





# 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, JANUARY 13, 2009 – 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 – Dr. Lester L. Potts, Tucson Veterans

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Presentation of the Rocky Mountain Southwest Chapter of the National Academy of Television Arts & Sciences Awards to Tucson Channel 12

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

- a. Report from City Manager JAN13-09-17 CITY-WIDE

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

- a. Report from City Manager JAN13-09-18 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

- a. Report from City Manager JAN13-09-19 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Chipotle Mexican Grill #1273, Ward 6  
5870 E. Broadway #3001  
Applicant: H. J. Lewkowitz  
Series 12, City 79-08  
Action must be taken by: January 19, 2009

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

- 2. Fiesta Market, Ward 5  
2620 E. 22nd St.  
Applicant: Asraf Adel Shiha  
Series 10, City 80-08  
Action must be taken by: January 15, 2009

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

Public Opinion: Written Arguments In Favor Filed

- 3. 7-Eleven #13048G, Ward 6  
5457 E. Pima St.  
Applicant: Kuldip S. Sahota  
Series 10, City 81-08  
Action must be taken by: January 15, 2009

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

Public Opinion: Written Argument Opposed Filed

- 4. Buck & Lil's B.B.Q., Ward 2  
5121 E. Grant Rd.  
Applicant: Donald Roy Franklin  
Series 12, City 82-08  
Action must be taken by: January 15, 2009

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)

c. Special Event(s)

1. St Demitrios Greek Orthodox Church, Ward 3  
1145 E. Ft. Lowell  
Applicant: Jim Petropoulos  
City T104-08  
Date of Event: January 24, 2009  
(Fundraiser for church group)

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

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent changes 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, 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.”

**7. CONSENT AGENDA – ITEMS A THROUGH J**

**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: RECOMMENDED ALIGNMENT FOR THE GRANT ROAD IMPROVEMENT PLAN**

- a. Report from City Manager JAN13-09-28 WARDS 2, 3, AND 6
- b. Hearing on the Recommended Alignment for the Grant Road Improvement Plan and acquisition of right of way.
- c. Resolution No. 21190 relating to Transportation; approving the Recommended Alignment for the Grant Road Improvement Plan; authorizing and directing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property necessary for the Project; and declaring an emergency.

**9. PUBLIC HEARING: ZONING (C9-03-22) MOUSSA – CLEARWELL ROAD, SR TO R-1 ZONING, CHANGE OF CONDITION, 90 DAY TIME EXTENSION, AND ORDINANCE ADOPTION**

- a. Report from City Manager JAN13-09-26 WARD 1
- b. Hearing on a request for a 90 day time extension and a change of the rezoning conditions. The rezoning is for approximately 13.16 acres from SR to R-1 zoning. The site is located on the west side of the realigned Clearwell Road, approximately 150 feet west of Avenida Del Correcaminos and approximately 1,700 feet southwest of the intersection of Starr Pass Boulevard and Players Club Drive. The tentative plat is for 42 single family lots. Applicant: Albert Moussa.

The current, standard condition, requiring the execution of a Waiver of Claims Against the City, has been added to the rezoning conditions. The applicant has agreed to this condition, and has filed the required waiver.

- c. Ordinance No. 10623 relating to zoning: amending zoning district boundaries in the area located on the west side of the realigned Clearwell Road, approximately 150 feet west of Avenida Del Correcaminos and approximately 1,700 feet southwest of the intersection of Starr Pass Boulevard and Players Club Drive in Case C9-03-22, Moussa – Clearwell Road, SR to R-1; and setting an effective date.

Zero written approvals and one written protest were received for this case prior to the Zoning Examiner's November 18, 2003 public hearing. Zero of the protests lie within the 150 foot protest area. A simple majority vote will be necessary to adopt the ordinance.

**10. PUBLIC HEARING: REPEALING SECTION 3303.7 OF THE CITY OF TUCSON BUILDING CODE, “DEMOLITION IN THE HISTORIC CENTRAL CORE”**

- a. Report from City Manager JAN13-09-32 CITY-WIDE
- b. Hearing on the repealing of Section 3303.7 of the City of Tucson Building Code, “Demolition in the Historic Central Core” and direction to develop a *Land Use Code* Amendment relating to documentation of historic structures
- c. Ordinance No. 10625 relating to Building Codes; repealing Section 3303.7 of the City of Tucson Building Code, “Demolition in the Historic Central Core,” adopted on June 12, 2007 by Ordinance 10417 as a local amendment to the 2006 International Building Code; and declaring an emergency.

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

- a. Report from City Manager JAN13-09-20 CITY-WIDE

**12. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, January 27, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.