



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, NOVEMBER 17, 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 Charlie Knapp, Catholic Diocese of Tucson

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Presentation of a Copper Plaque to Old Tucson Studios in recognition of their 70th Anniversary.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager NOV17-09-577 CITY-WIDE

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

- a. Report from City Manager NOV17-09-578 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager NOV17-09-579 CITY-WIDE

b. Liquor License Application(s)

New License(s)

1. Sporty's Restaurant & Bar, Ward 3
1300 W. Prince Rd.
Applicant: Panagiotis Lembessis
Series 12, City 76-09
Action must be taken by: November 22, 2009

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

2. La Botana Taco Grill & Cantina, Ward 3
3200 N. 1st Ave.
Applicant: Arnolando Silva
Series 12, City 78-09
Action must be taken by: November 22, 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)

3. El Molinito, Ward 5
5380 E. 22nd St.
Applicant: Wayne Lee Hallquist
Series 6, City 77-09
Action must be taken by: November 27, 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. Tucson Rodeo Committee Inc., Ward 5
4801 E. 6th Ave.
Applicant: Gary Gene Williams
City T81-09
Date of Event: February 20, 2010 - February 28, 2010
(To stage the 85th Annual Tucson Rodeo)

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

2. Kokopelli Winery, Ward 6
546 N. 4th Ave.
Applicant: Dennis M. Minchella
City T97-09
Date of Event: December 11, 2009 - December 13, 2009
(4th Avenue Street Fair)

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

3. Tucson's Young Professionals, Inc., Ward 1
140 N. Main Ave.
Applicant: Stephanie R. Bermudez
City T98-09
Date of Event: December 4, 2009
(To promote community event in downtown Tucson)

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

4. Most Holy Trinity Parish, Ward 1
1300 N. Greasewood Rd.
Applicant: Kenneth N. Moreland
City T99-09
Date of Event: December 6, 2009
(Christmas party for Ladies Club)

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

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 F

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: ADOPTION OF THE MILES NEIGHBORHOOD PLAN

- a. Report from City Manager NOV17-09-584 WARD 5
- b. Hearing on the proposed adoption of the Miles Neighborhood Plan.

The Miles Neighborhood is located east of the downtown area and one-half mile south of the University of Arizona. The Neighborhood is bounded by Broadway Boulevard to the north, the Arroyo Chico Wash to the south, Kino Parkway to the east, and the Arroyo Chico Wash and Park Avenue to the west. The Neighborhood is currently included in the *Arroyo Chico Area Plan*.

The Planning Commission held a public hearing on October 7, 2009, which concluded with a vote of 9 to 0 to forward to the Mayor and Council the Miles Neighborhood Plan with one proposed change. This change has been made in the version of the Plan provided to Mayor and Council.

Staff recommends that the Mayor and Council adopt the Miles Neighborhood Plan.

- c. Resolution No. 21442 relating to planning and zoning; adopting the Miles Neighborhood Plan; and setting an effective date.

9. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 3) SIGN CODE REGULATION OF BANNERS (CONTINUED FROM THE MEETING OF OCTOBER 6, 2009)

- a. Report from City Manager NOV17-09-581 CITY-WIDE
- b. Hearing on a proposed amendment to the Tucson Sign Code addressing regulation of banners. The proposed amendment to the Tucson Sign Code makes the following changes to Section 3-67.C Temporary Signs: 1) to be more specific as to how banners are constructed, 2) reduce the maximum size of banners on smaller buildings, 3) revise the description of the building façade, 4) allow a maximum of two 45 day banner permits per use per year, 5) specify that the banner must be removed no later than the expiration date of the permit, and 6) clarify that banners are subject to the same safety related location requirements as other signs and in addition are prohibited from rooftops.
- c. Ordinance No. 10714 relating to advertising and outdoor signs; amending regulation of banners by amending the Tucson Code, Chapter 3, Sign Code, Article V, Sign Types and General Regulations, Section 3-67(c)(1), Temporary Signs; adding a new section 3-67(c)(1)(f); and declaring an emergency.

10. PUBLIC HEARING: (C9-09-07) FELDMAN'S NEIGHBORHOOD PRESERVATION ZONE, R-1, R-2, R-3 TO NR-1, NR-2, AND NR-3, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF NOVEMBER 9, 2009)

- a. Report from City Manager NOV17-09-591 WARDS 3 AND 6

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. PUBLIC HEARING: AMENDING THE NEIGHBORHOOD PRESERVATION ZONE (CONTINUED FORM THE MEETING OF NOVEMBER 9, 2009)

- a. Report from City Manager NOV17-09-590 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. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY GENERAL AND SPECIAL ELECTIONS HELD NOVEMBER 3, 2009 (CONTINUED FROM THE MEETING OF NOVEMBER 9, 2009)

- a. Report from City Manager NOV17-09-589 CITY-WIDE
- b. Resolution No. 21435 relating to elections; canvassing the returns and declaring the results of the General Election held in the City of Tucson, Arizona on November 3, 2009.
- c. Resolution No. 21436 relating to elections; canvassing the returns and declaring the results of the Special Election on Proposition 200 held in the City of Tucson, Arizona on November 3, 2009.
- d. Resolution No. 21437 relating to elections; canvassing the returns and declaring the results of the Special Election on Proposition 400 held in the City of Tucson, Arizona on November 3, 2009.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager NOV17-09-580 CITY-WIDE

14. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, November 24, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.