





# 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, MAY 19, 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 – Pastor Roy Tullgren, Gospel Rescue Mission

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Presentation of certificate to Charles Spillar in recognition of preserving the artwork of Lee Koplin
- b. Presentation of certificates to the Mortar Board Senior Honor Society, neighborhood leaders, officials from University Medical Center and the University of Arizona in recognition of contributions to the community

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

- a. Report from City Manager MAY19-09-266 CITY-WIDE

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

- a. Report from City Manager MAY19-09-267 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

a. Report from City Manager MAY19-09-268 CITY-WIDE

b. Liquor License Applications

New License(s)

1. Cafe D'Auria, Ward 4  
10501 E. Seven Generations Way, #101  
Applicant: Lawrence Anthony D'Auria  
Series 12, City 24-09  
Action must be taken by: May 27, 2009

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

Public Opinion:           Written Argument Opposed Filed  
  Written Arguments In Favor Filed

2. Black Angus Steakhouse, Ward 3  
5075 N. Oracle Rd.  
Applicant: Amy Schwartz-Cuatto  
Series 12, City 26-09  
Action must be taken by: June 6, 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)

Person Transfer(s)

3. Kolb Road Lounge, Ward 4  
1180 S. Kolb Rd.  
Applicant: Patricia Jeanne Norman  
Series 6, City 10-09  
Action must be taken by: May 21, 2009

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(s)

NOTE: There are no special event(s) scheduled for this meeting.

- 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 THROUGH H**

### **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: FEDERAL TRANSIT ADMINISTRATION GRANT APPLICATION UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT FOR FEDERAL FISCAL YEAR 2009**

- a. Report from City Manager MAY19-09-278 CITY-WIDE AND WARD 3
- b. Hearing on a grant submittal pursuant to the American Recovery and Reinvestment Act for Federal Fiscal Year 2009. The project will complete the construction on the Sun Tran Bus Storage and Maintenance Facility.

- c. Resolution No. 21290 relating to transportation; authorizing and approving the submission of a Federal Transit Administration (FTA) Grant application pursuant to the American Recovery and Reinvestment Act of 2009 for Federal Fiscal year 2009, FTA Grant AZ-96-X001 in the amount of \$16,022,390; and declaring an emergency.

**9. ZONING: (C9-08-15) CS&Z HOLDINGS, INC. – ALVERNON WAY, R-2 TO C-1, ORDINANCE ADOPTION**

- a. Report from City Manager MAY19-09-271 WARD 6
- b. Ordinance No. 10667 relating to zoning: amending zoning district boundaries in the area located at the northeast corner of Alvernon Way and Lee Street in Case C9-08-15, CS&Z Holdings, Inc., R-2 to C-1; and setting an effective date.

A three-fourths majority vote will be necessary to adopt the ordinance.

**10. ZONING AMENDMENT: (C9-04-07) MENLO PARK MERCADO DISTRICT PAD CONGRESS STREET, R-2, C-1, C-3 AND I-1 TO PAD-10, ORDINANCE ADOPTION**

- a. Report from City Manager MAY19-09-277 WARD 1
- b. Ordinance No. 10668 relating to zoning: amending Ordinance No. 10076 to amend the map showing the PAD-10 District Boundaries in the area located on the south side of west Congress Street 1,500 feet west of Interstate 10 in Case C9-04-07, Menlo Park Mercado District PAD, R-2, C-1, C-3 and I-1 to PAD-10; and declaring an emergency.

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

- a. Report from City Manager MAY19-09-269 CITY-WIDE

**12. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, June 2, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.