



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 21, 2013.

Date of Meeting: October 16, 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 Tuesday, October 16, 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 Pastor Larry Munguia, The S.O.B.E.R. Project, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed October as “Solar Awareness Month.”
- b. Mayor Rothschild proclaimed October 18, 2012 as “National Alternative Fuel Odyssey Day.”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 383, dated October 16, 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, Fimbres, and Vice Mayor Kozachik. A recording of this item will be 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 384, dated October 16, 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 385, dated October 16, 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 Oriental Buffet, Ward 3
5101 N. Oracle Rd.
Applicant: Chin Yin Liu
Series 12, City 79-12

Action must be taken by: October 28, 2012

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

2. Toby Keith's I Love This Bar & Grill, Ward 3
4500 N. Oracle Rd. #370
Applicant: Randy D. Nations
Series 12, City 80-12
Action must be taken by: October 29, 2012

Staff has indicated the applicant is in compliance with city requirements.
3. Wild Garlic Grill, Ward 3
2530 N. 1st Ave.
Applicant: Maria De Jesus Martin-Gourdin
Series 12, City 81-12
Action must be taken by: November 4, 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)

c. Special Event(s)

1. Downtown Tucson Partnership, Ward 6
220 S. 5th Ave.
Applicant: Brandi Renée Haga
City T88-12
Date of Event: November 17, 2012
(El Tour de Tucson)

Staff has indicated the applicant is in compliance with city requirements.
2. Saints Peter & Paul Parish, Ward 6
1436 N. Campbell Ave.
Applicant: Michael X. Sanchez
City T89-12
Date of Event: November 3, 2012
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.
3. St. Ambrose Catholic School, Ward 6
300 S. Tucson Blvd.
Applicant: Emma A. Chavez
City T97-12
Date of Event: November 9, 2012 - November 11, 2012
(Fundraiser)

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

d. Agent Change/Acquisition of Control/Restructure

1. Hana Tokyo, Ward 1
5435 S. Calle Santa Cruz #185
Applicant: William Cheung
Series 12, City AC19-12
Action must be taken by: October 28, 2012

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

2. Golden Dragon Restaurant, Ward 6
6166 E. Speedway Blvd.
Applicant: Sharon Li Gee
Series 12, City AC20-12
Action must be taken by: October 25, 2012

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

3. Buffalo Wild Wings Grill & Bar, Ward 1
1390 W. Irvington Rd.
Applicant: Chris Nicholas Miller
Series 12, City AC21-12
Action must be taken by: October 28, 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 Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to forward liquor license applications 5b1 through 5b3, 5c1 through 5c3 and 5d1 through 5d3 to the Arizona State Liquor Board with a recommendation of 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.

There were no speakers.

7. CONSENT AGENDA – ITEMS A THROUGH G

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 OCT16-12-386 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of February 15, 2012

b. GRANTS: GRANT-IN-AID AGREEMENT WITH THE TOHONO O'ODHAM NATION FOR DISTRIBUTION OF FUNDING TO VARIOUS ENTITIES

1. Report from City Manager OCT16-12-381 CITY WIDE
2. Resolution No. 21956 relating to Finance; approving Grant in Aid funding from the Tohono O'odham Nation for 2012 for certain entities; authorizing the Director of the Department of Finance to enter into Fiscal Agent Agreements among the City of Tucson, the Tohono O'odham Nation and such entities; and declaring an emergency.

c. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY LOCATED AT THE NORTHEAST CORNER OF GRANT ROAD AND FAIRVIEW AVENUE

1. Report form City Manager OCT16-12-382 WARD 3
2. Ordinance No. 11028 relating to Real Property; declaring the City-owned property located at the Northeast corner of Grant Road and Fairview Avenue to be surplus; authorizing and approving the sale thereof to Stephen M. Baquet and/or Grant Road Properties, LLC; and declaring an emergency.

d. MAYOR AND COUNCIL: MEETING SCHEDULE FOR 2013

1. Report from City Manager OCT16-12-387 CITY WIDE
2. Ordinance No. 11029 relating to Administration; establishing the meeting dates of the Mayor and Council for 2013; and declaring an emergency.

Roger W. Randolph, City Clerk, announced there was a scrivener's error on the schedule for April. The schedule read April 13th and should read April 23rd.

- e. GRANT APPLICATION: FOR FEDERAL BROWNFIELDS FUNDS TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 - 1. Report from City Manager OCT16-12-389 WARDS 1, 4 AND 5
 - 2. Resolution No. 21957 relating to Redevelopment; approving and authorizing submission of a Grant Application to the U.S. Environmental Protection Agency for federal Brownfields funds for the redevelopment of various sites within the Interstate 10 and airport project area; and declaring an emergency.

- f. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE PASEO DE LAS IGLESIAS PHASE 1
 - 1. Report from City Manager OCT16-12-388 WARD 1
 - 2. Resolution No. 21958 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Paseo de las Iglesias Phase 1: Ecosystem Restoration, Bank Protection and River Park from Ajo Way to Silverlake Road; and declaring an emergency.

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

- g. ASSURANCE AGREEMENT AND FINAL PLAT: (S11-050) SORRENTO SQUARE RETAIL CENTER (CONTINUED FROM THE MEETING OF OCTOBER 9, 2012)
 - 1. Report from City Manager OCT16-12-390 WARD 4
 - 2. Resolution No. 21952 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of installation of all required improvements related to subdivisions for Sorrento Square Retail Center which involves the subdivision of vacant property for 10 lots on 17.42 acres; approving a final plat in case No. S11-050 and declaring an emergency.
 - 3. Staff recommends that the Mayor and Council approve the assurance agreement and 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 the actual application.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – g, with the amendment to Item d and Item f, which was considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM F

f. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE PASEO DE LAS IGLESIAS PHASE 1

1. Report from City Manager OCT16-12-388 WARD 1
2. Resolution No. 21958 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Paseo de las Iglesias Phase 1: Ecosystem Restoration, Bank Protection and River Park from Ajo Way to Silverlake Road; and declaring an emergency.

Roger Randolph, City Clerk, announced the item to be considered separately was Consent Agenda Item f at the request of Council Member Romero.

Council Member Romero recognized the work of Pima County and their Bond Program for the investment of the project.

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

8. ECONOMIC DEVELOPMENT: NOTICE OF INTENT TO ENTER INTO A TAX INCENTIVE AGREEMENT FOR ONE EAST BROADWAY

Mayor Rothschild announced City Manager's communication number 392, dated October 16, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21959 by number and title only.

Resolution No. 21959 relating to Economic Development; approving a Note of Intent to award a retail development tax incentive agreement to One East, LLC; making certain findings with respect to that agreement; and adopting an independent economic analysis relating to the agreement.

It was moved by Vice Mayor Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, that Resolution 21959 be passed and adopted and the proper action taken.

Michael Rankin, City Attorney, announced that based on the Mayor and Council's action, the notice went into effect right away, but also satisfied the statutory requirement that allowed staff to return with an agreement in due course and would be scheduled for a meeting in November.

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 391, dated October 16, 2012, was received into and made part of the record.

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

There were none.

10. ADJOURNMENT: 5:57 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, October 23, 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 16th day of October 2012, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ds:rb