



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, AUGUST 5, 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 – Father Robert Rankin, St. Melany Byzantine Catholic Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Proclaiming August 20 to be the “234th Anniversary of Tucson”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager AUG5-09-393 CITY-WIDE

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

- a. Report from City Manager AUG5-09-394 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager AUG5-09-395 CITY-WIDE
- b. Liquor License Application(s)

New License(s)

- 1. B-Z's Pizza Company, Ward 2
9431 E. 22nd St., Suite 137
Applicant: Carl Ferris Sorell
Series 12, City 38-09
Action must be taken by: July 25, 2009

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

- 2. Trader Joe's #88, Ward 6
4766 E. Grant Rd.
Applicant: H. J. Lewkowitz
Series 7, City 40-09
Action must be taken by: July 30, 2009

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

- 3. Trader Joe's #191, Ward 3
4209 N. Campbell Ave.
Applicant: H. J. Lewkowitz
Series 7, City 41-09
Action must be taken by: July 30, 2009

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

- 4. Caffenation, Ward 5
3191 E. Valencia Rd., #111
Applicant: Irina Rudnitsky
Series 12, City 42-09
Action must be taken by: August 7, 2009

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

- 5. Costco Wholesale, Ward 5
3434 S. Kino Pw.
Applicant: Clare Hollie Abel
Series 9, City 43-09
Action must be taken by: August 7, 2009

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

6. Time Market, Ward 6
444 E. University Blvd.
Applicant: Peter Thomas Wilke
Series 12, City 45-09
Action must be taken by: August 8, 2009

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

7. Mulligan's Sports Grill, Ward 4
9403 E. Golf Links Rd.
Applicant: Mark Richard Baker
Series 12, City 46-09
Action must be taken by: August 9, 2009

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

8. R & D Union Inc., Ward 5
4701 E. 29th St.
Applicant: Raj Agarwal
Series 10, City 47-09
Action must be taken by: August 15, 2009

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

Public Opinion: Written Arguments Opposed Filed

9. Gas City Family Pantry #612, Ward 1
1285 W. Ajo Wy.
Applicant: Martha Veronica Bersano
Series 10, City 48-09
Action must be taken by: August 14, 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/Location Transfer(s)

10. Rialto Theater, Ward 6
318 E. Congress St.
Applicant: Douglas William Biggers
Series 6, City 44-09
Action must be taken by: August 8, 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. Comite de Festividades Mexicanas, Ward 1
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City T44-09
Date of Event: September 12, 2009 - September 13, 2009
(To celebrate Mexican Independence Day)

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

2. Tucson Breakfast Lions Club, Ward 5
4823 S. 6th Ave.
Applicant: Wayne Francis Locke
City T45-09
Date of Event: September 5, 2009 - September 6, 2009
(Fundraiser)

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

3. Escaramuza Flor de Primavera, Ward 5
4823 S. 6th Ave.
Applicant: Francisco Javier Celaya
City T50-09
Date of Event: August 15, 2009
(To educate equestrian Mexican culture concert/dance)

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

4. EMVIA Corporation (EMVIA), Ward 3
4502 N. 1st Ave.
Applicant: Mitzi Monet Tharin
City T53-09
Date of Event: August 29, 2009
(General Fundraising)

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

5. Tucson's Young Professionals, Inc., Ward 1
140 N. Main Ave.
Applicant: Kevin A. Moreau
City T54-09
Date of Event: September 4, 2009
(To promote community event in downtown Tucson)

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

d. Agent Change/Acquisition of Control/Restructure

1. Fanelli's Deli L.L.C., Ward 3
2334 N. 1st Ave.
Applicant: Chris F. Fanelli
Series 7, City AC4-09
Action must be taken by: July 25, 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 HH

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. PLANNING: ADOPTION OF A GREEN BUILDING PROGRAM

- a. Report from City Manager AUG5-09-432 CITY-WIDE
- b. Resolution No. 21369 relating to sustainable energy standards; authorizing and approving a voluntary City of Tucson Green Building Program by adopting the Residential Green Building Rating System and Southern Arizona Regional Residential Green Building Standard applicable to construction of new single family, duplex and triplex homes; and declaring an emergency.

9. ZONING: (C9-07-03) HSL PROPERTIES – PANTANO ROAD, SR TO P, TIME EXTENSION AND ORDINANCE ADOPTION

- a. Report from City Manager AUG5-09-415 WARD 4
- b. Ordinance No. 10702 relating to zoning: amending Ordinance No. 10662 to extend the period of compliance from August 5, 2009 to February 5, 2010, for the area located on the west side of Pantano Road, extending from approximately 500 to 1100 feet south of Escalante Road in Case C9-07-03, HSL Properties – Pantano Road, SR to P; and declaring an emergency.

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

10. ANNEXATION: RAYTHEON ANNEXATION DISTRICT, ORDINANCE ADOPTION

- a. Report from City Manager AUG5-09-437 WARD 5

Material for this item will be available on the City website and in the City Clerk's office as soon as it becomes available.

11. AGREEMENT: WITH THE DOWNTOWN TUCSON PARTNERSHIP

- a. Report from City Manager AUG5-09-438 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.

12. TUCSON CODE: AMENDING (CHAPTER 28) REGARDING THE MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE PROGRAM

- a. Report from City Manager AUG5-09-411 CITY-WIDE
- b. Ordinance No. 10703 relating to procurement; amending Chapter 28, Article XIII, Minority and Women-owned Business Enterprise Program Section 28-147, Definitions; Section 28-149, Establishment of S/M/WBE Program Goals for Professional Design, Construction, and Construction Services Projects; Section 28-150, S/M/WBE Plans for Eligible Projects; and Section 28-151, Applicability to Procurement of Goods, Materials and Services; and declaring an emergency.

13. ZONING: (C9-06-10) LLDN – VALENCIA ROAD, R-2 TO C-1 AND C-2, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION

- b. Report from City Manager AUG5-09-419 WARD 1
- b. Ordinance No. 10701 relating to zoning: amending zoning district boundaries in the area located at the southwest corner of Valencia Road and Nogales Highway in Case C9-06-10, LLDN – Valencia Road R-2 to C-1 and C-2; and setting an effective date.

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

14. ZONING: (C9-08-09) LOWE’S – SPEEDWAY, C-1 TO C-2, ORDINANCE ADOPTION

- a. Report from City Manager AUG5-09-418 WARD 2
- b. Ordinance No. 10700 relating to zoning: amending zoning district boundaries in the area located at the northeast corner of Speedway Boulevard and Kolb Road in Case C9-08-09, Lowe’s – Speedway, C-1 to C-2; and setting an effective date.

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

15. REAL PROPERTY: SITE ACQUISITION FOR BROKEN SPRINGS TRAIL WATER BOOSTER STATION (CONTINUED FROM THE MEETING OF JANUARY 27, 2009)

- a. Report from City Manager AUG5-09-428 OUTSIDE CITY
- b. Resolution No. 21196 relating to real property; authorizing the City Manager to acquire by negotiation certain real property located near the intersection of Broken Springs Trail and Camino del Cerro for a water booster station and related facilities; and declaring an emergency.

16. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager AUG5-09-396 CITY-WIDE

17. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, September 9, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.