



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 7, 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 – Father Patrick Gavin, Sacred Heart Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Proclaiming November 2006 as “National Hospice Month”.
- b. Presentation of award to Jennie Grabel, as an “Extraordinary Citizen”.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager NOV7-06-586 CITY-WIDE

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

- a. Report from City Manager NOV7-06-587 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager NOV7-06-585 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. C. I. Chu’s Mongolian Barbeque, Ward 3
2970 N. Campbell Ave.
Applicant: Calvin I-hsin Chu
Series 12, City 101-06
Action must be taken by: November 10, 2006

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

- 2. Le Delice Bakery & Café, Ward 2
7245 E. Tanque Verde
Applicant: Maurice Jean Cochard
Series 12, City 104-06
Action must be taken by November 24, 2006

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

Public Opinion: Written Argument in Favor Filed

- 3. Chuy’s Mesquite Broiler, Ward 4
7585 S. Houghton Rd.
Applicant: Scott Vincent Owsley
Series 12, City 105-06
Action must be taken by November 25, 2006

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

Public Opinion: Written Argument Stating No Objection Filed

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

4. ICE, Ward 2
6350 E. Tanque Verde Rd.
Applicant: Kevin Arnold Kramber
Series 6, City 103-06
Action must be taken by November 24, 2006

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

Public Opinion: Written Argument Opposed Filed

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)

Location Transfer

5. Walgreens #9953, Ward 2
7885 E. Speedway Blvd.
Applicant: Randy A. Guse
Series 09, City 107-06
Action must be taken by: December 2, 2006

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. North Fourth Avenue Merchants Association, Ward 6
Fourth Ave. Between 9th St. & University
Applicant: Daniel George Matlick
City T71-06
Date of Event: December 8, 2006 to December 10, 2006
Fund Raising Civic Event

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

2. Southern Arizona AIDS Foundation (SAAF), Ward 6
1303 E. University Blvd.
Applicant: Mae Krueger
City T82-06
Date of Event: November 19, 2006
Fundraiser, 18th Annual Jerome Beillard Festival for Life

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

- d. Agent Change

NOTE: There are no agent changes scheduled for this meeting.

6. 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".

7. CONSENT AGENDA – ITEMS A THROUGH V

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.

8. PUBLIC HEARING: ZONING (C9-01-05) WILMOT SHELL LLC - INTERSTATE 10, SH TO C-2, REACTIVATION, TIME EXTENSION, CHANGE OF CONDITIONS, AND PRELIMINARY DEVELOPMENT PLAN, ORDINANCE ADOPTION

- a. Report from City Manager NOV7-06-600 WARD 5

- b. Hearing on a request to reactivate and allow a five-year time extension, change of rezoning conditions and preliminary development plan for property located on the west side of Wilmot Road, south of Interstate 10. Applicant: Michael John Baker of FSSB Inc., on behalf of the property owner, Michael Wystrach. The original preliminary development plan was for a mixed use commercial development on twelve acres with a 4,433 square foot mini-mart/gas station with car wash, a 2,800 square-foot fast food restaurant, a 10,000 square-foot restaurant, a 100-room hotel, and 264 units of personal storage. The proposed development now consists of a 6,497 square foot mini-mart/gas station (built prior to the expiration of the rezoning ordinance), five proposed restaurants (a total of 19,300 square feet of restaurant use), and a proposed 60-room hotel.

The revised preliminary development plan continues to be in compliance with the policy direction of the *Rincon-Southeast Subregional Plan* and the *General Plan*.

Staff recommends reactivation of the rezoning, approval of a five-year time extension, certain of the requested change of conditions (with modifications), a change of preliminary development plan, and adoption of the ordinance.

- c. Ordinance No. 10336 relating to zoning: amending Ordinance No. 10203 to amend zoning conditions and extend the period of compliance from July 2, 2006, to July 2, 2011 for the area located on the west side of Wilmot Road south of Interstate 10 in Case C9-01-05 Wilmot Shell LLC – Interstate 10, SH to C-2; and declaring an emergency.

Zero (0) written approvals and zero (0) written protests have been received for this case resulting in a zero percent protest by area in all four quadrants around the rezoning site.

A simple majority vote will be necessary to approve the ordinance.

9. FLOODPLAIN, STORMWATER, AND EROSION HAZARD MANAGEMENT: INTERIM WATERCOURSE PRESERVATION POLICY (CONTINUED FROM THE MEETING OF OCTOBER 17, 2006)

- a. Report from City Manager NOV7-06-610 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.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager NOV7-06-588 CITY-WIDE

11. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, November 14, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.