



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.

Closed captioning is available on cable television. SAP in Spanish is available for Mayor & Council meetings on channel 12. You can change your TV to the SAP function (check your remote control instructions) and listen to the Mayor & Council meetings translated in Spanish.

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	
<u>Council Members</u>			
Regina Romero	Ward 1	Karin Uhlich	Ward 3
Rodney Glassman	Ward 2	Shirley C. Scott	Ward 4
		Richard J. Fimbres	Ward 5
		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: www.tucsonaz.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.

Habrán 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.

Los subtítulos electrónicos están disponibles en la televisión por cable. Usted puede cambiar en su televisión la función SAP (revise las instrucciones de su control remoto) y escuchar las reuniones del Concejo traducidas al español. (*Nota: No todas las televisiones tienen la función SAP).

Para dirigirse al Alcalde y Concejo:

PARTICIPACION DEL PUBLICO

- Llene una tarjeta de ponente y deposítela 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 *paggers* 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
Rodney Glassman Distrito 2

Karin Uhlich Distrito 3
Shirley C. Scott Distrito 4

Richard G. Fimbres Distrito 5
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, JANUARY 5, 2010 – 5:30 P.M.
COPPER BALLROOM, TUCSON CONVENTION CENTER
260 S. CHURCH AVENUE, TUCSON, AZ
(USE WEST ENTRANCE ON GRANADA AVENUE)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Chaplain John Wheat, Tucson Fire Department

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

PRESENTATIONS:

- a. Proclaiming January 12, 2010 to be “Tucson’s 12-Minute Makeover Day”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager JAN5-10-1 CITY-WIDE

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

- a. Report from City Manager JAN5-10-2 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager JAN5-10-3 CITY-WIDE

b. Liquor License Application(s)

New License(s)

1. Shell, Ward 4
5502 E. 22nd St.
Applicant: Sajid Rana
Series 10, City 84-09
Action must be taken by: January 8, 2010

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

2. VFW Post 549, Ward 2
8424 E. Old Spanish Trail
Applicant: Dean Craig Agardi
Series 14, City 88-09
Action must be taken by: January 17, 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)

Location Transfer(s)

3. Randolph Park Hotel and Suites, Ward 6
102 N. Alvernon Way
Applicant: John David Cousins
Series 6, City 87-09
Action must be taken by: January 17, 2010

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

NOTE: State law provides that for a location transfer, Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203; Rule R19-1-102)

c. Special Event(s)

1. Philoptochos Society of Tucson, Ward 3
1145 E. Fort Lowell Rd.
Applicant: Andrea H. Padinha
City T103-09
Date of Event: February 6, 2010
(Fundraiser for philanthropic efforts)

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

2. Coyote TaskForce, Inc/Cafe 54, Ward 6
54 E. Pennington St.
Applicant: Mindy Bernstein
City T106-09
Date of Event: January 23, 2010
(Gallery showing of artwork)

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

d. Agent Change/Acquisition of Control/Restructure

1. Sonora Market, Ward 5
3050 E. 36th St.
Applicant: Thomas Robert Aguilera
Series 10, City AC9-09
Action must be taken by: January 10, 2010

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 E

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: ZONING (SE-04-13) UNIVERSITY MEDICAL CENTER CORPORATION – CAMPBELL AVENUE, SPECIAL EXCEPTION LAND USE, REACTIVATION, TIME EXTENSION, CHANGE OF CONDITION AND ORDINANCE ADOPTION

- a. Report from City Manager JAN5-10-6 WARD 3
- b. Hearing on a Special Exception Land Use (SELU) request for a reactivation, time extension, and a change of condition for a temporary wireless communications tower for property located at the northeast corner of Campbell Avenue and Allen Road. Applicant: Keri Lazaurus Silvyn, on behalf of University Medical Center Corporation, the property owner.

On November 1, 2004, Mayor and Council voted 7 to 0 to approve the SELU request and to permit a 75-foot tall cellular communications tower, with six antennas at the top, six antennas mounted at approximately the 60 foot level, and associated ground equipment. The SELU expired on November 1, 2009.

Staff recommends the Mayor and Council reactivate this rezoning case and adopt the attached ordinance which provides the same conditions as in 2004, with the additional condition setting forth the five year time extension.

- c. Ordinance No. 10744 relating to Zoning; special exception land use – reactivation – time extension – amending certain conditions and the approved development plan as established by Ordinance No. 10075 for a temporary seventy-five (75) foot tall cellular tower in Case No. SE-04-13 – University Medical Center Corporation – Campbell Avenue, PAD-11 Zone; and declaring an emergency.

Five written approvals and zero written protests are on file for this special exception land use request. The applicant held a neighborhood meeting on November 20, 2009. No protests were noted.

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

9. PUBLIC HEARING: REGARDING NEW REVENUES FOR THE CITY OF TUCSON

- a. Report from City Manager JAN5-10-14 CITY-WIDE
- b. Hearing. To allow for public comment concerning the new revenue proposals, all of which are scheduled for Mayor and Council discussion and action later on this evening's agenda:

Adopting Tax on Business of Leasing or Renting Real Property Located within the City; Increasing Fees for Planning and Development Services; Increasing Fees for Parks and Recreation Programs; Increasing Fees for Real Estate Services; Increasing Cost Recovery on Advanced Life Support Transport Services; Increasing Business License Fees and Certain Special Event License Fees.

10. TUCSON CODE: AMENDING (CHAPTER 19) RELATING TO TAXATION ON THE BUSINESS OF LEASING OR RENTING REAL PROPERTY

- a. Report from City Manager JAN5-10-12 CITY-WIDE
- b. Ordinance No. 10745 relating to taxation; repealing the exemption for residential leasing for those in the business of leasing or renting real property located within the City and Ordinance No. 4899; and declaring an emergency.

11. TUCSON CODE: AMENDING (CHAPTER 21) RELATING TO FEES FOR PARKS AND RECREATION; AND AMENDING FEES CHARGED BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT AND REAL ESTATE SERVICES

- a. Report from City Manager JAN5-10-15 CITY-WIDE
- b. Ordinance No. 10747 relating to fees for Building and Development; amending fees charged by the Planning and Development Services Department for development, plan review, code review and permits; renumbering the Development Standard providing for fees related to Protected Development Rights; amending the Protected Development Rights Standard to reflect the renumbering; and declaring an emergency.
- c. Ordinance No. 10748 relating to fees for Parks and Recreation; amending Tucson City Code, Chapter 21, operation and Regulation of Parks, as it pertains to various fees charged by Parks and Recreation Standard to reflect the renumbering; and setting an effective date and declaring an emergency.

- d. Ordinance No. 10749 relating to fees for Real Estate Services: repealing Ordinance No. 5584 adopted by the Mayor and Council on June 7, 1982; establishing a new fee schedule for Real Estate Services; and declaring an emergency.

12. TUCSON CODE: AMENDING (CHAPTER 19) RELATING TO TAXATION ON BUSINESS LICENSE FEES AND CERTAIN SPECIAL EVENT LICENSE FEES

- a. Report from City Manager JAN5-10-16 CITY-WIDE
- b. Ordinance No. 10746 relating to taxation; amending certain portions of the Tucson Code, Chapter 19, by increasing certain Occupational and Transaction Privilege License Fees; repealing Cost of Land Deduction for Transaction Privilege Tax on Speculative Builders; and declaring an emergency.

13. TUCSON CODE: AMENDING (CHAPTERS 10 AND 22) RELATING TO FISCAL YEAR 2010 COMPENSATION AND THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM

- a. Report from City Manager JAN5-10-17 CITY-WIDE
- b. Ordinance No. 10750 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service-Human Resources, Article II, Compensation Plan, amending Fiscal Year 2010 Annual Compensation Plan; amending salary schedules adopted under Section 10-31 for Fiscal Year 2010; and declaring an emergency.
- c. Ordinance No. 10751 relating to pensions and Retirement: Tucson Code Chapter 22, Pensions, Retirement, Group Insurance, Leave Benefits and Other Insurance Benefits, Article I, In General; adding Section 22-1, Contribution to Public Safety Personnel Retirement System; and declaring an emergency.

14. FINANCE: AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENTS TO AGREEMENTS WITH VARIOUS OUTSIDE AGENCIES

- a. Report from City Manager JAN5-10-11 CITY-WIDE
- b. Resolution No. 21466 relating to Financial Participation Agreements, memoranda of Understanding and Enhanced Services Agreements; authorizing the City Manager to negotiate and execute amendments to the FY 2010 Agreements between the City of Tucson and certain Enumerated Agencies to reduce City funding under those Agreements by twenty percent (20%); and declaring an emergency.

15. ZONING: (C9-09-10) QUIK TRIP – AJO WAY, R-3 TO C-2, CITY MANAGER’S REPORT

- a. Report from City Manager JAN5-10-10 WARD 1
- b. Report from Zoning Examiner dated November 6, 2009
- c. Request to rezone approximately 5.6 acres from R-3 to C-2 zoning. The rezoning site is located on the south side of Ajo Way, east of Mission Road between Phoebe and Pandora Avenues. Applicant: Linda Morales of the Planning Center on behalf of the property Trustee, Andy Briefer of the Security Agency of Arizona.

The preliminary development plan proposes a convenience store/gas station, automated car wash and auto parts sales and service center.

The rezoning proposal is generally consistent with the policy direction provided in the *Santa Cruz Area Plan* and the *General Plan*.

The Zoning Examiner and staff recommend authorization of C-2 zoning subject to the conditions listed in Attachment A to Mayor and Council Communication JAN5-10-10.

Three (3) written approvals and three (3) written protests were received prior to the Zoning Examiner’s public hearing on October 22, 2009, at that time requiring a three-fourths majority vote of Mayor and Council to adopt a rezoning ordinance. Subsequent to the Zoning Examiner’s public hearing, zero additional written approvals or additional written protests have been received, and zero written protests were rescinded. The current tally remains three approvals and three protests. Two (2) of the protests are within the 150 foot area, representing a 34.5 percent protest by area to the north, with zero percent to the south, east and west. The protests generally allude to the proposed convenience store competing with existing convenience stores, and traffic and other potential disruptions in the surrounding residential neighborhoods.

A three-fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

16. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- a. Report from City Manager JAN5-10-4 CITY-WIDE

17. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, January 12, 2010, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.