





# 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 13, 2008 – 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 – Rabbi Samuel M. Cohon, Temple Emanu-El

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Proclaiming May 2008 to be “Stuttering Awareness Month”
- b. Presentation of the Sonoran Institute’s Green Building Award for the Lee H. Brown Family Conservation Learning Center

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

- a. Report from City Manager MAY13-08-213 CITY-WIDE

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

- a. Report from City Manager MAY13-08-214 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

a. Report from City Manager MAY13-08-215 CITY-WIDE

b. Liquor License Applications

New License(s)

1. Pancho's & Beer, Ward 3  
3200 N. 1st Ave.  
Applicant: Osvaldo Silva  
Series 12, City 25-08  
Action must be taken by: May 18, 2008

Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.

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

(CONTINUED FROM MAYOR AND COUNCIL MEETING OF MAY 6, 2008)

2. Clarion Hotel Tucson Airport, Ward 5  
6801 S. Tucson Blvd.  
Applicant: Kyu Yeol Chung  
Series 11, City 27-08  
Action must be taken by: May 29, 2008

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

3. Valero Corner Store #1665, Ward 4  
10335 E. Drexel Road  
Applicant: Timothy Lee Holeman  
Series 10, City 30-08  
Action must be taken by: June 1, 2008

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

Public Opinion: Written Argument Opposed Filed  
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. Opa! Greek Cuisine & Fun, Ward 3  
2990 N. Campbell Ave. #130  
Applicant: Lydia Diana Estrella  
Series 7, City 26-08  
Action must be taken by: May 22, 2008

Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.

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

5. Speedy's Discount Liquors, Ward 3  
201 W. Ft. Lowell Rd.  
Applicant: Dharmesh Kumar J. Patel  
Series 9, City 28-08  
Action must be taken by: May 30, 2008

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

Public Opinion: Written Arguments Opposed Filed

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 events scheduled for this meeting.

- d. Agent Change/Acquisition of Control

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: TUCSON CODE (CHAPTER 19) AMENDING THE MODEL CITY TAX CODE**

- a. Report from City Manager MAY13-08-223 CITY-WIDE
- b. Hearing on amendments to the Model City Tax Code as approved by the Municipal Tax Code Commission in February 2008.
- c. Ordinance No. 10524 relating to the business privilege tax; amending Tucson Code, Chapter 19, Article II, Divisions 1 and 4 relating to the taxation of certain solar energy devices and of certain architectural and engineering fees; and declaring an emergency.

**9. ZONING: (C9-07-01) LIPPERT/WHITE – SWAN ROAD, R-2 TO O-1, ORDINANCE ADOPTION**

- a. Report from City Manager MAY13-08-228 WARD 6
- b. Ordinance No. 10526 relating to zoning: amending zoning district boundaries in the area located on the northwest corner of Swan Road and Lee Street in Case C9-07-01, Lippert/White – Swan Road, R-2 to O-1 and setting an effective date.

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

**10. ZONING: (C9-07-34) WESSON COMPANY LLC – CAMPBELL ROAD, R-1 AND MH-1 TO O-1, DIRECT ORDINANCE ADOPTION**

- a. Report from City Manager MAY13-08-227 WARD 3
- b. Report from Zoning Examiner dated March 28, 2008.
- c. Request to rezone property located on the west side of Campbell Avenue, approximately 360 feet north of Allen Road from R-1 and MH-1 to O-1 zoning. Applicant: Daniel Wesson Company, LLC, on behalf of the property owners, C38 Development LLC. The preliminary development plan is for a single story medical office building, 16 feet in height and 10,400 square feet in size, on 1.18 acres.

This rezoning case is part of a pilot project to streamline the overall rezoning and Development Plan review and approval process. The Preliminary Development Plan is part of the pilot “Development Package,” and was designed to be used for the rezoning process and the Community Design Review Committee (CDRC) process. The pilot process is specifically designed for projects to proceed directly to ordinance adoption. The rezoning process component of the pilot project remains the same, the pilot includes Development Plan review concurrent with the rezoning. The initial CDRC review of the Development Package indicates the recommended conditions can be met.

The proposed rezoning is consistent with, and supported by, the policy direction provided in the *Northside Area Plan* and the *General Plan*.

The Zoning Examiner and staff recommend the approval of O-1 zoning, subject to certain conditions.

- d. Ordinance No. 10527 relating to zoning: amending zoning district boundaries in the area located on the west side of Campbell Avenue, approximately 360 feet north of Allen Road in Case C9-07-34, Wesson Company, LLC – Campbell Road, R-1 and MH-1 to O-1 and setting an effective date.

One written approval and one written protest were received for this case prior to the Zoning Examiner’s public hearing on March 13, 2008. The protest lies within the 150 foot protest area resulting in a protest by area of 75.11 percent to the south. A letter of support was also submitted by Campus Farm Neighborhood Association

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

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

- a. Report from City Manager MAY13-08-216 CITY-WIDE

**12. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, May 20, 2008, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.