



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]

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| <ul style="list-style-type: none"> Invocation and Pledge of Allegiance Presentations Summary of Current Events Liquor license applications Consent Agenda | <ul style="list-style-type: none"> 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. |
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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, JANUARY 11, 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 Steven Main, Northwest Community Friends Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Presentation to the Kazakhstan National Folk Ensemble as Honorary Citizens of Tucson
- b. Presentation of a check by State Farm Insurance to the Tucson Fire Department for the Fire Safety Trailer Program

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager JAN11-05-21 CITY-WIDE

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

- a. Report from City Manager JAN11-05-22 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager JAN11-05-20 City-Wide
- b. Liquor License Applications

New License

- 1. BJ's Restaurant & Brewery, Ward 3
4270 N. Oracle Road
Applicant: Randy D. Nations
Series 12, City 101-04
Action must be taken by: January 31, 2005

Staff Recommendation: Police, Development Services, and Revenue In compliance.

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. The Loft Cinema, Ward 6
3233 E. Speedway Blvd.
Applicant: Peggy J. Johnson
Series 7, City 100-04
Action must be taken by: January 30, 2005

Staff Recommendation: Police, Development Services, and Revenue In compliance.

PUBLIC OPINION: SUPPORT 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)

6. CONSENT AGENDA – ITEMS A THROUGH F

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: RIVER ROAD AND CAMINO KINO ANNEXATION DISTRICT

- a. Report from City Manager JAN11-05-19 WARD 3
- b. Hearing on proposed annexation district located on the south side of River Road just east of the Hacienda Del Sol Road alignment. The area is comprised of five parcels, which total 18 acres or 0.028 square miles

The City Manager recommends that the Mayor and Council direct staff to proceed with the River Road and Camino Kino Annexation District.

9. REAL PROPERTY: VACATION AND SALE OF CITY OWNED SURPLUS PROPERTY ON SILVERBELL ROAD AND GORET TO PATHWAY DEVELOPMENTS, INC.

- a. Report from City Manager JAN11-05-30 WARD 1
- b. Ordinance No. 10105 relating to real property; vacating and declaring certain city-owned property located in the vicinity of Silverbell Road and Goret to be surplus and authorizing the sale thereof to Pathway Developments, Inc.; and declaring an emergency.

10. ZONING: (C9-04-20) OASIS BOTTLED WATER – 22ND STREET R-2 TO I-1 CITY MANAGER’S REPORT

- a. Report from City Manager JAN11-05-24 WARD 5
- b. Report from Zoning Examiner dated December 23, 2004

- c. Request to rezone approximately 0.96 acres from R-2 (Medium Density Residential) to I-1 (Light Industrial) zoning. Applicant: Forrest Metz of Urban Engineering, on behalf of the property owner, David Poole for Oasis Bottled Water.

The rezoning site is located on the southeast corner of 22nd street and Neff Street. The preliminary development plan proposes construction of a 13,000 square foot bottling plant.

The Zoning Examiner recommends approval of the I-1 zoning. The City Manager recommends approval of the I-1 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated October 13, 2004, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The owner/developer shall combine the lots and provide a new legal description of the property.
3. Access to 22nd Street shall be limited to right-turns only. A “pork chop” or other physical restriction shall be constructed if approved by Traffic Engineering.
4. The owner/developer shall install a 25-foot radius spandrel at the northeast corner of the intersection of Neff and 23rd Streets.
5. The owner/developer shall design and construct sidewalk along all abutting rights-of-way.
6. The owner/developer shall close and replace all unused curb cuts with standard curbing.
7. A detailed landscape plan shall be provided at the time of development plan review.
8. 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.

9. Four (4) inch fence block shall not be used for perimeter walls.
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/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.
11. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
12. For any proposed retention/detention basins, basin floors shall be graded to drain either toward the outlet structure or other logical point; basin floors shall not be flat. Vegetation shall be used as screening and/or a security barrier for a minimum of ten percent of the basin perimeter.
13. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
14. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
15. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

One (1) written approval and zero (0) written protests have been received for this case.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

11. FINANCE: SECOND YEAR REQUEST FROM THE UNITED WAY TO FUND THE EARNED INCOME TAX CREDIT INITIATIVE (CONTINUED FROM THE MEETING OF DECEMBER 20, 2004)

- a. Report from City Manager JAN11-05-28 CITY-WIDE

The City Manager recommends that staff be directed to accommodate the FY 2005 request and fund the Earned Income Tax Credit Initiative with a combination of in-kind services and money originally budgeted for the annual report.

12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- a. Report from City Manager JAN11-05-23 CITY-WIDE

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, January 25, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.