



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, JUNE 9, 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 – Pastor Dayton Durley, Northwest Community Friends Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager JUN9-09-301 CITY-WIDE

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

a. Report from City Manager JUN9-09-302 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager JUN9-09-303 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Target Store T-2140, Ward 3
4040 N. Oracle Rd.
Applicant: Joseph Cordovana
Series 10, City 30-09
Action must be taken by: June 20, 2009

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

Public Opinion: Written Argument In Favor Filed

- 2. Desayunos Cora's, Ward 5
24 W. Irvington Rd.
Applicant: Jesus Rosales Badillo
Series 12, City 31-09
Action must be taken by: June 21, 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 Transfer(s)

- 3. 7-Eleven #27143C, Ward 2
7084 E. Broadway Blvd.
Applicant: Tracy Victoria Kitchen
Series 9, City 29-09
Action must be taken by: June 18, 2009

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 Breakfast Lions Club (TBLC), Ward 5
4823 S. 6th Ave.
Applicant: Wayne Francis Locke
City T39-09
Date of Event: June 19, 2009 - June 20, 2009
(Fundraiser)

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, 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: APPEAL HISTORIC PRESERVATION ZONE CASE HPZ 08-24 PERREAULT/DEMERS, 901 NORTH 3RD AVENUE

- a. Report from City Manager JUN9-09-317 WARD 6
- b. Hearing on an appeal of the Development Services Department (DSD) Director's decision to deny the installation of vinyl clad-frame windows on a "contributing historic" property located in the West University Historic Preservation Zone.

The appeal has been filed by the property owners, Therese Perreault and Robert Demers, for the property located at 901 North 3rd Avenue in Historic Preservation Zone Case HPZ 08-24.

The West University Historic Preservation Zone Advisory Board and the Tucson-Pima County Historical Commission Plans Review Subcommittee recommended denial, because the vinyl clad-frame windows were inconsistent with the 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 Historical Commission Plans Review Subcommittee, and the Design Review Board.

9. PUBLIC HEARING: APPEAL HISTORIC PRESERVATION ZONE CASE HPZ 08-22 CHAMBERLIN, 907 NORTH 3RD AVENUE

- a. Report from City Manager JUN9-09-318 WARD 6
- b. Hearing on an appeal of the Development Services Department (DSD) Director's decision to deny the installation of fiberglass-frame windows on a "contributing historic" property located in the West University Historic Preservation Zone.

The appeal has been filed by the property owners, Roy and June Chamberlin, for the property located at 907 North 3rd Avenue in Historic Preservation Zone Case HPZ 08-22.

The West University Historic Preservation Zone Advisory Board and the Tucson-Pima County Historical Commission Plans Review Subcommittee recommended denial, because the fiberglass-frame windows did not maintain the original size and shape and the original number of panes. The DSD Director also noted the fiberglass-frame windows were not appropriate to the style and materials of the existing structure, not compatible with the context of the historic district and a contributing historic structure and therefore were contrary to the HPZ regulations, the WUHPZAB guidelines and DS 9-08.3.8.9.

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 Historical Commission Plans Review Subcommittee.

The Design Review Board (DRB) recommends that the DSD Director's decision to deny the HPZ application be reversed. The DRB found that the appearance of the windows is what mattered and that fiberglass-frame windows have the same general appearance as wood-framed windows and are therefore appropriate.

10. PUBLIC HEARING: TRUTH IN TAXATION HEARING FOR THE PRIMARY PROPERTY TAX; NOTICE OF PRIMARY PROPERTY TAX INCREASE

- a. Report from City Manager JUN9-09-324 CITY-WIDE
- b. Truth in Property Taxation Public Hearing

11. PUBLIC HEARING: 2010 BUDGET AS TENTATIVELY ADOPTED ON JUNE 2, 2009

- a. Report from City Manager JUN9-09-323 CITY-WIDE
- b. Hearing. This is the third of three public hearings held on the City's Fiscal Year 2010 Budget. At the close of this meeting the Mayor and Council will convene a duly noticed and called special meeting for the purpose of finally adopting the Fiscal Year 2010 Budget.

AT THIS TIME THE MAYOR AND COUNCIL
WILL RECESS THE REGULAR MEETING AND
CONVENE A SPECIAL MEETING FOR THE
PURPOSE OF BUDGET ADOPTION

12. TUCSON CODE: AMENDING (CHAPTER 2) RELATING TO THE WORKER'S COMPENSATION SUPPLEMENT PROGRAM

- a. Report from City Manager JUN9-09-321 CITY-WIDE
- b. Ordinance No. 10679 relating to salary paid to augment workers' compensation benefits for City employees; Tucson Code Chapter 2, Administration, Article I, In General, amending Section. 2-13. salary of employee during injury or sickness; salary paid to augment workers' compensation; lien; setting an effective date and declaring an emergency.

13. TUCSON CODE: AMENDING (CHAPTER 22) REGARDING THE BENEFITS FOR EMPLOYEES OF THE CITY OF TUCSON

- a. Report from City Manager JUN9-09-326 CITY-WIDE
- b. Ordinance No. 10678 relating to leave and other benefits: Tucson Code, Chapter 22, Article IV, Group Insurance and Medical Health Plans amending Section 22-84 Duties of the Finance Director; and Section 22-86 Medical Insurance Incentive Allowance; Article V, Leave Benefit Plan, Reenacting Sec. 22-90(5), Supplement to Military Leave; and Amending Section 22-95 Sick Leave Incentive Program providing for incentive payment and personal leave days; setting an effective date and declaring an emergency.

14. DEVELOPMENT AGREEMENT: WITH OT KINO, LLC FOR THE PLAZA CENTRO PROJECT

- a. Report from City Manager JUN9-09-327 WARD 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.

15. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager JUN9-09-304 CITY-WIDE

16. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, June 16, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.