



---

# Minutes of MAYOR AND COUNCIL Meeting

---

Approved by Mayor and Council  
on April 23, 2013.

Date of Meeting: September 11, 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 5:36 p.m., on Tuesday, September 11, 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 Lois Blei, Eastside Assembly of God, 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 346, dated September 11, 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, Uhlich, 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 347 dated September 11, 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, and Liz Miller, Deputy 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 348, dated September 11, 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. 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.

(Continued from the Mayor and Council Meeting of September 5, 2012)

2. Tapas Fusion, Ward 3  
2970 N. Campbell Ave.  
Applicant: Kevin Arnold Kramber  
Series 12, City 71-12  
Action must be taken by: September 16, 2012

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/Location Transfer(s)

3. Rhum Bar, Ward 6  
256 E. Congress St.  
Applicant: Travis James Reese  
Series 6, City 72-12  
Action must be taken by: September 24, 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. Media Island International, Ward 5  
276 S. Park Ave.  
Applicant: Thomas A.D. Hays  
City T58-12  
Date of Event: October 27, 2012  
(Fundraiser)

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

2. Rotary Club of Tucson Foundation, Ward 2  
3231 N. Craycroft Rd.  
Applicant: Roger B. Harwell  
City T62-12  
Date of Event: October 12, 2012 - October 13, 2012  
(Fundraiser)

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

3. St. Margaret Mary Alacoque Parish, Ward 1  
801 N. Grande Ave.  
Applicant: Sonia Marie Felix  
City T63-12  
Date of Event: October 6, 2012 - October 7, 2012  
(Annual Fiesta)

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

4. Tucson Botanical Gardens, Ward 6  
2150 N. Alvernon Way  
Applicant: Melissa R. Hougland  
City T64-12  
Date of Event: October 21, 2012  
(Fundraiser)

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

5. Tucson Botanical Gardens, Ward 6  
2150 N. Alvernon Way  
Applicant: Melissa R. Hougland  
City T65-12  
Date of Event: October 27, 2012  
(Celebrate Dia de los Muertos)

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

6. Tucson Firefighters Chili Cook-Off, Ward 1  
165 W. Alameda St.  
Applicant: Roger Sloan Tamietti  
City T67-12  
Date of Event: October 26, 2012  
(Fundraiser)

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

7. White Gorilla, Ward 6  
210 E. 7th St.  
Applicant: Troy Russell Emerson  
City T68-12  
Date of Event: October 13, 2012  
(Fundraiser)

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

8. Tucson Breakfast Lions Club, Ward 5  
4823 S. 6th Ave.  
Applicant: Wayne Francis Locke  
City T69-12  
Date of Event: October 5, 2012 - October 6, 2012  
(Fundraiser)

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

9. Arizona Theatre Company, Ward 6  
330 S. Scott Ave.  
Applicant: David Shack  
City T70-12  
Date of Event: October 6, 2012  
(Fundraiser)

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

10. St. Augustine Cathedral, Ward 6  
192 S. Stone Ave.  
Applicant: Gonzalo (Fr.) J. Villegas  
City T72-12  
Date of Event: October 6, 2012  
(Fundraiser)

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

11. St. Demetrios Greek Orthodox Church, Ward 3  
1145 E. Fort Lowell Rd.  
Applicant: George A. Makris  
City T73-12  
Date of Event: October 6, 2012  
(Fundraiser)

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

d. Agent Change/Acquisition of Control

1. Rosati's on 6th, Ward 6  
1838 E. 6th St.  
Applicant: Patrick Campbell Bush  
Series 12, City AC11-12  
Action must be taken by: September 16, 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 Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b3, 5c1 through 5c11, 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:

Mikki Niemi  
Ken Scoville

Keith Van Heyningen  
Suzanne Schafer

Ken Johnson  
Richard Mayers

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 SEP11-12-351 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of January 10, 2012

### **b. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE VICTIM WITNESS PROGRAM FOR FISCAL YEAR 2013**

1. Report from City Manager SEP11-12-349 CITY WIDE
2. Resolution No. 21949 relating to Outside Agency Activities; authorizing and approving an Intergovernmental Agreement between the City of Tucson and Pima County for the Victim Witness Program for Fiscal Year 2013; and declaring an emergency.

### **c. BOARDS, COMMITTEES AND COMMISSIONS: AMENDING RESOLUTION NO. 20171 TO EXTEND THE TERM OF THE DOWNTOWN LINKS CITIZEN ADVISORY COMMITTEE**

1. Report form City Manager SEP11-12-345 WARDS 1 AND 6
2. Resolution No. 21950 relating to Boards and Commissions; amending Resolution No. 20171 to extend the term of the Downtown Links Citizen Advisory Committee to August 24, 2014; and declaring an emergency.

d. **MAYOR AND COUNCIL: AMENDING THE 2012 MAYOR AND COUNCIL MEETING SCHEDULE**

1. Report from City Manager SEP11-12-353 CITY WIDE
2. Ordinance No. 11019 relating to Administration; amending Section 1 of Ordinance 10935, which approved a schedule of Mayor and Council regular meeting dates for 2012, to reschedule the regular meeting dates of September 18, 2012, to September 19, 2012, and November 6, 2012, to November 7, 2012; and declaring an emergency.

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

8. **PUBLIC HEARING: ZONING (C9-07-16) MANX INVESTMENT, LLC - SPEEDWAY BOULEVARD, R-1 TO O-1 - FIVE-YEAR TIME EXTENSION, CHANGE OF CONDITIONS, ORDINANCE ADOPTION AND AMENDING ORDINANCE 10909**

Mayor Rothschild announced City Manager's communication number 343, dated September 11, 2012, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a five-year time extension and change of conditions for property located on the south side of East Speedway Boulevard, east of Wilmot Road. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

George Holguin, AIA, representative for the property owners, stated he had no comments, but would answer questions.

There were no speakers.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance 11017 in number and title only.

Ordinance No. 11017 relating to Zoning: amending the expiration date of Ordinance 10909; amending zoning district boundaries in the area south of Speedway Boulevard 1200 feet east of Wilmot Road in case C9-07-16, Manx Investment LLC R-1 to O-1; and setting an effective date.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance No. 11017.

**9. PUBLIC HEARING: ZONING (C9-07-23) TOWN WEST – FRANKLIN STREET (EL MIRADOR), I-1 AND C-3 TO OCR-2 AND I-2, FIVE-YEAR TIME EXTENSION**

Mayor Rothschild announced City Manager’s communication number 342, dated September 11, 2012, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a five-year time extension for property located on the northwest corner of Stone Avenue and Franklin Street.

Mayor Rothschild asked if the applicant or a representative was present and if he would like to make any comments prior to the public hearing.

Tom Ian, LHKM, stated there were no changes to the El Mirador rezoning as approved nearly five years ago. He added that it had been difficult to proceed with substantial development projects, given the economic times, and that neither the developer nor the City had been able to fulfill their obligations. He said it should be noted that the developer had acquired parcels from the State which were key elements to move the project forward.

Mr. Ian said there had been discussions regarding project modifications, but noted that they were very preliminary in nature and not germane to the time extension of the rezoning. He added, if the developer decided to modifications to the development, it would require a rezone to the I-2 portion of the site, which would require more public meetings and hearings with neighbors and stakeholders.

Mayor Rothschild announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

The following spoke in opposition to the five-year time extension:

Mike Rebro	Steven Eye	Lee Anna Simons
Gail Toomey	Chris Gans	Susan Gamble
Christopher Carroll	Demion Clinco	David Hoyt Johnson
Robert Freitas	Ken Scoville	Marvin Shaver
Ron Nelson		

Wesley Mehl and Raul Reyes spoke in favor of the five-year time extension.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

It was moved by Council Member Romero, duly seconded, to deny the extension request as presented.

Council member Romero stated her denial was based on the project not having adequate funding and the concept did not make sense in this area. She said the concept of

student housing was presented in many different iterations. Town West Realty had the opportunity over the past five years to describe their concepts, and Mayor and Council made it clear they wanted a Warehouse Arts District Master Plan. She indicated that student housing was not what was presented. Mixed uses and mixed incomes was Mayor and Council's preference in this area. She felt Mayor and Council needed to clean up the process and start a new RFP and that Town West would have an opportunity to competitively bid.

Vice Mayor Kozachik said the presentations given by Town West and Capstone Development Corporation a few weeks earlier were germane to the discussion, even though they weren't consistent with the Master Plan for the area. He said the City would see more student housing projects, but thought the City may be reaching a saturation point. He wanted more creative design concepts that fit with the Master Plan.

Council Member Cunningham said they needed go back to the drawing board and keep the Arts District as the focus of the Plan.

Council Member Uhlich asked what the affect would be on the development agreement with Town West if the extension was not approved.

Michael Rankin, City Attorney, explained the zoning and development agreement were related, but were completely separate. The rights of the developer for the option to purchase the property came from the development agreement. The prior authorization would expire in November, the zoning would remain I-1 and C-3, but it would not vacate or terminate the underlying development agreement.

The motion to deny the extension request as presented was passed by a roll call vote of 7 to 0.

**10. PUBLIC HEARING: ZONING (C9-06-03) LARSEN BAKER – GOLF LINKS ROAD, SR TO C-1, REACTIVATION, FIVE-YEAR TIME EXTENSION, ORDINANCE ADOPTION AND AMENDING ORDINANCE 10626**

(This item was continued to the meeting of October 9, 2012.)

**11. TUCSON CODE: AMENDING (CHAPTER 22) TUCSON SUPPLEMENTAL RETIREMENT SYSTEM**

Mayor Rothschild annouced City Manager's communication number 352, dated September 11, 2012, was received into and part part of the record. He asked the City Clerk to read Ordinance 11020 by number and title only.

Ordinance No. 11020 relating to Tucson Supplemental Retirement System; Tucson Code Chapter 22, Pensions, Retirement, Group Insurance, Leave Benefits and other insurance benefits, Article III, Tucson Supplemental Retirement System, Division 1, Types of Retirement and Benefits; amending Section 22-30(d), Definition of Actuarial Equivalent; amending Section 22-33(b), Optional Membership; amending

Section 22-41(b), Refund to Non-Vested Member; amending Section 22-43(e), Maximum Benefit Allowable; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, to pass and adopt Ordinance No. 11020.

Council Member Fimbres asked if any concerns to the amendments were expressed and how they were addressed. He further inquired as to the effective date of the ordinance.

Mike Hermanson, Human Resources Plan Administrator, stated there were no concerns indicated, and the ordinance was retroactive to July 1, 2009.

Vice Mayor Kozachik asked if the Optional Membership would have an impact on the City's pension obligation.

Mr. Hermanson replied it would not.

Council Member Romero asked what necessitated the changes to TSRS.

Mr. Hermanson replied they were the culmination of completing requirements for the Favorable Determination letter and were required by the IRS, with exception of the Optional Membership amendment.

Ordinance 11020 was declared passed and adopted by a roll call vote of 7 to 0.

## **12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Rothschild announced City Manager's communication number 350, dated September 11, 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 Scott, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointments of Michael Keith, Kylie Walzak, and Gail Ryser to the Downtown Links Citizen Advisory Committee; Tory Syracuse to the Climate Change Committee; and the reappointments of Leslie Carlson, Evelia Martinez, and Susan Soto to the Metropolitan Housing Commission.

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

There were none.

**13. ADJOURNMENT: 7:28 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, September 19, 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 11th day of September 2012, and do hereby certify that it is an accurate transcription.

---

DEPUTY CITY CLERK

RWR:rm:dr