Agenda available on-line at 4:20 p.m., 2/4/10

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.

Persons who require an accommodation or materials in accessible format or require a foreign language interpreter or materials in a language other than English for this event, call 791-4213 or 791-2639 (TDD) at least five business days in advance.

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 **Rodney Glassman – Vice Mayor**

Council Members

Regina Romero	**Ward 1**	**Karin Uhlich**	**Ward 3**	**Richard J. Fimbres**	**Ward 5**
Rodney Glassman	**Ward 2**	**Shirley C. Scott**	**Ward 4**	**Steve Kozachik**	**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:wwwtucsonaz.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.

AVISO & AGENDA DE SESION REGULAR DEL ALCALDE Y CONCEJO

La Ciudad de Tucson tiene una forma de gobierno de gerente-concejo. Las políticas son fijadas por el Alcalde y Concejo, quienes son electos por el pueblo. Las políticas son puestas en práctica por el Gerente de la Ciudad, quien es nombrado por el Alcalde y Concejo. El Alcalde y Concejo deciden lo que se debe hacer; el Gerente de la Ciudad, operando por medio de todo el personal de la Ciudad, lo lleva a cabo.

SESIONES REGULARES DEL CONCEJO

El Alcalde y Concejo se reúnen usualmente los primeros cuatro días martes de cada mes, en el Salón del Alcalde y Concejo, Ayuntamiento, 255 W. Alameda, Tucson, Arizona. Un miembro del Alcalde y el Concilio puede ser presente y tomar parte en una reunión del consejo de administración por asistencia electrónica, sujeto a las condiciones incluidas en las Reglas de Alcalde y Concilio y Regulaciones.

Sesión de las 5:30 p.m. [Agenda]

- Invocación y Juramento a la Bandera
- Presentaciones
- Resumen de Temas de Actualidad
- Solicitudes de licencias de licor
- Convocación al Público. Los individuos pueden hablar hasta por tres minutos. La Convocación al Público se limitará a treinta minutos. Los ponentes pueden hablar de cualquier tema excepto los temas anunciados como Audiencia Pública.
- Aprobación de la Agenda
- Audiencias Públicas. Los individuos pueden hablar hasta por cinco minutos. Cada audiencia pública está limitada a una hora.
- Otros asuntos del Alcalde y Concejo listados en la agenda para la sesión.

Habrá copias de la agenda disponibles durante la reunión. Además, la agenda, así como los documentos de referencia, están disponibles en la oficina del Secretario del Ayuntamiento antes de cada sesión y en el sitio Internet de la Ciudad: www.tucsonaz.gov/agdocs

Las ordenanzas y resoluciones (las leyes de Tucson) son consideradas durante las sesiones regulares. Aquellas adoptadas con la cláusula de emergencia y el voto afirmativo de cinco miembros del Concejo son efectivas de inmediato. Aquellas adoptadas sin la cláusula de emergencia son efectivas treinta días después de su aprobación. A menos que el Alcalde o un miembro del Concejo pidan que una ordenanza o resolución sea leída en su totalidad, se lee únicamente por número y título. Los asuntos de rutina son programados bajo el encabezado de Agenda de Consentimiento, lo que permite que una cantidad de acciones ocurran con una sola moción.

Las personas que requieran acomodaciones o materiales en un formato accesible o que requieran un interprete de un idioma extranjero o materiales en un lenguaje que no sea inglés para este evento, hablen al 791-4213 o al 791-2639 (TDD) al menos cinco días laborables por adelantado.

PARTICIPACION DEL PUBLICO

Para dirigirse al Alcalde y Concejo:

- Llene una tarjeta de ponente y depositela en la bandeja en el podio. Cuando sea reconocido, diga su nombre, si reside en la Ciudad de Tucson y a quién representa, antes de proceder. Cualquier persona que esté representando a personas aparte de sí mismo y esté recibiendo una compensación para influenciar una acción del Alcalde y Concejo, tiene que identificarse como "ponente contratado" antes de hablar.
- Presente sus comentarios por escrito al Alcalde y Concejo (a través del Secretario del Ayuntamiento) antes de y durante la reunión.
- Llame a la Línea del Alcalde y Concejo para Comentarios de Ciudadanos al 791-4700 o escriba al Sitio de Internet de la Ciudad, www.tucsonaz.gov/agdocs.

Las personas que asisten a la reunión deben observar las reglas de urbanidad, decoro y buena conducta, y abstenerse de comentarios impertinentes o difamatorios. La violación de esta regla resultará en que dichas personas sean excluidas de audiencias subsiguientes ante las autoridades. Por favor desconecte o use vibración en todos los *pagers* y teléfonos celulares. Se puede obtener una copia de todas las reglas y regulaciones con el Secretario del Ayuntamiento.

Robert E. Walkup – Alcalde **Rodney Glassman – Vicealcalde**

Miembros del Concejo

Regina Romero	**Distrito 1**	**Karin Uhlich**	**Distrito 3**	**Richard G. Fimbres**	**Distrito 5**
Rodney Glassman	**Distrito 2**	**Shirley C. Scott**	**Distrito 4**	**Steve Kozachik**	**Distrito 6**

Pueden ocurrir modificaciones a la agenda hasta 24 horas antes de la sesión. Contacte al Secretario del Ayuntamiento al 791-4213 (TDD: 791-2639, FAX: 791-4017 o INTERNET: www.tucsonaz.gov/agdocs, 9º piso, Ayuntamiento, 255 W. Alameda para información actualizada, de lunes a viernes, 8:00 a.m. a 5:00 p.m. [exceptuando días festivos]. Cobertura en vivo de la sesión es transmitida por cable en Tucson 12 y en el Canal Comcast 59 (lunes únicamente). Además, repeticiones de las reuniones se transmiten por cable en Tucson 12 como sigue: Miércoles – 9:00 p.m. Jueves – 9:00 a.m. Domingos – 9:00 a.m.
Hay videos VHS de las sesiones disponibles en la Biblioteca Central de Tucson, 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

TUESDAY, FEBRUARY 9, 2010 – 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 Roy Tullgren, Gospel Rescue Mission

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

PRESENTATIONS:

a. Presentation of the 2009 Tucson Parks and Recreation Commission awards.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager FEB9-10-50 CITY-WIDE

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

a. Report from City Manager FEB9-10-51 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager FEB9-10-52 CITY-WIDE

b. Liquor License Applications

New License(s)

1. Walgreens #04045, Ward 2
   4685 E. Grant Rd.
   Applicant: Randy Allen Guse
   Series 10, City 94-09
   Action must be taken by: January 31, 2010

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

   Public Opinion: Written Arguments Opposed Filed

   (Continued from the Mayor and Council Meeting of January 26, 2010)

2. Walgreens #04104, Ward 3
   2411 N. Oracle Rd.
   Applicant: Randy Allen Guse
   Series 10, City 96-09
   Action must be taken by: February 1, 2010

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

   Public Opinion: Written Arguments Opposed Filed

   (Continued from the Mayor and Council Meeting of January 26, 2010)

3. Walgreens #07203, Ward 3
   2415 N. Alvernon Way
   Applicant: Randy Allen Guse
   Series 10, City 97-09
   Action must be taken by: February 1, 2010

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

   Public Opinion: Written Arguments Opposed Filed

   (Continued from the Mayor and Council Meeting of January 26, 2010)

4. Walgreens #00950, Ward 6
1900 E. Grant Rd.
Applicant: Randy Allen Guse
Series 10, City 100-09
Action must be taken by: February 4, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

5. Walgreens #06491, Ward 3
1351 W. Prince Rd.
Applicant: Randy Allen Guse
Series 10, City 101-09
Action must be taken by: February 4, 2010

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

(Continued from the Mayor and Council Meeting of January 26, 2010)

6. Walgreens #05209, Ward 3
3180 N. Campbell Ave.
Applicant: Randy Allen Guse
Series 10, City 102-09
Action must be taken by: February 5, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

7. Walgreens #07463, Ward 1
525 W. Valencia Rd.
Applicant: Randy Allen Guse
Series 10, City 106-09
Action must be taken by: February 6, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

8. Walgreens #06244, Ward 6
4700 E. Broadway Blvd.
Applicant: Randy Allen Guse
Series 10, City 108-09
Action must be taken by: February 6, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

9. Walgreens #03856, Ward 5
5480 E. 22nd St.
Applicant: Randy Allen Guse
Series 10, City 109-09
Action must be taken by: February 6, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

10. Walgreens #02451, Ward 3
4220 N. Oracle Rd.
Applicant: Randy Allen Guse
Series 10, City 110-09
Action must be taken by: February 6, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

11. Walgreens #04764, Ward 6
5455 E. Speedway Blvd.
Applicant: Randy Allen Guse
Series 10, City 114-09
Action must be taken by: February 6, 2010

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

Public Opinion: Written Argument Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

12. Walgreens #06766, Ward 5
1880 E. Irvington Rd.
Applicant: Randy Allen Guse
Series 10, City 117-09
Action must be taken by: February 8, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

13. Contigo Cocina Latina, Ward 3
1745 E. River Rd. #165
Applicant: Deborah E. Tenino
Series 12, City 118-09
Action must be taken by: February 18, 2010

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

14. Sir Veza's Taco Garage, Ward 6
4699 E. Speedway Blvd.
Applicant: Robert Brian McMahon
Series 12, City 119-09
Action must be taken by: February 14, 2010

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)

15. Diablos Sports Bar and Grill, Ward 4
2545 S. Craycroft Rd.
Applicant: Jesus Manuel Castro
Series 6, City 111-09
Action must be taken by: February 5, 2010

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)

c. Special Event(s)

1. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Amy Ivy Reed
City T109-09
Date of Event: February 26, 2010
(Exhibition Opening Reception)

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: CITY/COUNTY WATER AND WASTEWATER STUDY PHASE II REPORT

a. Report from City Manager FEB9-10-56 CITY-WIDE AND OUTSIDE CITY

b. Hearing to allow the public time to provide comments on the City/County Water and Wastewater Study Phase II Report.

9. ZONING: (SE-09-17) AIR CELL – KOLB ROAD, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

a. Report from City Manager FEB9-10-63 WARD 4

b. Report from Zoning Examiner dated October 23, 2009

c. This is a Special Exception Land Use request to allow the installation of a wireless communication monopole with a height of 150 feet (limited by condition to 145 feet), a four-tier antenna arrangement, and associated ground equipment on property located east of Kolb Road, bounded by the Union Pacific Railroad tracks to the north. The applicant is Michael J. Campbell, of Crown Castle International, on behalf of the property owners, Arizona Board of Regents.

The *General Plan* and the *Esmond Station Area Plan* provide relevant policy guidance for the requested rezoning.

The Zoning Examiner and staff recommend approval of the special exception land use.

Zero written property owner approvals and zero written property owner protests were received for this case prior to the Zoning Examiner's public hearing. A written protest was received from the Rita Ranch Neighborhood Association. The letter argues the pole is too tall and unsightly, and should be relocated to the landfill area. No approvals or protests have been received or rescinded since the public hearing.

d. Ordinance No. 10761 relating to zoning; a special exception land use – wireless communications tower use – SE-09-17 Air Cell – Kolb Road; approving with conditions the construction of 145 foot tall wireless communications tower for multiple carriers in the RH zone; and setting an effective date.

A simple majority vote will be necessary to approve the rezoning ordinance.

10. ZONING: (C9-09-09) BROWN FAMILY PARTNERSHIP – SPEEDWAY BLVD, O-3 TO C2, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

a. Report from City Manager FEB9-10-58 WARD 2

b. Report from Zoning Examiner dated December 18, 2009

c. Request to rezone property located on the south side of Speedway Boulevard and the east side of Bedford Drive, approximately one-quarter mile east of Camino Seco Road from O-3 to C-2 zoning. The applicant is Jim Portner of Projects International, Inc. on behalf of the property owners, Garold C. Brown Family Limited Partnership.

The *General Plan* and the *Pantano East Area Plan* provide relevant policy guidance for the requested rezoning.

The Zoning Examiner and staff recommend approval of the City C-2 zoning.

Two written approvals and three written protests were received for this case prior to the Zoning Examiner's public hearing. Subsequent to the Zoning Examiner public hearing, one additional protest was received, for a total of four protests. Two of the protests lie within the 150 foot protest area resulting in a protest by area of 10.73 percent to the south, 11.16 percent to the west, zero percent to the north and east. The protests generally allude to the desire for residential development on the site and concern about future traffic and noise.

d. Ordinance No. 10756 relating to zoning: amending zoning district boundaries in the area located on the south side of Speedway Boulevard, east of Bedford Drive in Case C9-09-09, Brown Family Partnership – Speedway Blvd, O-3 to C-2; and setting an effective date.

A simple majority vote will be necessary to approve the rezoning ordinance.

11. TUCSON CODE: AMENDING (CHAPTER 2) RELATING TO RESIDENCY REQUIREMENTS FOR SPECIFIED CITY OFFICERS AND EMPLOYEES

a. Report from City Manager FEB9-10-59 CITY-WIDE

b. Ordinance No. 10757 relating to Administration and Civil Service; revising Tucson Code Chapter 2, Article I. to amend Residency Requirement for certain City officers and employees by extending time to establish residency; by amending Tucson Code Section 2-4; and declaring an emergency.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

a. Report from City Manager FEB9-10-53 CITY-WIDE

There are no appointments in the report at this time.

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, February 17, 2010, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.