



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).

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 16, 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 Jeff Mockbee, Tucson Police Department, Detective Division

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

a. Proclaiming May 21 to be “International AIDS Candlelight Memorial Day”

b. Proclaiming May 21 to May 27 to be “Public Works Week”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager MAY16-06-240 CITY-WIDE

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

a. Report from City Manager MAY16-06-241 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager MAY16-06-243 CITY-WIDE
- b. Liquor License Applications

New License

- 1. Arco AM/PM, Ward 5
501 W. Irvington Rd.
Applicant: Russell Gene Scaramella
Series 10, City 30-06
Action must be taken by: May 28, 2006

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

- 2. Arco AM/PM, Ward 2
7601 E. Tanque Verde
Applicant: Russell Gene Scaramella
Series 10, City 31-06
Action must be taken by: May 28, 2006

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

- 3. Arco AM/PM, Ward 5
4881 S. Campbell
Applicant: Russell Gene Scaramella
Series 10, City 32-06
Action must be taken by: May 28, 2006

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

- 4. Yukis Sushi Japanese Restaurant, Ward 2
7153 E. Tanque Verde Rd.
Applicant: Ramon Rafael Tovar
Series 12, City 33-06
Action must be taken by: June 1, 2006

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

- 5. Arco AM/PM, Ward 1
802 W. Speedway
Applicant: Russell Gene Scaramella
Series 10, City 35-06
Action must be taken by: June 2, 2006

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

6. Elks 385, Ward 3
1800 N. Oracle Rd.
Applicant: Alfred Wayne Griffis
Series 14, City 36-06
Action must be taken by: June 8, 2006

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

7. Highnoon Saloon, Ward 4
8248 S. Houghton #140
Applicant: James Willard Boettcher
Series 06, City 38-06
Action must be taken by: June 4, 2006

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

PUBLIC OPINION: PROTESTS 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 Transfer

8. Local Dough, Ward 6
1702 E. Speedway
Applicant: Karl Joseph Granrath
Series 07, City 27-06
Action must be taken by: May 22, 2006

Development Services Department has indicated the applicant is **not** in compliance with city requirements.

9. Sabor, Ward 6
2547 E. Broadway Blvd.
Applicant: Josue Izabal Rodriguez
Series 07, City 37-06
Action must be taken by: June 8, 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)

c. Special Event

1. Our Mother of Sorrows Parish, Ward 4
1800 S. Kolb Rd.
Applicant: Thomas M. McGuire
City T31-06
Date of Event: June 2-4, 2006
Annual Church Fiesta/Fundraiser

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

2. Tucson International Mariachi Conference, Ward 1
140 N. Main
Applicant: Chloe Dior
City T32-06
Date of Event: June 9, 2006
Raise Funds for La Frontera Center, Inc.

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

d. Agent Change

1. Panizza Italian Bistro, Ward 6
944 E. University Blvd.
Applicant: Joseph R. Andaloro
Series 12, City AC09-06
Action must be taken by: June 2, 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 L**

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. ZONING: (C9-56-01, C9-74-34 AND C9-88-12) STARBUCKS – EL CON MALL, R-1, R-2, C-1, C-2, AND C-3, CHANGE OF CONDITION AND ORDINANCE ADOPTION

- a. Report from City Manager MAY16-06-250 WARD 6
- b. This is a request for a change of condition for the El Con Mall located at the northwest corner of Broadway Boulevard and Dodge Boulevard. Applicant: Lane D. Oden, Hatcher & Oden P.L.C., on behalf of the property owners, Magna Investment & Development, K-GAM El Con LLC, and Sierra Investment Company.

El Con Mall currently consists of in excess of 1.5 million square feet of retail and commercial space occupying a 93 acre site. Zoning is mixed and includes the R-1 (Low Density Residential), R-2 (Medium Density Residential), C-1 (Low-intensity Commercial), C-2 (General Commercial), and C-3 (Mid-rise Regional Commercial) zones. The applicant is proposing a change to the El Con Mall Conditions that would allow delivery and loading to occur on Pad 2 between 12:00 a.m. and 7:00 a.m. (currently prohibited), and to allow trash pick up between the hours of 9:00 a.m. and 7:00 p.m. for all the pads along Broadway (currently restricted to 9:00 a.m. to 4:00 p.m.)

Staff recommends approval of the requested changes to the El Con Mall Conditions and adoption of the ordinance. The proposed modifications will have no detrimental impact on the intent of the El Con Mall Development Agreement or the El Con Mall Conditions and is therefore appropriate.

- c. Ordinance No. 10279 relating to planning and zoning: amending Ordinance No. 9730 amending conditions for approval in rezoning Cases C9-56-01, C9-74-34 and C9-88-12, El Con Mall; and declaring an emergency.

9. FINANCE: TENTATIVE ADOPTION OF FISCAL YEAR 2007 BUDGET

- a. Report from City Manager MAY16-06-255 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 MAY16-06-242 CITY-WIDE

11. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, June 6, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

There will be no meeting on May 23, 2006.