



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 7, 2013.

Date of Meeting: September 19, 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 5:35 p.m., on Wednesday, September 19, 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
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Senior Rabbi Yossie Shemtov, Chabad of Tucson, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Council Member Scott presented awards to the volunteers for the Ward 4 Back to School Bash.
- b. Mayor Rothschild presented the “Achievement of Excellence in Procurement Award” to Marcheta Gillespie, Procurement Department Interim Director.
- c. Mayor Rothschild proclaimed September 24th through, September 30th as “American Indian Awareness Days.” Jacob Bernal, Tucson Indian Center, accepted the proclamation.
- d. Mayor Rothschild proclaimed September as “National Preparedness Month.” Tim Cornely, Tucson Fire Department, Battalion Chief, accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 354, dated September 19, 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 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 355, dated September 19, 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 Andrew Quigley, Assistant 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 356, dated September 19, 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. Espresso Art Cafe, Ward 6
942 E. University Blvd.
Applicant: Daniel Julius Mannheim
Series 12, City 53-12
Action must be taken by: August 10, 2012

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

2. Corbett Brewing Company, Ward 6
417 N. Herbert Ave.
Applicant: Scott James Cummings
Series 3, City 62-12
Action must be taken by: August 27, 2012

Tucson Police Department and Revenue Investigations have indicated the applicant is in compliance with city requirements.

Planning & Development Services Department has indicated the applicant is not in compliance with city requirements.

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

3. Vero Amore, Ward 2
2990 N. Swan Rd. #145
Applicant: Aric Kaiser Mussman
Series 12, City 74-12
Action must be taken by: October 7, 2012

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

4. Vero Amore, Ward 2
2920 N. Swan Rd. #103
Applicant: Aric Kaiser Mussman
Series 12, City 75-12
Action must be taken by: October 7, 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 Transfer(s)

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

c. Special Event(s)

1. The University of Arizona Alumni Association, Ward 6
1303 E. University Blvd.
Applicant: Melinda Waters Burke
City T71-12
Date of Event: November 10, 2012
(UA Homecoming 2012)

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

2. St. Cyril of Alexandria Parish, Ward 6
4725 E. Pima St.
Applicant: Ann Causey Zeches
City T74-12
Date of Event: October 18, 2012 - October 21, 2012
(Fundraiser)

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

3. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Meagan Elizabeth Crain
City T75-12
Date of Event: October 5, 2012
(Exhibition Opening)

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

4. Artsake Foundation, Ward 6
Congress St. between 4th Ave. & 6th Ave.; 6th Ave. between
Broadway Blvd. & Congress St.; 5th Ave. between Broadway Blvd. &
Toole Ave.; Rialto Theatre
Applicant: Jeb Bley Schoonover
City T76-12
Date of Event: October 6, 2012
(Fundraiser)

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

5. Tu Nidito Children and Family Services, Ward 6
110 E. Pennington St.
Applicant: Jessica Marie Fossmeier
City T77-12
Date of Event: October 5, 2012
(Fundraiser)

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

6. Sun Sounds of Arizona, Ward 6
900 S. Randolph Way
Applicant: Don D. Jones Jr.
City T78-12
Date of Event: October 6, 2012
(Fundraiser)

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

7. Tucson Screammers, Ward 3
1102 W. Grant Rd.
Applicant: Bobby G. Sutton Jr.
City T79-12
Date of Event: October 5, 2012 - October 6, 2012
(Haunted House)

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

8. Tucson Gay Alliance dba Tucson Pride Board Inc., Ward 6
220 S. 5th Ave.
Applicant: Carmen R. Perkins-Swafford
City T80-12
Date of Event: October 13, 2012
(Pride in The Desert LGBT Festival Event)

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

9. Vietnam Veterans of American Chapter 106, Ward 6
900 S. Randolph Way
Applicant: Steven John Kreamer
City T81-12
Date of Event: October 20, 2012
(Fundraiser)

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

10. Southern Arizona Blues & Heritage Foundation, Ward 6
900 S. Randolph Way
Applicant: Angela Marie Souza
City T82-12
Date of Event: October 21, 2012
(Fundraiser)

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

11. Tucson Screammers, Ward 3
1102 W. Grant Rd.
Applicant: Bobby Sutton Jr.
City T83-12
Date of Event: October 11, 2012 - October 12, 2012
(Haunted House)

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

d. Agent Change/Acquisition of Control

1. No Where II Bar, Ward 3
1308 W. Glenn St.
Applicant: Kevin Patrick Gilligan
Series 6, City AC12-12
Action must be taken by: October 7, 2012

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

2. Cost Plus World Market, Ward 3
4380 N. Oracle Rd. #100
Applicant: H. J. Lewkowitz
Series 10, City AC13-12
Action must be taken by: October 6, 2012

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

3. Cost Plus World Market, Ward 3
4821 N. Stone Ave.
Applicant: Andrea Dahlman Lewkowitz
Series 7, City AC14-12
Action must be taken by: October 6, 2012

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

4. Cost Plus World Market, Ward 3
4821 N. Stone Ave.
Applicant: H. J. Lewkowitz
Series 10, City AC15-12
Action must be taken by: October 6, 2012

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

5. Cost Plus World Market, Ward 6
5975 E. Broadway Blvd. #1
Applicant: H. J. Lewkowitz
Series 10, City AC17-12
Action must be taken by: October 6, 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 Vice Mayor Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b3 through 5b4, 5c1 through 5c11, and 5d1 through 5d5 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:

Keith Van Heyningen
Martha Gerganoff
Sister Michelle Humke

Ken Johnson
Guy Shoaff, Jr.

Mary Hill
Jessica Shuman

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 SEP19-12-357 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of December 13, 2011

b. TUCSON CODE: AMENDING (CHAPTER 19) SPECIAL EVENT AND EXTENSION OF PREMISES LIQUOR LICENSE APPLICATIONS

1. Report from City Manager SEP19-12-364 CITY WIDE
2. Ordinance No. 11022 relating to Liquor License Applications; amending the Tucson Code, Chapter 19, License and Privilege Taxes, Article 1, Occupational License Tax, Division 4, Liquor and Vending Machine License Tax, Section 19-53 Applications; setting an effective date; and declaring an emergency.

c. FINAL PLAT: (S12-017) THE PLACE AT PRESIDIO TRAILS

1. Report from City Manager SEP19-12-360 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 Romero, 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. ZONING: (C9-12-06) QUIKTRIP - GLENN STREET, R-2 TO P ZONE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 359, dated, September 19, 2012, was received into and made part of the record. He said this was a request to rezone property located at the northwest corner of East Glenn Street and North Euclid Avenue east of First Avenue. He said the Zoning Examiner and staff recommend approval subject to certain conditions.

Mayor Rothschild asked if the applicant or representative was present and agreeable to the proposed requirements.

Rob Longaker, WLB Group Inc., responded affirmatively.

Mayor Rothschild asked the City Clerk to read Ordinance 11021 by number and title only.

Ordinance No. 11021 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of East Glenn Street and North Euclid Avenue in case C9-12-06 QuikTrip - Glenn Street, R-2 to P zone; and setting an effective date.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11021.

9. APPEAL: (T12SA00132) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION - ST. MARY'S HOSPITAL AND HEALTH CENTER, 1601 WEST ST. MARY'S ROAD (CONTINUED FROM THE MEETING OF AUGUST 7, 2012)

Mayor Rothschild announced City Manager's communication number 361, dated September 19, 2012, was received into and made part of the record. He also announced this was an appeal of a decision of the Sign Code Advisory and Appeals Board.

Roger Randolph, City Clerk, stated the City Attorney would summarize the procedural process related to the appeal.

Michael Rankin, City Attorney, said the Mayor and Council had the ability to affirm, reverse, or modify the decision of the Sign Code Advisory and Appeals Board (SCAAB), whereby they denied the appellant's request of the proposed sign. He said if the Mayor and Council chose to reverse SCAAB's decision and grant the appeal, they could impose reasonable conditions in connection with the approval.

Council Member Romero gave a brief history on St. Mary's Hospital and the cross signage. She stated her reasons for wanting to reverse the decision rendered by the SCAAB.

It was moved by Council Member Romero, duly seconded, to reverse the Sign Code Advisory and Appeals Board decision and grant the appellant's request with the conditions that the cross be no higher than seven feet above the roof line and that it be constructed as described at the evening's meeting and the August 7, 2012, Mayor and Council meeting.

Mayor Rothschild asked if there was any discussion.

Council Member Uhlich asked for verification that the cross would be illuminated, to which Council Member Romero responded in the affirmative.

Council Member Cunningham asked if the neighbors knew that the cross would be illuminated.

Council Member Romero stated the neighbors were aware. She added that the illumination of the light would not be stronger than the current lighting in the parking lot of St. Mary's Hospital.

Council Member Fimbres asked if there was any impact on historic destination.

Ernie Duarte, Planning and Development Services Department Director, said an inquiry had been made to Jonathan Mabry, Historic Preservation Officer. Mr. Mabry indicated that there was no effect on historic implications.

Vise Mayor Kozachik and Council Member Scott made additional comments regarding the appeal.

Council Member Uhlich asked, in terms of implication, was there a carve-out for religious symbols or signs currently in the *Sign Code* and if it complied with the lighting ordinance in terms of dark skies.

Mr. Rankin stated they were not singled out; they were deemed to be signage that counted towards signage calculations of maximum area of signs permitted on a use.

Mr. Duarte stated the installation would comply with the *Outdoor Lighting Code*.

The motion to reverse the decision submitted by the Sign Code Advisory and Appeals Board and grant the appellant's request with the conditions that the cross be no higher than seven feet above the roof line and that it be constructed as described at the evening's meeting and the August 7, 2012, Mayor and Council meeting, was passed by a roll call vote of 7 to 0.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 362, dated September 19, 2012, was received into and made part of the record. He asked for if there were any personal appointments to be made.

There were none.

11. ADJOURNMENT: 6:50 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, October 9, 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 19th day of September, 2012, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:agj:yl