



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.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. 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 five working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

SAP in Spanish is now available for Mayor & Council meetings on channel 12. You can change your TV to the SAP function (check your remote control instructions) and listen to the Mayor & Council meetings translated in Spanish.

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. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor		Regina Romero – Vice Mayor			
<u>Council Members</u>					
Regina Romero	Ward 1	Karin Uhlich	Ward 3	Steve Leal	Ward 5
Rodney Glassman	Ward 2	Shirley C. Scott	Ward 4	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 5:00p.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.

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 AGENDA

**WEDNESDAY, SEPTEMBER 9, 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 John W. Miller of the Northwest Bible Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Proclaiming September 2009 to be National Alcohol and Drug Addiction Recovery Month
- b. Proclaiming September 2009 to be Ovarian Cancer Awareness Month
- c. Presentation of the Outstanding Adaptive Program Award to Andy Reidy and the Outstanding Public Official Award to Council Member Scott

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager SEP9-09-439 CITY-WIDE

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

- a. Report from City Manager SEP9-09-440 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager SEP9-09-441 CITY-WIDE
- b. Liquor License Application(s)

New License(s)

- 1. El Sabroso Oakwood Grille, Ward 1
610 N. Grande Ave.
Applicant: Dionicio Naranjo
Series 12, City 51-09
Action must be taken by: September 6, 2009

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

- 2. Gooch's Grill, Ward 6
1118-20 E. 6th St.
Applicant: Mark Edward Gucciardo
Series 12, City 53-09
Action must be taken by: September 14, 2009

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

- 3. Cilantro's Colombian Grill, Ward 4
8270 S. Houghton Rd.
Applicant: Ruby Tenorio
Series 12, City 55-09
Action must be taken by: September 13, 2009

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

Public Opinion: Written Argument In Favor 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(s)

4. Fat Greek 2, Ward 2
3225 N. Swan Rd., #105
Applicant: Traci Ann Markou
Series 7, City 49-09
Action must be taken by: August 24, 2009

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

5. Gooch's Grill, Ward 6
1118-20 E. 6th St.
Applicant: Mark Edward Gucciardo
Series 7, City 54-09
Action must be taken by: September 14, 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)

Person/Location Transfer(s)

6. Trader Joe's #95, Ward 6
1101 N. Wilmot Rd.
Applicant: H. J. Lewkowitz
Series 7, City 50-09
Action must be taken by: August 30, 2009

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

7. Gem Center and Conference Hall, Ward 1
222 S. Freeway Rd.
Applicant: Piyush Lalbhai Patel
Series 7, City 52-09
Action must be taken by: September 7, 2009

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

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. St. Luke's in the Desert, Inc. dba St. Luke's Home, Ward 2
3800 E. River Rd.
Applicant: Larry E. Rush
City T40-09
Date of Event: November 1, 2009
(Fundraiser)

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

2. Tucson Lesbian Gay Alliance dba Tucson Pride Inc., Ward 6
900 S. Randolph Wy.
Applicant: Crystal L. Soles
City T46-09
Date of Event: October 10, 2009
(Pride in the desert LGBT festival event)

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

3. St. Demetrios Greek Orthodox Church, Ward 3
1145 E. Ft. Lowell Rd.
Applicant: George A. Makris
City T48-09
Date of Event: September 24, 2009 - September 27, 2009
(Fundraising)

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

4. Tucson Culinary Festival, Ward 6
400 N. Toole Ave., Ste. 100
Applicant: Maya T. Luria
City T49-09
Date of Event: October 1, 2009
(To showcase Tucson as the margarita capital of the U.S.)

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

5. St. Melany Byzantine Catholic Church, Ward 6
1212 N. Sahuara Ave.
Applicant: Clifford Arthur Franzen
City T51-09
Date of Event: October 2, 2009 - October 3, 2009
(Fundraising for church projects)

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

6. Arizona Theatre Company, Ward 6
330 S. Scott Ave.
Applicant: Clyde W. Kunz
City T52-09
Date of Event: October 3, 2009
(Fundraising)

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

7. Uptown Optimist Club, Ward 6
900 S. Randolph Wy.
Applicant: Estermarie Hillman
City T55-09
Date of Event: October 1, 2009 - October 4, 2009
(Raise money to support Optimist charitable activities)

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

8. Sonoran Glass Art Academy (SGAA), Ward 5
633 W. 18th St.
Applicant: Jean Baruch
City T56-09
Date of Event: September 19, 2009
(Fundraiser/benefit)

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

9. Sonoran Glass Art Academy, Ward 5
633 W. 18th St.
Applicant: Jean M. Baruch
City T57-09
Date of Event: September 12, 2009
(Fundraiser)

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

10. Our Lady Queen of all Saints Parish, Ward 5
2915 E. 36th St.
Applicant: Darlene M. Dooley
City T62-09
Date of Event: September 25, 2009 - September 26, 2009
(Fundraiser for church)

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

11. Sun Sounds Inc., Ward 6
3400 E. Camino Campestre
Applicant: Mitzi M. Tharin
City T63-09
Date of Event: September 19, 2009
(General fundraising)

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

12. Davis-Monthan Air Force Base Consolidated Club, Ward 6
303 E. University Blvd.
Applicant: Robin E. Herndon
City T68-09
Date of Event: September 19, 2009
(Annual Air Force Ball - official function)

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

d. Agent Change/Acquisition of Control/Restructure

1. McNesby's East Coast Super Subs, Ward 6
187 N. Park Ave.
Applicant: Brandon Michael McDowell
Series 7, City AC5-09
Action must be taken by: September 14, 2009

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. 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 V**

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: TUCSON CODE – AMENDING (CHAPTER 23) THE *LAND USE CODE*; RELATING TO PLANNED AREA DEVELOPMENT ZONES**

- a. Report from City Manager SEP9-09-460 CITY-WIDE
- b. Hearing on a proposed amendment to the Tucson Code, Chapter 23, the *Land Use Code (LUC)* to exempt projects within the Downtown Infill Incentive District (IID) from the 40-acre minimum site area requirement and allow more flexibility in how the Mayor and Council may initiate Planned Area Development (PAD) rezonings and to allow greater flexibility in how PAD submittal documents may be modified.
- c. Ordinance No. 10711 relating to planning and zoning; amending Tucson City Code, Chapter 23, Land Use Code, Article II, Zones, Division 6, Mixed Use Zones, Section 2.6.3 Planned Area Development (PAD) Zone; and setting an effective date.

Staff recommends approval of the proposed amendment to the *Land Use Code*.

9. **PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23) THE *LAND USE CODE*; CREATING THE DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE**

- a. Report from City Manager SEP9-09-455 WARDS 1, 3, 5, AND 6
- b. Hearing on a proposed amendment to the Tucson Code, Chapter 23, the *Land Use Code (LUC)* to create a Downtown Area Infill Incentive District (IID) overlay zone and allow a property owner within the overlay to request a modification of certain development regulations in the *LUC*.
- c. Ordinance No. 10710 relating to planning and zoning; amending the Tucson Code, Chapter 23, Land Use Code, Article II, Zones, Division 8, Overlay Zones, by adding a new Section 2.8.12, the Downtown Area Infill Incentive District Zone (IID); adopting the IID map; and setting an effective date.

Staff recommends approval of the proposed amendment to the *Land Use Code*.

10. PUBLIC HEARING: GRANT-ALVERNON AREA PLAN AMENDMENT (PA-09-01); FORT LOWELL ROAD/WALNUT AVENUE ALIGNMENT – OFFICE AND HIGH-DENSITY RESIDENTIAL USES

- a. Report from City Manager SEP9-09-461 WARD 2
- b. Hearing on a request by Michael Grassinger of The Planning Center, on behalf of the property owner, Abraham Slilaty/Fort Lowell Park, LLC, to amend the *Grant-Alvernon Area Plan* to allow offices and high-density residential development in an area designated on the Conceptual Land Use Map for residential purposes only. The amendment site consists of two R-3 zoned parcels that total about 1.3 acres, on the south side of Fort Lowell Road, approximately 1200 feet east of Alvernon Way. The larger, eastern parcel is vacant, while the smaller, western parcel has an older home on it. Mr. Slilaty wants to raze the home and redevelop the site with a small office complex, and first needs to amend the land use plan to allow office uses on the site.

At a public hearing on July 1, 2009, the Planning Commission voted 9-1 to recommend that the Mayor and Council amend the *Grant-Alvernon Area Plan* Conceptual Land Use Map to allow office and high-density residential uses on the amendment site.

Staff recommends that the Mayor and Council amend the *Grant-Alvernon Area Plan* Conceptual Land Use Map to allow office and high-density residential uses on the amendment site.

- c. Resolution No. 21381 relating to planning and zoning; amending the *Grant-Alvernon Area Plan*; and declaring an emergency.

11. REAL PROPERTY: THIRD AMENDMENT TO THE LEASE AGREEMENT WITH DEPOT PARTNERS, LLC FOR PROPERTY LOCATED WITHIN THE HISTORIC TRAIN DEPOT COMPLEX

- a. Report from City Manager SEP9-09-444 WARD 6
- b. Ordinance No. 10708 relating to real property; authorizing and approving the Third Amendment to the Lease Agreement between the City of Tucson and Depot Partners, LLC, for a certain portion of real property located in the Historic Depot at 400 North Toole Avenue, and declaring an emergency.

12. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY PRIMARY ELECTION HELD SEPTEMBER 1, 2009 (CONTINUED FROM MEETING OF SEPTEMBER 7, 2009)

- a. Report from City Manager SEP9-09-452 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.

13. ZONING: (C9-08-03) SELLAROLE LLC – SELLAROLE ROAD, SR TO R-1, ORDINANCE ADOPTION

- a. Report from City Manager SEP9-09-445 WARD 4
- b. Ordinance No. 10709 relating to zoning: amending zoning district boundaries in the area located on the north side of Sellarole Road, approximately 2,043 feet west of Harrison Road in Case C9-08-03, Sellarole LLC, SR to R-1; and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager SEP9-09-442 CITY-WIDE

15. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, September 15, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.