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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on October 16, 2012.

Date of Meeting: February 15, 2012

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:33 p.m., on Wednesday, February 15, 2012, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Chaplain Richard Lopez, Fellowship of Christian Athletes, after which the Pledge of Allegiance was presented by the entire assembly.

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

Mayor Rothschild announced City Manager’s communication number 59, dated February 15, 2012, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports were provided by Council Members Romero, Cunningham, Scott, Fimbres, and Kozachik. A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

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

Mayor Rothschild announced City Manager’s communication number 60, dated February 15, 2012, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Current event report was given by Richard Miranda, City Manager. A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Rothschild announced City Manager’s communication number 63, dated February 15, 2012, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

- 1. U Like Buffet, Ward 6  
330 S. Wilmot Rd.  
Applicant: Daniel Yunxiu Lu  
Series 12, City 94-11  
Action must be taken by: December 30, 2011

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

Public Opinion: Written Argument in Favor Filed

2. Best Western Hotel Tucson Airport, Ward 5  
6801 S. Tucson Blvd.  
Applicant: Kevin Arnold Kramber  
Series 11, City 1-12  
Action must be taken by: February 24, 2012

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

3. Gee's Garden Restaurant, Ward 6  
1145 N. Alvernon Way  
Applicant: Kai Quan Yu  
Series 12, City 3-12  
Action must be taken by: February 27, 2012

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

4. Restaurante 5 De Mayo, Ward 3  
3535 E. Fort Lowell Rd.  
Applicant: Antonio L. Gonzalez  
Series 12, City 4-12  
Action must be taken by: February 27, 2012

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

5. Kimchi Time Korean Restaurant, Ward 6  
2900 E. Broadway Blvd. #186  
Applicant: Charles SP Kim  
Series 12, City 5-12  
Action must be taken by: February 27, 2012

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

#### Person Transfer

NOTE: There are no application(s) for person transfers scheduled for this meeting.

#### c. Special Events

1. St. Patrick's Day Parade & Festival of Tucson, Ward 1  
165 W. Alameda St.  
Applicant: Steven Alex Dunn  
City T3-12  
Date of Event: March 17, 2012  
(Education and celebration of Celtic Culture)

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

2. Congregation Anshei Israel, Ward 6  
5550 E. 5th St.  
Applicant: Michael Bruce Landy  
City T4-12  
Date of Event: March 3, 2012  
(Fundraiser)

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

3. Temple Emanu-El Tucson, Ward 6  
225 N. Country Club Rd.  
Applicant: Bonnie Jane Golden  
City T7-12  
Date of Event: March 3, 2012  
(Fundraiser)

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

- d. Agent Change/Acquisition of Control

NOTE: There are no application(s) for agent changes scheduled for this meeting.

Roger W. Randolph, City Clerk, announced that there was a scrivener's error on the agenda materials for Liquor License Item 5b1, U Like Buffet. The correct deadline for action on this item should be listed as December 30, 2011.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b5 and 5c1 through 5c3 to the Arizona State Liquor Board with a recommendation for approval.

## **6. CALL TO THE AUDIENCE**

Mayor Rothschild announced that this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three minute presentations.

Mayor Rothschild also announced that 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."

Comments were made by:

Mary Terry Schiltz  
Robin L. Gomez  
John Sargent  
Albert Marsh

Bill Lollis  
Keith Van Heyningen  
Ken Scoville

Eric Aultman  
Page Chancellor Mark  
Tracy Toland

Council Member Kozachik asked the City Manager and the City Attorney to review HR 2006 regarding the F-35 fighter squadron and bring it back to the Mayor and Council Study Session on February 22, 2012.

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

## **7. CONSENT AGENDA – ITEMS A THROUGH C**

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

### **a. APPROVAL OF MINUTES**

1. Report from City Manager FEB15-12-64 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of August 9, 2011

### **b. CITY VEHICLES: ANNUAL APPROVAL OF EXEMPTION OF CERTAIN CITY VEHICLES FROM BEARING IDENTIFYING MARKINGS**

1. Report from City Manager FEB15-12-61 CITY WIDE
2. Resolution No. 21859 relating to City Vehicles; pursuant to A.R.S. Section 38-538.03(B), exempting certain City motor vehicles from the requirement that they bear markings identifying them as City vehicles; making this exemption effective from February 27, 2012 through and including February 26, 2013; and declaring an emergency.

### **c. FINAL PLAT: (S09-062) LA PALOMA ACADEMY, BLOCKS 1 AND 2**

1. Report from City Manager FEB15-12-62 WARD 2
2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – c be passed and adopted and the proper action taken.

**8. TUCSON CODE: AMENDING (CHAPTER 16) THE NEIGHBORHOOD PRESERVATION ORDINANCE AND (CHAPTER 23) THE LAND USE CODE REGARDING GROUP DWELLINGS AND NUISANCE ACTIVITY**

Mayor Rothschild announced City Manager's communication number 67, dated February 15, 2012, was received into and made part of the record. He asked the City Clerk to read Ordinance 10965 by number and title only.

Ordinance No. 10965 relating to Planning and Zoning; amending certain portions of the Tucson Code, Chapter 23, the *Land Use Code*, Chapter 23, Article II, Division 3, Urban Residential Zones, Sections 2.3.2, 2.3.4, and 2.3.5; Article III, Division 5, Performance Criteria, Section 3.5.7; and Article VI., Division 3, Land Use Groups, Section 6.3.8; and Tucson Code Chapter 16, Neighborhood Preservation, Article IV, Sections 16-37 and 16-38, Article VII, Sections 16-70 and 16-73; to clarify definition of Group Dwelling uses; amend Parking requirements relating to Family Dwellings; treat existing Group Dwelling as lawful nonconforming uses; provide for the designation and abatement of Group Dwelling Public Nuisances; and establish appeal procedures; and declaring an emergency.

Vice Mayor Uhlich stated she was in favor of protecting the quality of life in R-1 and R-2 zoned neighborhood areas across the City. She asked the City Attorney to make a clarifying point.

Michael Rankin, City Attorney, clarified the changes to the Tucson Code since January 24, 2012. He read the correction into the record as follows: “Page 6, at the top of the page, under subsection 3.5.7.1, subsection I (1) (a), there was a missing “or is.” He said the language should read, “evidence that the property was registered as a rental property as required by A.R.S. §33-1902, on or before February 15, 2012, or is otherwise timely registered as required by that statute.”

Vice Mayor Uhlich thanked all those involved in the process and stated she was very pleased with the outcome.

It was moved by Vice Mayor Uhlich, duly seconded, and carried by a roll call vote of 7 to 0, to approve Ordinance 10965.

**9. ZONING: EXTENDING THE PROTECTED DEVELOPMENT RIGHTS OF PREVIOUSLY APPROVED PROTECTED DEVELOPMENT RIGHT PLANS**

Mayor Rothschild announced City Manager's communication number 65, dated February 15, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21861 by number and title only.

Resolution No. 21861 relating to Zoning: extending the duration of protected development rights of previously approved protected development right plans; and declaring an emergency.

Comments were made by Council Member Romero.

It was moved by Council Member Romero, duly seconded, and carried by a roll call vote of 7 to 0, to approve Resolution 21861.

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

Mayor Rothschild announced City Manager's communication number 66, dated February 15, 2012, was received into and made part of the record. He asked if there were any personal appointments to be made.

Council Member Fimbres, announced his personal appointments of Chris Rogers to the Planning Commission (PC); Ibrachim Guven to the Tucson-Pima County Bicycle Advisory Committee (BAC) and Vince Rabago to the 2012 Redistricting Advisory Committee (RAC).

**11. ADJOURNMENT: 6:30 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on February 22, 2012, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 15th day of February, 2012, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:wff:yl