



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on April 16, 2013.

Date of Meeting: September 5, 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 5:32 p.m., on Wednesday, September 5, 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	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Vice Mayor, Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda	City Manager
Michael Rankin	City Attorney
Deborah Rainone	Chief Deputy City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Henry Gonzalez, New Song Foursquare Church, 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 334, dated September 5, 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, Uhlich, Scott, Fimbres, and Vice Mayor 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 335, dated September 5, 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.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 337, dated September 5, 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. Tucson Indoor Sports Center, Ward 3
1065 W. Grant Rd.
Applicant: Peter Gordon Toone
Series 12, City 60-12
Action must be taken by: August 24, 2012

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

2. Fuku Sushi and Teppan, Ward 6
940 E. University Blvd.
Applicant: Ila Chandulal Patel
Series 12, City 61-12
Action must be taken by: August 25, 2012

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

3. Arco AM/PM, Ward 5
4881 S. Campbell Ave.
Applicant: Michael Craig Mennenga
Series 10, City 63-12
Action must be taken by: September 6, 2012

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

4. Bella Luna Beverages, Ward 6
4850 E. Speedway Blvd.
Applicant: Philip A. Fatato
Series 4, City 64-12
Action must be taken by: September 2, 2012

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

5. Casa Molina, Ward 6
6225 E. Speedway Blvd.
Applicant: Angela Molina Lord
Series 12, City 65-12
Action must be taken by: September 7, 2012

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

6. Arco AM/PM, Ward 5
501 W. Irvington Rd.
Applicant: Michael Craig Mennenga
Series 10, City 67-12
Action must be taken by: September 8, 2012

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

7. Arco AM/PM, Ward 2
7601 E. Tanque Verde Rd.
Applicant: Michael Craig Mennenga
Series 10, City 68-12
Action must be taken by: September 9, 2012

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

8. Arco AM/PM, Ward 1
802 W. Speedway Blvd.
Applicant: Michael Craig Mennenga
Series 10, City 69-12
Action must be taken by: September 9, 2012

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

9. Freedom's General Store, Ward 3
201 W. Fort Lowell Rd.
Applicant: James Michael Rogers
Series 10, City 70-12
Action must be taken by: September 14, 2012

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

(This item was continued to the meeting of September 11, 2012.)

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)

10. Tap + Bottle, Ward 6
403 N. 6th Ave. #135
Applicant: Rebecca Debenport Safford
Series 7, City 56-12
Action must be taken by: August 11, 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)

Location Transfer(s)

11. Eddie's Cocktails, Ward 4
8150 E. 22nd St. #100
Applicant: Khosrow Eddie Shiva
Series 6, City 47-12
Action must be taken by: July 15, 2012

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

Public Opinion: Written Argument Opposed Filed

(This item was considered separately.)

12. Social Bar, Ward 6
63 E. Congress St. #109
Applicant: Andrew Ian Sommers
Series 6, City 59-12
Action must be taken by: August 23, 2012
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. Our Mother of Sorrows Church, Ward 4
1800 S. Kolb Rd.
Applicant: Argelia Saavedra
City T55-12
Date of Event: October 12, 2012 - October 14, 2012
(Annual Parish Fiesta)

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

2. Handi-Dogs, Ward 2
3231 N. Craycroft Rd.
Applicant: JoAnn Turnbull
City T56-12
Date of Event: October 28, 2012
(Fundraiser)

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

3. Equine Voices Rescue & Sanctuary, Ward 6
2200 E. Elm St.
Applicant: Karen L. Harkson Pomroy
City T57-12
Date of Event: November 4 2012
(Fundraiser)

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

4. St. Demetrios Greek Orthodox Church, Ward 3
1145 E. Fort Lowell Rd.
Applicant: George A. Makris
City T59-12
Date of Event: September 20, 2012 - September 23, 2012
(Fundraiser)

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

5. Tucson Originals/Tucson Independent Restaurant Alliance, Ward 1
140 N. Main Ave.
Applicant: Suzanne Ruth Kaiser
City T60-12
Date of Event: October 26, 2012
(World Margarita Champion Contest)

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

6. Tucson Children's Museum Inc., Ward 6
200 S. 6th Ave.
Applicant: Michael Joseph Luria
City T61-12
Date of Event: November 2, 2012
(Fundraiser)

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

7. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Meagan Elizabeth Crain
City T66-12
Date of Event: September 21, 2012
(Exhibition Closing Reception)

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

d. Agent Change/Acquisition of Control

1. Mr. K's Barbeque, Ward 3
4911 N. Stone Ave.
Applicant: Ryan Steven Sargent
Series 12, City AC10-12
Action must be taken by: September 8, 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 Fimbres, duly seconded, to forward liquor license applications 5b1 through 5b10, 5b12, 5c1 through 5c7, and 5d1, to the Arizona State Liquor Board with a recommendation for approval.

Council Member Uhlich requested a friendly amendment, which was accepted by the motion maker, to continue item 5b9 to the September 11, 2012, Mayor and Council meeting.

The motion, as amended, was passed by a voice vote of 7 to 0.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

11. Eddie's Cocktails, Ward 4
8150 E. 22nd St. #100
Applicant: Khosrow Eddie Shiva
Series 6, City 47-12
Action must be taken by: July 15, 2012

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

Council Member Scott asked if anyone was present to speak on behalf of the applicant. Mr. Thomas Aguilera spoke on behalf of the owner. There was no one present to speak in opposition.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b11 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:

Ken Johnson
Jim Chaffee
Doreen Martinez

Keith Van Heyningen
Richard Mayers

David Hill
Chris Gans

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 D

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 SEP05-12-336 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of November 22, 2011

b. BUDGET AND INTERNAL AUDIT: APPROVING THE INTERNAL AUDIT PLAN FOR FISCAL YEAR 2013

1. Report from City Manager SEP05-12-340 CITY WIDE
2. Resolution No. 21947 relating to Budget and Internal Audit; approving the Internal Audit Plan for Fiscal Year 2013; and declaring an emergency.

c. BOARDS, COMMITTEES AND COMMISSIONS: TERMINATING THE STORMWATER ADVISORY COMMITTEE AND THE STORMWATER TECHNICAL ADVISORY COMMITTEE

1. Report from City Manager SEP05-12-338 CITY WIDE
2. Ordinance No. 11016 relating to Boards and Commissions; terminating the Stormwater Advisory Committee (SAC) and its technical subcommittee, the Stormwater Technical Advisory Committee (STAC) as formal, ongoing Mayor and Council advisory committees; empowering and requiring the Director of the Planning and Development Services Department to administratively create a SAC, STAC, or both, in any specific instance where review, conclusions, recommendations, or any other advice or action by either or both of these committees is authorized or required by any provision of the Tucson Code, including, but not limited to, Chapters 23, 23A, 26, or 29, or by any regulation or policies promulgated under authority of the Tucson Code; repealing Tucson Code sections 10A-160 through 10A-164 inclusive; adding a new Tucson Code Section 10A-160; and declaring an emergency.

(This item was considered separately at the request of Council Member Romero)

d. GRANT AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE FOR THE VICTIMS' RIGHTS PROGRAM

1. Report from City Manager SEP05-12-341 CITY WIDE
2. Resolution No. 21948 relating to Victims' Rights; approving and authorizing execution of an Award Agreement with the Arizona Attorney General's office for the FY 2013 Victims' Rights Program (VRP); and declaring an emergency.

It was moved by Vice Mayor Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – d, with the exception of Item c, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM C

c. BOARDS, COMMITTEES AND COMMISSIONS: TERMINATING THE STORMWATER ADVISORY COMMITTEE AND THE STORMWATER TECHNICAL ADVISORY COMMITTEE

1. Report from City Manager SEP05-12-338 CITY WIDE
2. Ordinance No. 11016 relating to Boards and Commissions; terminating the Stormwater Advisory Committee (SAC) and its technical subcommittee, the Stormwater Technical Advisory Committee (STAC) as formal, ongoing Mayor and Council advisory committees; empowering and requiring the Director of the Planning and Development Services Department to administratively create a SAC, STAC, or both, in any specific instance where review, conclusions, recommendations, or any other advice or action by either or both of these committees is authorized or required by any provision of the Tucson Code, including, but not limited to, Chapters 23, 23A, 26, or 29, or by any regulation or policies promulgated under authority of the Tucson Code; repealing Tucson Code sections 10A-160 through 10A-164 inclusive; adding a new Tucson Code Section 10A-160; and declaring an emergency.

Council Member Romero had some questions regarding the termination of the SAC with the caveat that these services would be provided by the Planning and Development Services Department, flooding issues and the Department of Transportation's involvement.

Discussion was held with responses made by Ernie Duarte, Planning and Development Services Department Director and Michael Rankin, City Attorney.

Mr. Rankin read into the record an amendment to subsection C of the proposed new language in Chapter 10A, article 15, section 10A-160, to read that the Director of

Planning and Development Services Department shall cooperate and regularly communicate with the Director of Transportation on matters related to this committee.

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

8. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 339, dated September 5, 2012, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

Deborah Rainone, Chief Deputy City Clerk, announced that Kevin Larson needed to be removed from the report as he indicated he was not available to serve on the Tucson Supplemental Retirement System (TSRS) Board of Trustees.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointments of Deborah Muñoz-Chacon and Jim Bennett to the Landscape Advisory Committee (LAC).

Mayor Rothschild asked if there were any personal appointments to be made.

Council Member Scott announced her personal appointments of Helen Erickson to the Tucson-Pima County Historical Commission, and Jennifer Avilez to Pima County/Tucson Women's Commission.

Council Member Fimbres announced his personal appointment of Rudy Castro to the Tucson Parks and Recreation Commission.

9. ADJOURNMENT 6:22 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 11, 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 5th day of September 2012, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:rjy:slm