



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 23, 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, Veterans of Foreign Wars 549

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager JUN23-09-349 CITY-WIDE

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

a. Report from City Manager JUN23-09-350 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager JUN23-09-351 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Charlie’s Drive-in Liquor, Ward 6
5451 E. Pima St.
Applicant: Dharmeshkumar J. Patel
Series 9, City 32-09
Action must be taken by: July 4, 2009

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

- 2. Uptown Bistro, Ward 6
100 N. Stone Ave., Suite 102
Applicant: Heather Lelane Reams
Series 12, City 35-09
Action must be taken by: July 11, 2009

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

- 3. Longhorn Steakburger, Ward 2
9431 E. 22nd St., #157
Applicant: Thomas Robert Aguilera
Series 12, City 36-09
Action must be taken by: July 12, 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)

4. Sushi-Ten Japanese Restaurant, Ward 6
4500 E. Speedway Blvd., Unit 1
Applicant: David Liemhoang Lam
Series 6, City 37-09
Action must be taken by: July 11, 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)

5. Feast, Ward 6
4122 E. Speedway Blvd.
Applicant: Douglas Marc Levy
Series 6, City 33-09
Action must be taken by: July 3, 2009

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

Public Opinion: Written Argument Opposed 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. Greater Oro Valley Arts Council, Ward 3
4502 N. 1st Ave.
Applicant: Amanda Kate Marquez
City T41-09
Date of Event: July 4, 2009
(July 4th Freedom Festival and Concert)

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

d. Agent Change/Acquisition of Control/Restructure

1. ALJS Tavern, Ward 5
4980 E. 22nd St.
Applicant: Raul Humberto Rodriguez
Series 6, City AC3-09
Action must be taken by: June 28, 2009

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

Tucson Police Department has indicated the applicant is not in compliance with city requirements.

(CONTINUED FROM MAYOR AND COUNCIL MEETING OF JUNE 16, 2009)

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, 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 K

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: AMENDING THE 2004 PIMA COUNTY BOND PROGRAM TO ADD VALENCIA/I-19 ARCHAEOLOGICAL SITE AS AN ELIGIBLE PROJECT

- a. Report from City Manager JUN23-09-364 WARD 1
- b. Hearing on a request by Pima County for the City of Tucson to approve the addition of the Valencia Archeology Site as an eligible project under the 2004 Pima County Bond Program.
- c. Resolution No. 21327 relating to parks and archaeological conservation; requesting the Board of Supervisors to amend Pima County Ordinance 2004-18, the Bond Implementation Plan Ordinance for the May 18, 2004 Bond Election, and add Valencia Archaeological Site as a property that is eligible to purchase for conservation under Bond Project OS1.16 36th Street Corridor; and declaring an emergency.

9. PUBLIC HEARING: AMENDING THE NEIGHBORHOOD PRESERVATION ORDINANCE

- a. Report from City Manager JUN23-09-356 CITY-WIDE
- b. Hearing on the proposed amendments to the Neighborhood Preservation Ordinance to create a re-inspection fee for non-compliant properties and to establish fees relating to various appeals processes.
- c. Ordinance No. 10687 relating to Neighborhood Preservation; amending Chapter 16, Section 16-42 of the Tucson Code, the “Neighborhood Preservation Ordinance”; authorizing fees for re-inspections after the issuance of a notice of violation; establishing a re-inspection fee of Seventy-Five Dollars (\$75.00); and establishing fees for appeals to the Code Official and to the Board of Appeals; setting an effective date; and declaring an emergency.

10. PUBLIC HEARING: PROPOSED ALTERNATIVE EXPENDITURE LIMITATION – HOME RULE OPTION

- a. Report from City Manager JUN23-09-365 CITY-WIDE
- b. Hearing. Tucson, like all Arizona cities, is subject to a spending limit imposed by the State Constitution. Because revenues and the need for City services are anticipated to exceed the state set limit, the City is evaluating the option for an alternative spending limit: “Home Rule.” “Home Rule” allows the City voters to set expenditure limits, typically established as the annual budget adopted by the Mayor and Council. Under this option, City voters have the opportunity to re-approve the alternative limit every four years.

11. ZONING: (C9-07-29) KIPPES – UHL STREET, RX-2 TO R-2, ORDINANCE ADOPTION

- a. Report from City Manager JUN23-09-358 WARD 2
- b. Ordinance No. 10686 relating to zoning: amending zoning district boundaries in the area located approximately 400 feet west of Pantano Road, and 1,625 feet south of Broadway Boulevard in Case C9-07-29, Kippes – Uhl Street, RX-2 to R-2; and setting an effective date.

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

12. FINANCE: FIXING AND LEVYING THE PRIMARY AND SECONDARY PROPERTY TAXES FOR FISCAL YEAR 2010

- a. Report from City Manager JUN23-09-368 CITY-WIDE
- b. Ordinance No. 10671 relating to taxation; fixing, levying, and assessing primary and secondary property taxes for the City of Tucson upon the assessed valuation of the property within the City of Tucson subject to taxation, each in a certain sum upon each one hundred dollars (\$100.00) of valuation, sufficient to raise the amount estimated to be required in the annual budget, less the amounts estimated to be received from other sources of revenue and unencumbered balances from the previous fiscal year; providing funds for various purposes, all for the fiscal year ending June 30, 2010; and declaring an emergency.

13. TUCSON CONVENTION CENTER: AMENDING RULES AND REGULATIONS RELATING TO FACILITY USER FEES

- a. Report from City Manager JUN23-09-366 CITY-WIDE
- b. Ordinance No. 10688 relating to Tucson Convention Center; approving amendments to the Tucson Convention Center Rules and Regulations related to Facility User Fees; amending Ordinance No. 8559; and declaring an emergency.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager JUN23-09-352 CITY-WIDE

15. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, July 7, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.