





# 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 6, 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 – Debra Counsellor, City Clerk’s Office

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Presentation of the Western Access Video Excellence Awards (WAVE) to the producers and staff of Access Tucson.

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

- a. Report from City Manager JAN6-09-1 CITY-WIDE

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

- a. Report from City Manager JAN6-09-2 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

a. Report from City Manager JAN6-09-3 CITY-WIDE

b. Liquor License Applications

New License(s)

1. China Star, Ward 6  
4780 E. Grant Rd.  
Applicant: Tak Chow Cheng  
Series 12, City 75-08  
Action must be taken by: January 2, 2009

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

2. Create Cafe and Catering, Ward 2  
4660 E. Camp Lowell Dr.  
Applicant: Lauri Fay Kaye  
Series 12, City 77-08  
Action must be taken by: January 3, 2009

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

3. The Bamboo Club Asian Bistro, Ward 6  
5870 E. Broadway Blvd., Suite #524  
Applicant: Paul Jerome Lakers  
Series 12, City 78-08  
Action must be taken by: January 4, 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)

c. Special Event(s)

NOTE: There are no special event(s) scheduled for this meeting.

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, 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 I**

**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: APPEAL HISTORIC PRESERVATION ZONE CASE HPZ 08-21 STOKES, 933 NORTH 6TH AVENUE**

- a. Report from City Manager JAN6-09-11 WARD 6
- b. Hearing on an appeal of the Development Services Department (DSD) Director’s decision to deny the installation of a metal roof on a “contributing historic” property located in the West University Historic Preservation Zone.

The appeal has been filed by Edward Stokes, personal representative of the Estate of George Stokes, for the property located at 933 North 6<sup>th</sup> Avenue in Historic Preservation Zone Case HPZ 08-21.

The West University Historic Preservation Zone Advisory Board and the Tucson-Pima County Historic Commission Plans Review Subcommittee recommended denial, because the metal roofing material was inconsistent with the roofing material used during the historic time period of the structures on the property and “contributing historic” properties located in this development zone.

The City Manager recommends the Mayor and Council uphold the DSD Director’s decision to deny this application as recommended by the West University Historic Preservation Zone Advisory Board, the Tucson-Pima County Historic Commission Plans Review Subcommittee, and the Development Review Board.

**9. APPEAL: (S-08-17) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION – KABABEQUE, 845 EAST UNIVERSITY BOULEVARD #185 (MAYOR AND COUNCIL APPEAL CASE NO. S-08-003)**

- a. Report from City Manager JAN6-09-12 WARD 6
- b. Applicant/Appellant: A.J. Lee for Addisign Inc., for the property located at 845 East University Boulevard # 185 owned by the Marshall Foundation.

This is an appeal of a decision of the Sign Code Advisory and Appeals Board (SCAAB) to deny a request for a sign variance for Kababeque Indian Grill. The applicant/appellant requests the decision be reversed and that the submitted variance, which would allow for the placement of two signs on the premises and allow for one sign to be larger than eight square feet be approved.

The applicant is appealing the Board's decision to the Mayor and Council.

The City Manager recommends that the Mayor and Council reverse the decision by the Sign Code Advisory and Appeals Board based on the recommendations to allow the additional signage and sign area by both the West University Historic Preservation Zone Advisory Board and the Tucson-Pima County Historical Commission. Additionally, the SCAAB has approved variances in this development zone consistent with this appeal request.

**10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

- a. Report from City Manager JAN6-09-4 CITY-WIDE

**11. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, January 13, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.