10278 relating to zoning; establishing original City zoning for approximately 3.02 acres generally located on the east side of Contractor's Way approximately 300 feet north of Ajo Way, which was annexed to the City of Tucson by Ordinance No. 10212, adopted on November 1, 2005; and setting an effective date.

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

11. ZONING: (C9-05-03) CAYLOR – SPEEDWAY BOULEVARD, R-1 TO O-1, ORDINANCE ADOPTION

- a. Report from City Manager MAY9-06-233 WARD 2
- b. Ordinance No. 10276 relating to zoning: amending zoning district boundaries in the area located on the southeast corner of Speedway Boulevard and Barbara Worth Drive in Case C9-05-03, Caylor – Speedway Boulevard, R-1 to O-1; and setting an effective date.

12. ZONING: (C9-03-02) N.K. ASPHALT – KOLB ROAD, SR TO I-1, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN, ORDINANCE ADOPTION

- a. Report from City Manager MAY9-06-223 WARD 4
- b. This is a request for a change of conditions and preliminary development plan for property located on the west side of Kolb Road, north of the Union Pacific Railroad. Applicant: Carl Winters of Planning Resources, on behalf of the property owner,

Century Park Properties, LLC. The existing approved preliminary development plan is for a 2,400 square foot, one-story office building and five (5) asphalt storage tanks within a 27,746 square foot containment area, two railroad sidings and a cargo container storage area. The revised preliminary development plan is for a 73,400 square foot one-story building for the cutting and storing of steel coil, and two railroad sidings.

Staff recommends approval of the requested change of conditions and development plan, and adoption of the ordinance.

- c. Ordinance No. 10277 relating to zoning: amending rezoning conditions in the area located on the west side of Kolb Road, north of the Union Pacific Railroad in Case C9-03-02 N.K. Asphalt – Kolb Road, SR to I-1: and setting an effective date.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager MAY9-06-231 CITY-WIDE

14. * CITY MAGISTRATES: APPOINTMENT OF KATE DAWES AS A CITY MAGISTRATE (CONTINUED FROM THE MEETING OF MAY 2, 2006)

- a. Report from City Manager MAY9-06-236 CITY-WIDE
- b. Ordinance No. 10273 relating to City Magistrates; appointing Kate Dawes as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

** An executive session may be held for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee pursuant to the provisions of A.R.S. Section 38-431.03(A)(1), discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law pursuant to the provisions of A.R.S. Section 38-431.03(A)(2) and discussion or consultation for legal advice with the attorneys for the City of Tucson pursuant to the provisions of A.R.S. Section 38-431.03 (A)(3).*

15. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, May 16, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.