



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. A member of the Mayor and Council may be present and participate in a meeting of the governing body by electronic attendance, subject to the conditions included in the Mayor and Council Rules and Regulations.

5:30 p.m. session [Order of business]

- Invocation and Pledge of Allegiance
- Presentations
- Summary of Current Events
- Liquor License Applications
- 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.

- Consent Agenda
- 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

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.

Persons who require an accommodation or materials in accessible format or require a foreign language interpreter or materials in a language other than English for this event, call 791-4213 or 791-2639 (TDD) at least five business days in advance.

PARTICIPATION BY THE PUBLIC

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, 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 & 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. 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. Please turn off or put in vibrate mode all pagers and cell phones.

Robert E. Walkup – Mayor		Shirley C. Scott – Vice Mayor			
<u>Council Members</u>					
Regina Romero	Ward 1	Karin Uhlich	Ward 3	Richard J. Fimbres	Ward 5
Paul Cunningham	Ward 2	Shirley C. Scott	Ward 4	Steve Kozachik	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 5:00p.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:

Wednesday – 9:00 p.m.

Thursday – 9:00 a.m.

Sundays – 9:00 a.m.

DVD's of meetings are available at the Tucson Main Library, 101 N. Stone.



AVISO & AGENDA DE SESION REGULAR DEL ALCALDE Y CONCEJO

La Ciudad de Tucson tiene una forma de gobierno de gerente-concejo. Las políticas son fijadas por el Alcalde y Concejo, quienes son electos por el pueblo. Las políticas son puestas en práctica por el Gerente de la Ciudad, quien es nombrado por el Alcalde y Concejo. El Alcalde y Concejo deciden lo que se debe hacer; el Gerente de la Ciudad, operando por medio de todo el personal de la Ciudad, lo lleva a cabo.

SESIONES REGULARES DEL CONCEJO

El Alcalde y Concejo se reúnen usualmente los primeros cuatro días martes de cada mes, en el Salón del Alcalde y Concejo, Ayuntamiento, 255 W. Alameda, Tucson, Arizona. Un miembro del Alcalde y el Concilio puede ser presente y tomar parte en una reunión del consejo de administración por asistencia electrónica, sujeto a las condiciones incluidas en las Reglas de Alcalde y Concilio y Regulaciones.

Sesión de las 5:30 p.m. [Agenda]

- Invocación y Juramento a la Bandera
- Presentaciones
- Resumen de Temas de Actualidad
- Solicitudes de licencias de licor
- Convocación al Público. Los individuos pueden hablar hasta por tres minutos. La Convocación al Público se limitará a treinta minutos. Los ponentes pueden hablar de cualquier tema excepto los temas anunciados como Audiencia Pública.

- Aprobación de la Agenda
- Audiencias Públicas. Los individuos pueden hablar hasta por cinco minutos. Cada audiencia pública está limitada a una hora.
- Otros asuntos del Alcalde y Concejo listados en la agenda para la sesión.

Habrán copias de la agenda disponibles durante la reunión. Además, la agenda, así como los documentos de referencia, están disponibles en la oficina del Secretario del Ayuntamiento antes de cada sesión y en el sitio Internet de la Ciudad: www.tucsonaz.gov/agdocs

Las ordenanzas y resoluciones (las leyes de Tucson) son consideradas durante las sesiones regulares. Aquellas adoptadas con la cláusula de emergencia y el voto afirmativo de cinco miembros del Concejo son efectivas de inmediato. Aquellas adoptadas sin la cláusula de emergencia son efectivas treinta días después de su aprobación. A menos que el Alcalde o un miembro del Concejo pidan que una ordenanza o resolución sea leída en su totalidad, se lee únicamente por número y título. Los asuntos de rutina son programados bajo el encabezado de Agenda de Consentimiento, lo que permite que una cantidad de acciones ocurran con una sola moción.

Las personas que requieran acomodaciones o materiales en un formato accesible o que requieran un interprete de un idioma extranjero o materiales en un lenguaje que no sea inglés para este evento, hablen al 791-4213 o al 791-2639 (TDD) al menos cinco días laborables por adelantado.

PARTICIPACION DEL PUBLICO

Para dirigirse al Alcalde y Concejo:

- Llene una tarjeta de ponente y deposítela en la bandeja en el podio. Cuando sea reconocido, diga su nombre, si reside en la Ciudad de Tucson y a quién representa, antes de proceder. Cualquier persona que esté representando a personas aparte de sí mismo y esté recibiendo una compensación para influenciar una acción del Alcalde y Concejo, tiene que identificarse como “ponente contratado” antes de hablar.
- Presente sus comentarios por escrito al Alcalde y Concejo (a través del Secretario del Ayuntamiento) antes de y durante la reunión.
- Llame a la Línea del Alcalde y Concejo para Comentarios de Ciudadanos al 791-4700 o escriba al Sitio de Internet de la Ciudad, www.tucsonaz.gov/agdocs.

Las personas que asisten a la reunión deben observar las reglas de urbanidad, decoro y buena conducta, y abstenerse de comentarios impertinentes o difamatorios. La violación de esta regla resultará en que dichas personas sean excluidas de audiencias subsiguientes ante las autoridades. Por favor desconecte o use vibración en todos los *papers* y teléfonos celulares.

Robert E. Walkup – Alcalde

Shirley C. Scott – Vicealcalde

Miembros del Concejo

Regina Romero Distrito 1
Paul Cunningham Distrito 2

Karin Uhlich Distrito 3
Shirley C. Scott Distrito 4

Richard G. Fimbres Distrito 5
Steve Kozachik Distrito 6

Pueden ocurrir modificaciones a la agenda hasta 24 horas antes de la sesión. Contacte al Secretario del Ayuntamiento al 791-4213 (TDD: 791-2639, FAX: 791-4017 o INTERNET: www.tucsonaz.gov/agdocs, 9º piso, Ayuntamiento, 255 W. Alameda para información actualizada, de lunes a viernes, 8:00 a.m. a 5:00 p.m. [exceptuando días festivos]. Cobertura en vivo de la sesión es transmitida por cable en Tucson 12 y en el Canal Comcast 59 (lunes únicamente). Además, repeticiones de las reuniones se transmiten por cable en Tucson 12 como sigue: Miércoles – 9:00 p.m. Jueves – 9:00 a.m. Domingos – 9:00 a.m.
Hay DVD's de las sesiones disponibles en la Biblioteca Central de Tucson, 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 AGENDA

**TUESDAY, JUNE 8, 2010 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
CITY HALL, 255 W. ALAMEDA, TUCSON, AZ**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Roy Tullgren, Gospel Rescue Mission

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager JUN8-10-267 CITY-WIDE

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

a. Report from City Manager JUN8-10-268 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager JUN8-10-269 CITY-WIDE

b. Liquor License Application(s)

Person/Location Transfer(s)

1. Chihuahua Market, Ward 1

4870 S. 12th Ave.

Applicant: Thomas Robert Aguilera

Series 9, City 30-10

Action must be taken by: June 19, 2010

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

Public Opinion: Written Arguments In Favor 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)

c. Special Event(s)

1. Tucson Pima Arts Council, Ward 1

100 S. Avenida Del Convento

Applicant: Roberto Bedoya

City T45-10

Date of Event: June 19, 2010

(25th Anniversary Celebration)

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

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent change(s) 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, 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 AND B

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: POTENTIAL AMENDMENTS TO THE TUCSON CHARTER

- a. Report from City Manager JUN8-10-282 CITY-WIDE
- b. Hearing: to provide the public with an opportunity to present recommendations and comments to the Mayor and Council regarding amendments to the Tucson Charter.

9. PUBLIC HEARING: TRUTH IN TAXATION HEARING FOR THE PRIMARY PROPERTY TAX; NOTICE OF PRIMARY PROPERTY TAX INCREASE

- a. Report from City Manager JUN8-10-273 CITY-WIDE
- b. Truth in Property Taxation Public Hearing

10. PUBLIC HEARING: BINGO LICENSE – COLONIA VERDE HOMEOWNERS ASSOCIATION, 2700 NORTH CAMINO VALLE VERDE, CITY NUMBER 200

- a. Report from City Manager JUN8-10-272 WARD 2

Colonia Verde Homeowners Association
2700 N. Camino Valle Verde
Applicant: Lue H. Skaggs
City No. 200

- b. Hearing

The City Manager recommends that the application be forwarded to the State Tax Commission for approval.

11. PUBLIC HEARING: ZONING (C9-03-12) DIBRO DEVELOPMENT – THORNYDALE ROAD, O-3, MU AND I-2 TO C-1 AND C-2, TIME EXTENSION CHANGE OF CONDITIONS, AND CHANGE OF PRELIMINARY DEVELOPMENT PLAN

- a. Report from City Manager JUN8-10-276 WARD 1
- b. Hearing on a request to allow a change of preliminary development plan (PDP), change of rezoning conditions, and a three-year time extension for the completion of the rezoning conditions for the property located on the northeast side of River Road (formerly Thornydale Road) south of Orange Grove Road. Applicant: George Larsen, of Larsen/Baker, on behalf of the property owners, Marana Marketplace, LLC.

The previous two-year time extension will expire on August 4, 2010. A public hearing is required because the request, if approved, will extend the time for completion of rezoning conditions more than five years from the date of the last public hearing.

The approved preliminary development plan is for a 17,000 square foot restaurant and a 54,000 square foot self-storage facility on 7.02 acres in the C-1 zone and a 44,000 square foot auto service use on 4.13 acres in the C-2 zone.

Staff recommends approval of the change to the preliminary development plan, subject to compliance with the revised conditions of rezoning and the requested three-year time extension, from August 4, 2010, to August 4, 2013.

Twelve written approvals and nine written protests were received prior to the Zoning Examiner Hearing. Subsequent to the Zoning Examiner hearing, two additional approvals and one additional protest were received. Two of the protests are within the 150 foot protest area, constituting a 6.15 percent protest on the south and a 12.23 percent protest on the east. The protests generally allude to property values, traffic and loss of habitat.

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

12. ZONING: (SE-10-02) CLEARWIRE – PIMA STREET, C-1, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

- a. Report from City Manager JUN8-10-279 WARD 6
- b. Report from Zoning Examiner dated April 9, 2010

- c. This is a Special Exception Land Use request for property located on the north side of Pima Street, west of Alvernon. The approved development plan is for a 55 foot wireless communication monopole and antennas concealed within an artificial palm tree with associated ground equipment. The applicant is Steve Olson, representing Clearwire, on behalf of the property owners, Meher Partners.

The *General Plan* and the *Grant-Alvernon Area Plan* provide relevant policy guidance for the requested rezoning.

The Zoning Examiner and staff recommend approval of the special exception land use.

Two written approvals and zero written protests were received for this case prior to the Zoning Examiner's public hearing. Subsequent to the Zoning Examiner public hearing, an additional approval and protest were received. Special Exceptions are not subject to the 150 foot protest rule as are rezonings. The protests generally were concerned about visual impacts and property values.

- d. Ordinance No. 10799 relating to zoning; a special exception land use – wireless communications facility use – Clearwire – Pima Street – located on the north side of Pima Street approximately 165 feet west of Alvernon Way; approving with conditions the construction of a wireless communication monopole and antennas, concealed within an artificial palm tree in the C-1 zone – Case SE-10-02; and setting an effective date.

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

13. ZONING: (SE-09-60) AT&T – GRANT ROAD, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

- a. Report from City Manager JUN8-10-277 WARD 2
- b. Report from Zoning Examiner dated April 9, 2010
- c. This is a Special Exception Land Use request for property located on the north side of Grant Road, west of Swan Road. The preliminary development plan is for a 75-foot-high wireless communications monopole and antennas enclosed within an artificial pine tree (monopine) with associated ground equipment, on an 8.5-acre parcel, developed with a two-story apartment complex. While the request is for a monopine, staff is recommending the use of an artificial palm (monopalm) due to the site context. The applicant is Jamie Weiss, of FM Group, Inc. for AT&T, on behalf of the property owner, 4415 East Grant Road, LLC.

The *General Plan* and the *Arcadia-Alamo Area Plan* provide relevant policy guidance for the requested rezoning.

The Zoning Examiner and staff recommend approval of the special exception land use.

Zero written approvals and zero written protests were received for this case prior to the Zoning Examiner's public hearing.

- d. Ordinance No. 10798 relating to zoning; a special exception land use – wireless communications use – SE-09-60 AT&T Grant Road – on the north side of Grant Road, approximately 700 feet west of Swan Road; approving with conditions the construction of 75 foot tall cell tower concealed in an artificial palm tree in the R-3 zone – Case SE-09-60; and setting an effective date.

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

14. ZONING: (SE-09-56) AT&T – GRANT ROAD, C-3 ZONE, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

- a. Report from City Manager JUN8-10-280 WARD 3
- b. Report from Zoning Examiner dated May 14, 2010
- c. This is a Special Exception Land Use request for property located in the parking lot of a shopping center, east of First Avenue and north of Grant Road. The preliminary development plan is for a 55-foot-high wireless communications tower and antennas concealed within an artificial palm tree with associated ground equipment. The applicant is Steve Olson, for AT&T, on behalf of the property owner, Jagor, L.L.L.P.

The *General Plan* and the *Cragin-Keeling Area Plan* provide relevant policy guidance for the requested rezoning.

The Zoning Examiner and staff recommend approval of the special exception land use.

Zero written approvals and five written protests were received for this case prior to the Zoning Examiner's public hearing. The protests generally allude to property values concerns and questions regarding health impacts to humans and animals.

- d. Ordinance No. 10801 relating to zoning; a special exception land use – wireless communications use – AT&T Grant Road - approximately 250 feet east of First Avenue and 300 feet north of Grant Road; approving with conditions the construction of wireless communication tower and antennas concealed within an artificial palm tree, 55 feet in height and associated equipment, in the C-3 zone – Case SE-09-56; and setting an effective date.

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

15. FINANCE: TENTATIVE ADOPTION OF FISCAL YEAR 2011 BUDGET

- a. Report from City Manager JUN8-10-281 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.

16. WATER: ACQUISITION OF RINCON RANCH ESTATES WATER COMPANY

- a. Report from City Manager JUN8-10-283 OUTSIDE CITY
- b. Resolution No. 21564 relating to water; authorizing and approving an agreement between the Rincon Ranch Estates Water Company, Inc. and the City of Tucson for the purchase and sale of business assets of Rincon Ranch Estates Water Company; and declaring an emergency.

17. TUCSON CODE: AMENDING (CHAPTER 15) REGARDING ARTICLE VIII LITTER FEE

- a. Report from City Manager JUN8-10-284 CITY-WIDE
- b. Ordinance No. 10800 relating to environmental services; amending Chapter 15 of the Tucson City Code; amending Article VIII. Section 15-70; and setting an effective date.

18. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager JUN8-10-270 CITY-WIDE

19. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, June 15, 2010, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.