



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

**WEDNESDAY, SEPTEMBER 7, 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 John Luttmann, Real Life Christian Fellowship

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Proclaiming September 11 to September 17 to be Minority Enterprise Development Week

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager SEPT7-05-469 CITY-WIDE

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

- a. Report from City Manager SEPT7-05-470 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager SEPT7-05-466 CITY-WIDE

b. Liquor License Applications

New License

1. Raz Restaurant, Ward 3
1929 E. Grant Road
Applicant: Ernest Dale Krull
Series 12, City 63-05
Action must be taken by: September 9, 2005

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

2. 7-Eleven #21814K, Ward 5
885 E. 22nd Street
Applicant: Nicolas Carl Guttilla
Series 10, City 65-05
Action must be taken by: September 12, 2005

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

PUBLIC OPINION: PROTEST/SUPPORT FILED

3. Quick Stuff, Ward 1
3030 W. El Camino del Cerro
Applicant: John Penrod Sutherland
Series 10, City 66-05
Action must be taken by: September 18, 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/Person Transfer

4. Rhythmmm, Ward 6
2547 E. Broadway Blvd.
Applicant: Thomas Joseph Heath
Series 07, City 62-05
Action must be taken by: September 9, 2005

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

5. The Office Bar, Ward 1
6333 S. 6th Avenue
Applicant: Marc Andrew Weiser
Series 06, City 64-05
Action must be taken by: September 12, 2005

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

PUBLIC OPINION: SUPPORT FILED

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)

c. Special Event

1. Arizona Theatre Company, Ward 6
330 S. Scott Avenue
Applicant: Eileen Marie Bagnall
City T60-05
Date of Event: September 24, 2005
Annual Benefit

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

2. Tucson Lesbian & Gay Alliance, Inc., Ward 6
900 S. Randolph Way
Applicant: Brian Kelly Fox
City T61-05
Date of Event: October 8, 2005
Outober Fest – Annual LGBT Pride Festival

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

Liquor License Applications
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3. North Fourth Avenue Merchants Association, Ward 6
329 E. 7th Street
Applicant: Daniel George Matlick
City T62-05
Date of Event: December 9, 10, 11, 2005
Fundraising Community Event

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

4. The Junior League of Tucson, Ward 6
3400 E. Camino Campestre
Applicant: Susanna Alicia Alvarez
City T63-05
Date of Event: October 7, 2005
Fundraiser & Rummage Sale

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

5. Our Lady Queen of All Saints, Ward 5
2915 E. 36th Street
Applicant: Darlene Dooley
City T64-05
Date of Event: September 23, 24, 2005

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

6. Roadrunner Civitan Club, Ward 5
4823 S. 6th Avenue
Applicant: Suzanne J. Gross
City T65-05
Date of Event: October 15, 16, 2005

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

7. Sacred Heart Church, Ward 3
601 E. Ft. Lowell Road
Applicant: Mercedes G. Saenz
City T66-05
Date of Event: October 8, 2005

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

8. Santa Rita Exchange Club, Ward 6
900 S. Randolph Way
Applicant: Richard Domonic Medran
City T69-05
Date of Event: September 17, 2005

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

9. Hands Across the Border Foundation, Ward 1
40 W. Broadway Blvd.
Applicant: Alicia Sanchez Bristow
City T71-05
Date of Event: September 15, 2005

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

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 (CHAPTER 6) ADOPTION OF THE 2003 INTERNATIONAL MECHANICAL CODE WITH LOCAL AMENDMENTS, THE 2003 INTERNATIONAL FUEL GAS CODE, AND THE 2003 STATE PLUMBING CODE (CONTINUED FROM THE MEETING OF AUGUST 2, 2005)

- a. Report from City Manager SEPT7-05-487 CITY-WIDE
- b. Hearing on adoption of the 2003 International Mechanical Code (IMC) with local amendments, the 2003 International Fuel Gas Code (IFGC), and the 2003 State Plumbing Code (SPC). The City's construction codes are periodically updated to include new editions of internationally recognized codes.
- c. Ordinance No. 10182 relating to Buildings, Electricity, Plumbing and Mechanical Code; amending the Tucson Code Chapter VI, Buildings, Electricity, Plumbing and Mechanical Code, Article VI Mechanical Code Section 6-164 Mechanical Code Adopted; providing for a penalty; establishing an effective date; and declaring an emergency.
- d. Ordinance No. 10183 relating to Buildings, Electricity, Plumbing and Mechanical Code; amending the Tucson Code Chapter VI, Buildings, Electricity, Plumbing and Mechanical Code, Article VI Mechanical Code by adding Section 6-167 Fuel Gas Code; providing for a penalty; establishing an effective date; and declaring an emergency.
- e. Ordinance No. 10184 relating to Buildings, Electricity, Plumbing and Mechanical Code; amending the Tucson Code Chapter VI, Buildings, Electricity, Plumbing and Mechanical Code, Article V Plumbing Code Section 6-124 Plumbing Code Adopted; providing for a penalty; establishing an effective date; and declaring an emergency.

If adopted, provisions go into effect December 1, 2005.

9. PUBLIC HEARING: PROPOSED DIAMOND BELL ISOLATED WATER SYSTEM FEE

- a. Report from City Manager SEPT7-05-476 OUTSIDE CITY
- b. Hearing on proposed Diamond Bell Isolated Water System Fee. Consideration of the proposed fee is scheduled for September 27, 2005. If adopted, the fee will become effective on December 27, 2005.

10. ZONING: RECONSIDERATION OF ORDINANCE 10162 RELATING TO (C9-03-24) ABRAMS/ACEDO – 4TH STREET (CONTINUED FROM THE MEETING OF AUGUST 2, 2005)

- a. Report from City Manager SEPT7-05-480 WARD 6
- b. Ordinance No. 10162 relating to zoning: amending zoning district boundaries in the area located on the south side of 4th Street between Richey Boulevard and Dodge Boulevard in Case C9-03-24, Abrams/Acedo – 4th Street, R-1/R-2 to R-2; and setting an effective date.

On July 6, 2005, the Mayor and Council voted to reconsider Ordinance No. 10162. On August 2, 2005, Mayor and Council continued this item to today's agenda.

11. ZONING: (C9-00-21) BROADWAY HARRISON LLC – HARRISON ROAD, SR TO R-2, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF AUGUST 2, 2005)

- a. Report from City Manager SEPT7-05-481 WARD 2
- b. Ordinance No. 10192 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of Broadway Boulevard and Harrison Road in Case C9-00-21, Broadway Harrison LLC – Harrison Road, SR to R-2; and setting an effective date.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager SEPT7-05-463 CITY-WIDE

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, September 13, 2005, at 3:00 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.