



## 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.

- 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](http://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](http://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**  
**Carol W. West**    **Ward 2**  
**Kathleen Dunbar** **Ward 3**

**Shirley C. Scott**    **Ward 4**  
**Steve Leal**        **Ward 5**  
**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](http://www.tucsonaz.gov/agdocs), 9<sup>th</sup> 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, OCTOBER 4, 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 Fairchild, Hope United Methodist Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATION

a. Proclaiming the month of October 2005 to be Disability Awareness Month

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

a. Report from City Manager OCT4-05-544 CITY-WIDE

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

- a. Report from City Manager OCT4-05-545 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

- a. Report from City Manager OCT4-05-543 CITY-WIDE

- b. Liquor License Applications

**New License**

1. Mariscos Chihuahua #8, Ward 5  
435 W. Irvington Road  
Applicant: Elizabeth Ochoa Montijo  
Series 12, City 72-05  
Action must be taken by: October 10, 2005

**(CONTINUED FROM THE MAYOR AND COUNCIL MEETING  
OF SEPTEMBER 20, 2005)**

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

**PUBLIC OPINION: PROTESTS FILED**

2. Giant #926, Ward 1  
6500 S. 12th Avenue  
Applicant: Carlos Antonio Guerra  
Series 10, City 73-05  
Action must be taken by: October 10, 2005

**(CONTINUED FROM THE MAYOR AND COUNCIL MEETING  
OF SEPTEMBER 20, 2005)**

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

**PUBLIC OPINION: PROTEST FILED**

3. Mustang #6925, Ward 1  
1202 W. Ajo Way  
Applicant: Carlos Antonio Guerra  
Series 10, City 74-05  
Action must be taken by: October 10, 2005

**(CONTINUED FROM THE MAYOR AND COUNCIL MEETING  
OF SEPTEMBER 20, 2005)**

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

**PUBLIC OPINION: PROTEST 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)

c. Special Event

1. Southern Arizona Blues Heritage Foundation, Ward 6  
900 S. Randolph Way  
Applicant: Patrick J. Desmond  
City T84-05  
Date of Event: October 16, 2005  
Blues Festival/Fundraising

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

2. Beowulf Alley Theatre Company, Ward 6  
11 S. 6th Avenue  
Applicant: Ruth S. Baron  
City T88-05  
Date of Event: October 16, 2005  
Fundraising

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

3. Kokopelli Winery, Ward 3  
4502 N. 1st Avenue  
Applicant: Dennis M. Minchella  
City T100-05  
Date of Event: October 8 & 9, 2005  
Wine Festival

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

d. Agent Change

1. Courtyard by Marriott, Ward 6  
201 S. Williams Blvd.  
Applicant: Sandra Denise Hallinan  
Series 11, City AC01-05  
Action must be taken by: October 10, 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 D**

**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: CONTRACTOR'S WAY ANNEXATION DISTRICT**

- a. Report from City Manager OCT4-05-548 WARD 5
- b. Hearing on proposed annexation district located at 3901 S. Contractor's Way, west of Davis-Monthan Air Base, and north of Ajo Way. The proposed annexation district is 3.02 acres or 0.005 square miles.

The City Manager recommends that the Mayor and Council direct staff to proceed with the Contractor's Way Annexation District.

**9. PUBLIC HEARING: TUCSON CODE, AMENDING CHAPTER 4, RELATING TO LICENSING, MICROCHIPPING, AND TATTOOING OF DANGEROUS, VICIOUS AND DESTRUCTIVE ANIMALS**

- a. Report from City Manager OCT4-05-552 CITY-WIDE
- b. Hearing on the proposed adoption of the licensing, microchipping and tattooing of dangerous, vicious and destructive animals.
- c. Ordinance No. 10206 relating to animals and fowl; providing for microchipping and tattooing of dangerous, vicious and destructive animals; establishing a license fee for dangerous, vicious and destructive dogs; and providing for microchipping of impounded dogs; by amending Tucson Code Sections 4-7(3); 4-11(f); 4-13; 4-82; 4-95; 4-97(4); 4-98 and 4-99(2); and declaring an emergency.

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

- a. Report from City Manager OCT4-05-549 WARD 5

At the request of the applicant staff recommends this item be continued to November 1, 2005

**11. ZONING: (C9-01-11) SUNNY DAY INVESTMENTS – STELLA ROAD, RX-1 TO R-1, ORDINANCE ADOPTION**

- a. Report from City Manager OCT4-05-550 WARD 4
- b. Ordinance No. 10204 relating to zoning: amending zoning district boundaries in the area located at the southwest corner of Stella Road and Sarnoff Drive in Case C9-01-11, Sunny Day Investments – Stella Road, RX-1 to R-1; and setting an effective date.

**12. ZONING: (C9-01-05) WILMOT SHELL LLC – INTERSTATE 10, SH TO C-2, ORDINANCE ADOPTION**

- a. Report from City Manager OCT4-05-551 WARD 5
- b. Ordinance No. 10203 relating to zoning: amending zoning district boundaries in 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 setting an effective date.

**13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

- a. Report from City Manager OCT4-05-542 CITY-WIDE

**14. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, October 11, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.