



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 18, 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 – Mark Sorensen, Tucson Water Department

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Proclaiming November 28, 2008, to be “Buy Local Day”
- b. Presentation of the 2008 Agency Award for Excellence to the City of Tucson’s Human Resources Department

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager NOV18-08-605 CITY-WIDE

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

- a. Report from City Manager NOV18-08-606 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager NOV18-08-607 CITY-WIDE

b. Liquor License Applications

1. Enoteca Pizzeria Wine Bar, Ward 1
58 W. Congress St.
Applicant: Thomas Robert Aguilera
Series 12, City 68-08
Action must be taken by: November 22, 2008

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

2. Hilton Garden Inn Tucson Airport, Ward 5
6575 S. Country Club Rd.
Applicant: Michael Ronald Scaffidi
Series 11, City 69-08
Action must be taken by: November 23, 2008

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)

c. Special Event(s)

NOTE: There are no special events scheduled for this meeting.

d. Agent Change/Acquisition of Control

1. Residence Inn by Marriott, Ward 2
6477 E. Speedway Blvd.
Applicant: Steven Mark Ryan
Series 7, City AC5-08
Action must be taken by: November 24, 2008

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, 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 O

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: ALTERNATIVE ALIGNMENT REPORT FOR 22ND STREET BETWEEN KINO PARKWAY AND TUCSON BOULEVARD AND ACQUISITION OF REAL PROPERTY LOCATED ALONG 22ND STREET

- a. Report from City Manager NOV18-08-629 WARD 5
- b. Hearing on the Alternative Alignment Report for 22nd Street between Kino Parkway and Tucson Boulevard.
- c. Resolution No. 21153 relating to transportation; approving the Alternative Alignment Report for 22nd Street between Kino Parkway and Tucson Boulevard Project; authorizing and directing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property necessary for the project; and declaring an emergency.

9. PUBLIC HEARING: ALTERNATIVE ALIGNMENT REPORT FOR THE KINO PARKWAY AND 22ND STREET OVERPASS PROJECT AND ACQUISITION OF REAL PROPERTY LOCATED ALONG 22ND STREET

- a. Report from City Manager NOV18-08-628 WARD 5
- b. Hearing on the Alternative Alignment Report for the Kino Parkway/22nd Street Overpass Project.
- c. Resolution No. 21154 relating to transportation; approving the Alternative Alignment Report for Kino Parkway/22nd Street overpass Project; authorizing and directing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property necessary for the project; and declaring an emergency.

10. PUBLIC HEARING: KINO AREA PLAN AMENDMENT (PA-07-06); CAMPBELL AVENUE AND DREXEL ROAD – COMMERCIAL, OFFICE AND/OR RESIDENTIAL USES

- a. Report from City Manager NOV18-08-620 WARD 5
- b. Hearing on a request by Bob Conant of the Planning Center, on behalf of the property owner, the Garold C. Brown Family Limited Partnership, to amend the *Kino Area Plan* to allow an area designated for multi-family residential purposes to be used for commercial purposes, specifically for a self-storage business. The 5.9-acre parcel is at the southeast corner of Campbell Avenue and Drexel Road. Los Amigos Elementary School is to the east, and the Rodeo Wash is to the south. The new Tres Pueblos residential subdivision is also to the south, across the wash. Two schools, Ocotillo Elementary and Sierra Middle School are to the west, across Campbell, and Sunnyside High School is to the southwest.

At a public hearing on December 5, 2007, the Planning Commission voted 9-1 (Commissioner McBride-Olsen voting nay) to forward this amendment proposal to the Mayor and Council with a favorable recommendation.

Staff recommends that the Mayor and Council amend the *Kino Area Plan* to allow commercial and/or office uses on the amendment site, in addition to the multi-family residential uses already allowed. Specifically, staff recommends that the Mayor and Council: amend the Residential Policies to also allow commercial and/or office uses on the western-most portion of Residential Site 8; amend the Commercial Map by adding a new Commercial Site 8 (i.e., the plan amendment site), at the southeast corner of Campbell Avenue and Drexel Road; and amend the Commercial Policies to support commercial and/or office uses on Commercial Site 8, subject to addressing compatibility/safety issues, connectivity to the nearby schools and wash linear park, and site appearance.

- c. Resolution No. 21143 relating to planning and zoning: amending the *Kino Area Plan*; and declaring an emergency.

11. PUBLIC HEARING: APPLICATION BY TUCSON GREYHOUND PARK FOR AN OFF-TRACK BETTING SITE AT MIDTOWN BAR & GRILL, 4915 EAST SPEEDWAY BOULEVARD

- a. Report from City Manager NOV18-08-626 WARD 6
- b. Hearing on a request by Tucson Greyhound Park for a new off-track betting site located at the Midtown Bar & Grill, 4915 East Speedway Boulevard.
- c. Resolution No. 21149 relating to off-track betting facilities; approving Midtown Bar & Grill, 4915 East Speedway Boulevard, Tucson, Arizona, as an off-track betting site for horse and dog racing for the Tucson Greyhound Park; and declaring an emergency.

12. ZONING: (C9-07-20) JVBM PROPERTIES – VALENCIA ROAD, SH TO C-2, ORDINANCE ADOPTION

- a. Report from City Manager NOV18-08-616 WARD 1
- b. Ordinance No. 10602 relating to zoning; amending zoning district boundaries in the area located at the southwest corner of West Valencia Road and Valley Indian Agency Connect Road in Case C9-07-20, JVBM Properties – Valencia Road, SH to C-2; and setting an effective date.

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

13. ZONING: (SE-08-21) CRICKET AT MCGRAW'S – HOUGHTON ROAD, SR ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

- a. Report from City Manager NOV18-08-617 WARD 4
- b. Report from Zoning Examiner dated September 19, 2008
- c. This is a Special Exception Land Use request to allow the installation of a wireless communication monopole and antennas, concealed within an artificial saguaro cactus, 35 feet in height, and associated ground equipment located on the southwest side of the McGraw's Cantina, on the west side of Houghton Road and south of Escalante Road. Applicant: Scott Quinn, of Quinn United Enterprises, LLC, on behalf of the property owner, Lex McGraw.

The proposed stealth tower is in compliance with the performance criteria for a wireless communication facility. The special exception request is consistent with the policies and intent of the *South Pantano Area Plan, Major Streets and Routes Plan* and *General Plan*.

The Zoning Examiner and staff recommend approval of the special exception request subject to the conditions in the ordinance provided.

Zero written approvals and zero written protests were received for this case. One approval was received subsequent to the hearing.

- d. Ordinance No. 10604 relating to zoning; a special exception land use – wireless communication facility – Cricket at McGraw’s – Houghton Road – 1,450 feet south of Escalante Road; approving with conditions the construction of a wireless communications facility inside an artificial saguaro in the SR zone – Case SE-08-21; and setting an effective date.

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

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager NOV18-08-608 CITY-WIDE

15. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, November 25, 2008, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.