



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on November 20, 2012.

Date of Meeting: April 10, 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 5:40 pm., on Tuesday, April 10, 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 Reverend Dr. Charlie Earhart, Water of Live Metropolitan Community Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild presented Certificates of Appreciation and Recognition to the Tucson Police Department's Communications Employees of the Year. Certificates were accepted by Michelle Loftin, Police Service Operator of the Year 2012; Belinda Agan, Police Department Dispatcher of the Year 2012 and Micaela Lopez, Police Department Communications Supervisor of the Year 2012.
- b. Mayor Rothschild Proclaimed April 14, 2012, as "I AM TUCSON" day. Ryan Flannagan accepted the proclamation.
- c. Mayor Rothschild Proclaimed April 8, 2012 through April 14, 2012 as "National Public Safety Telecommunications Week." Anthony Aeilts accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 124, dated April 10, 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, and Fimbres. 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 125, dated April 10, 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 131, dated April 10, 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. Martins' Comida Chingona, Ward 6
555 & 557 N. 4th Ave.
Applicant: John Martin Fontes
Series 12, City 16-12
Action must be taken by: April 13, 2012

Tucson Police Department has indicated the applicant is in compliance with city requirements.

Planning & Development Services Department and Revenue Investigations have indicated the applicant is not in compliance with city requirements.

(Item continued at the request of the applicant.)

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/Location Transfer(s)

2. Circle K Store #3415, Ward 2
3215 N. Swan Rd.
Applicant: Kim Kenneth Kwiatkowski
Series 9, City 17-12
Action must be taken by: April 22, 2012

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

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Marshall Foundation, Ward 6
800 E. University Blvd.
Applicant: Jane Gail McCollum
City T35-12
Date of Event: April 28, 2012
("Toast to Teachers" event)

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

2. St. Michael's Parish Day School, Ward 2
602 N. Wilmot Rd.
Applicant: Richard A. Newcomer
City T36-12
Date of Event: May 4, 2012
(Celebrate Children's Art)

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

d. Agent Change/Acquisition of Control

1. Guadalajara Grill, Ward 3
1220 E. Prince Rd.
Applicant: Emma Yolanda Holzman
Series 12, City AC6-12
Action must be taken by: April 23, 2012

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)

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2, 5c1-5c2, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Rothschild announced 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:

Kent Simpson
Ken Johnson
Jamie Lee

Jennie Grabel
Keith Van Heyningen
Ralph Duran

Joseph Blair
Dan Martinez

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

Mayor Rothschild invited Greater Tucson Leadership (GTL) members in the audience to stay for the remainder of the Mayor and Council meeting. He encouraged the members to continue to participate civically.

7. CONSENT AGENDA – ITEMS A THROUGH B

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 APR10-12-126 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of September 27, 2011

b. MEMORIAL: URGING BACKPAGE.COM TO RESPOND TO THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL REGARDING ITS BUSINESS PRACTICES

1. Report from City Manager APR10-12-135 CITY WIDE
2. A Memorial relating to Public Health and Safety; joining with the Arizona and other State Attorneys General to combat human trafficking; and urging Backpage.com to respond to the National Association of Attorneys General regarding its business practices.

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

8. IMMIGRATION: ENDORSING THE ARIZONA ACCORD, A DECLARATION OF FIVE PRINCIPLES TO GUIDE ARIZONA IMMIGRATION DISCUSSIONS

Mayor Rothschild announced City Manager's communication number 134, dated April 10, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21878 by number and title only.

Resolution No. 21878 relating to Immigration; endorsing the Arizona Accord, A declaration of Five Principles to Guide Arizona's Immigration Discussion; and declaring an emergency.

Vice Mayor Uhlich thanked the presenters and all parties responsible for bringing the Arizona Accord to fruition, expressing the value and importance of the Accord. She also welcomed the "I AM TUCSON" and Greater Tucson Leadership groups.

It was moved by Vice Mayor Uhlich, duly seconded, to pass and adopt Resolution 21878.

Comments were made by Council Members Romero, Fimbres, Kozachik, Scott, and Cunningham. They also expressed their gratitude to the parties involved and stated their support for the Arizona Accord.

Council Member Cunningham volunteered his support by personally presenting to other city councils.

Council Member Kozachik inquired as to the plans for the Arizona Accord moving forward.

Dan Martinez, East Valley Patriots, responded that they would be presenting to additional cities throughout Arizona.

Resolution 21878 was declared passed and adopted by a roll call vote of 7 to 0.

9. ZONING: (C9-11-13) HILKEMEYER (CANNELLA) – TANQUE VERDE ROAD; SR TO RX-1, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 128, dated April 10, 2012, was received into and made part of the record. He also announced this was a request to rezone property on the north side of Tanque Verde Road, west of Bear Canyon Road. He said the Zoning Examiner and Staff recommend authorization of the rezoning.

Mayor Rothschild and Council Member Cunningham both inquired if anyone was present to speak on this matter. There was no one.

It was moved by Council Member Cunningham, duly seconded, to pass and adopt Ordinance 10970.

Roger W. Randolph, City Clerk, stated he needed to read the Ordinance into the record.

Ordinance No. 10970 relating to zoning: amending zoning district boundaries in the area on the north side of Tanque Verde Road approximately one-half mile west of Bear Canyon Road in case C9-11-13 Hilkemeyer (Cannella) - Tanque Verde Road, SR to RX-1; and setting an effective date.

Ordinance 10970 was passed and adopted by a roll call vote of 7 to 0.

10. ZONING: (C9-11-14) INTRON, INC - TYNDALL AVENUE, R-2 TO C-3, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 130, dated April 10, 2012, was received into and made part of the record. He also announced this was a request to rezone property on the east side of Tyndall Avenue, south of 23rd Street, west of South Park Avenue. He said the Zoning Examiner and staff recommend authorization of the rezoning.

Mayor Rothschild asked if the applicant or representative were present. There was no one.

Council Member Fimbres commented on the item and stated his reasoning for supporting the Ordinance.

It was moved by Council Member Fimbres, duly seconded, to pass and adopt Ordinance 10971.

Mayor Rothschild requested the City Clerk to read Ordinance 10971 by number and title only.

Ordinance No. 10971 relating to zoning: amending zoning district boundaries in the area located on the east side of Tyndall Avenue, approximately 150 feet south of 23rd Street and 200 feet west of South Park Avenue in case C9-11-14 Intron, Inc - Tyndall Avenue, R-2 to C-3 and setting an effective date.

Ordinance 10971 was passed and adopted by a roll call vote of 7 to 0.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 133, dated April 10, 2012, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Michael Marks to the Sign Code Advisory and Appeals Board (SCAAB).

There were no personal appointments to be made.

12. **ADJOURNMENT:** 6:31 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 17, 2012, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

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 10th day of April 2012, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:rjy:kt