



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 11, 2013.

Date of Meeting: November 14, 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 5:31 p.m., on Wednesday, November 14, 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:

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:

Regina Romero	Council Member Ward 1
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Staff Members Present:

Michael Rankin	City Attorney
Roger W. Randolph	City Clerk
Liz Miller	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Keith Hardy, Abounding Grace 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 422, dated November 14, 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 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 423, dated November 14, 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 421, dated November 14, 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. Proper, Ward 6
300 E. Congress St.
Applicant: Danny Roy Thomas
Series 12, City 87-12
Action must be taken by: November 18, 2012

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

2. Diablo Burger, Ward 6
312 E. Congress St.
Applicant: Danny Roy Thomas
Series 12, City 88-12
Action must be taken by: November 18, 2012

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

3. Arizona Pizza Company, Ward 6
5855 E. Broadway Blvd. #114
Applicant: Kenneth David Rubinstein
Series 12, City 93-12
Action must be taken by: November 26, 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

4. Las Brasas, Ward 5
2928 E. 22nd St.
Applicant: Melissa Nicole Contreras
Series 7, City 92-12
Action must be taken by: November 24, 2012

Tucson Police Department and Planning & Development Services Department have indicated the applicant is in compliance with city requirements.

Revenue Investigations has indicated the applicant is not in compliance with city requirements.

City Clerk's Office has indicated the applicant is not in compliance with city requirements.

(This item was considered separately.)

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

Person/Location Transfer(s)

5. Good Oak Bar, Ward 6
316 E. Congress St.
Applicant: Danny Roy Thomas
Series 7, City 90-12
Action must be taken by: November 18, 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. Our Lady of LaVang, Ward 5
800 S. Tucson Blvd.
Applicant: California Indonesia Le
City T103-12
Date of Event: February 9, 2013 - February 10, 2013
(Vietnamese New Year Festival)

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

2. Congregation Anshei Israel, Ward 6
5550 E. 5th St.
Applicant: Robert Vee Dietz
City T104-12
Date of Event: December 1, 2012
(Fundraiser)

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

3. B.I.C.A.S., Ward 1
127 W. 5th St.
Applicant: Erik B. Ryberg
City T106-12
Date of Event: December 1, 2012 - December 2, 2012
(Fundraiser)

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

d. Agent Change/Acquisition of Control

1. Redline Sports Grill, Ward 3
445 W. Wetmore Rd.
Applicant: Kevin Arnold Kramber
Series 6, City AC22-12
Action must be taken by: November 25, 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 6 to 0 (Council Member Romero absent/excused), to forward liquor license applications 5b1 through 5b3, 5b5, 5c1 through 5c3, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

Person Transfer

- 4. Las Brasas, Ward 5
2928 E. 22nd St.
Applicant: Melissa Nicole Contreras
Series 7, City 92-12
Action must be taken by: November 24, 2012

Tucson Police Department and Planning & Development Services Department have indicated the applicant is in compliance with city requirements.

Revenue Investigations has indicated the applicant is not in compliance with city requirements.

City Clerk's Office has indicated the applicant is not in compliance with city requirements.

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b4, Las Brasas, located in Ward 5, at the request of Council Member Fimbres.

Council Member Fimbres asked if the applicant was present. After no reply, Council Member Fimbres explained his motion to deny was due to the applicant's failure to comply with City requirements.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Romero absent/excused), to forward liquor license application 5b4 to the Arizona State Liquor Board with a recommendation for denial.

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:

Derrick Widmark

Brian Blank

Peter Bollander

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 NOV14-12-420 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of March 27, 2012
3. Mayor and Council Study Session Meeting Minutes and Legal Action Report of March 27, 2012

b. ZONING: DORADO COUNTRY CLUB, WAIVER OF MINIMUM ACREAGE REQUIREMENT FOR PAD DISTRICT

1. Report from City Manager NOV14-12-416 WARD 2
2. This is a request by the Planning Center on behalf of HSL Properties, for a waiver of the forty acre minimum land area required for Planned Area Development (PAD) districts to allow the redevelopment of a seventeen acre site of Dorado Country Club for an Embassy Suites Hotel and associated office/retail uses.

Staff recommends approval of a Planned Area Development (PAD) District for a seventeen acre site within the Dorado Country Club, located on the north side of Speedway Boulevard, between Wilmot Road and Kolb Road. This will allow the applicant to proceed in the rezoning process and submit a rezoning application for a PAD.

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

- c. FINANCE: APPROVAL OF THE COMPREHENSIVE FINANCIAL POLICIES
 - 1. Report from City Manager NOV14-12-427 CITY WIDE

(This item was continued to the meeting of December 4, 2012.)
- d. MAYOR AND COUNCIL: AMENDING THE 2012 MAYOR AND COUNCIL MEETING SCHEDULE
 - 1. Report from City Manager NOV14-12-426 CITY WIDE
 - 2. Ordinance No. 11036 relating to Administration; amending Section 1 of Ordinance 10935, which approved a schedule of Mayor and Council regular meeting dates for 2012, to cancel the regular meeting date of November 27, 2012; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Romero absent/excused), that Consent Agenda Items a – d, with the exception of Item b, which was considered separately, and Item c, which was continued to the meeting of December 4, 2012, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM B

- b. ZONING: DORADO COUNTRY CLUB, WAIVER OF MINIMUM ACREAGE REQUIREMENT FOR PAD DISTRICT
 - 1. Report from City Manager NOV14-12-416 WARD 2
 - 2. This is a request by the Planning Center on behalf of HSL Properties, for a waiver of the forty acre minimum land area required for Planned Area Development (PAD) districts to allow the redevelopment of a seventeen acre site of Dorado Country Club for an Embassy Suites Hotel and associated office/retail uses.

Staff recommends approval of a Planned Area Development (PAD) District for a seventeen acre site within the Dorado Country Club, located on the north side of Speedway Boulevard, between Wilmot Road and Kolb Road. This will allow the applicant to proceed in the rezoning process and submit a rezoning application for a PAD.

Council Member Cunningham explained that this item was a collaboration between homeowners, neighbors, and the architect. He also wanted to ensure the developer abided by the 1985 agreement regarding height and set-backs.

Linda Morales, The Planning Center and representing HSL Properties, assured the Mayor and Council that the developer was working hand-in-hand with the Dorado Homeowner's Association and within the 1985 agreement.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Romero absent/excused), that Consent Agenda Item b be passed and adopted and the proper action taken.

8. ZONING: (C9-11-09) POTTERY AND WINE – GRANT ROAD, R-2 AND C-1 TO C-2, ONE-YEAR TIME EXTENSION, CHANGE OF CONDITIONS, CITY MANAGER'S REPORT

Mayor Rothschild announced City Manager's communication number 424, dated November 14, 2012, was received into and made part of the record. He also announced this was a request for a one-year time extension for the property located on the south side of Grant Road, west of Alvernon Way. 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.

Steven Shell, the project architect representing the owners, responded affirmatively.

Council Member Cunningham asked the City Attorney, if there was a conflict, as Council Member Cunningham had appointed Mr. Shell to the Architecture Commission.

Michael Rankin, City Attorney, explained that Mr. Shell's appointment did not require Council Member Cunningham to recuse himself.

It was moved by Vice Mayor Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Romero absent/excused), to authorize the request for rezoning as recommended by the Zoning Examiner.

9. ZONING: (C9-12-09) ENVIRONMENTAL CONTROL - GRAYBILL DRIVE, R-2 TO C-2, CITY MANAGER'S REPORT

Mayor Rothschild announced City Manager's communication number 425, dated November 14, 2012, was received into and made part of the record. He also announced this was a request to rezone approximately 0.59 acres from R-2 to C-2 zoning. The rezoning site is located on the south side of Graybill Drive, east of First Avenue. He said due to the existence of a zoning violation, the Zoning Examiner and staff recommend authorization of C-2 zoning for one year.

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

Linda Morales, The Planning Center, responded affirmatively.

Council Member Uhlich noted there was one written protest, but that there may have been some confusion about a plan to develop multi-housing units, but it was clear the rezoning was consistent with existing businesses.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Romero absent/excused), to authorize the request for rezoning as recommended by the Zoning Examiner.

10. ZONING: (SE-12-76) AT&T – SPEEDWAY BOULEVARD, C-1 ZONE, WIRELESS COMMUNICATIONS FACILITY, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 418, dated November 14, 2012, was received into and made part of the record. He also announced this was a special exception land use request for property located at the Park and Ride lot at the southwest corner of East Speedway Boulevard and North Harrison Road. 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.

Timothy Burmer, FM Group, Inc., responded affirmatively.

Mayor Rothschild asked the City Clerk to read Ordinance 11035 by number and title only.

Ordinance No. 11035 relating to Zoning; a Special Exception Land Use - Wireless Communications Facility - SE-12-76 AT&T Speedway Boulevard - located at the southwest corner of East Speedway Boulevard and North Harrison Road; approving with conditions the construction of a wireless communication facility, a 65-foot tall light pole with the wireless antennas in a canister at the top of the pole in the C-1 zone; and setting an effective date

It was moved by Council Member Cunningham, duly seconded, and passed by a roll vote of 6 to 0 (Council Member Romero absent/excused), to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11035.

11. ZONING: (SE-10-124) AT&T - CRAYCROFT ROAD, C-2 ZONE, WIRELESS COMMUNICATION FACILITY, SPECIAL EXCEPTION LAND USE, CHANGE OF CONDITIONS, ORDINANCE ADOPTION AND AMENDING ORDINANCE 10916

Mayor Rothschild announced City Manager's communication number 417, dated November 14, 2012, was received into and made part of the record. He also announced this was a request for a change of condition and preliminary development plan for the special exception land use site located on the east side of South Craycroft Road, north of Golf Links Road and amending Ordinance 10916.

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

Timothy Burner, FM Group, Inc., responded affirmatively.

Mayor Rothschild asked the City Clerk to read Ordinance 11034 by number and title only.

Ordinance No. 11034 relating to Zoning; a special exception land use - Wireless Communication Facility - SE-10-124 AT&T - Craycroft Road - located on the east side of South Craycroft Road, approximately 1600 feet north of Golf Links Road; amending conditions of approval in Ordinance 10916 for the construction of a 65-foot tall monopalm cell tower in the C-2 zone; and setting an effective date.

It was moved by Council Member Scott, duly seconded, and passed by a roll vote of 6 to 0 (Council Member Romero absent/excused), to pass and adopt Ordinance 11034.

12. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY OF TUCSON BOND SPECIAL ELECTION HELD NOVEMBER 6, 2012 (CONTINUED FROM THE MEETING OF NOVEMBER 12, 2012)

Mayor Rothschild announced City Manager's communication number 428, dated November 14, 2012, was received into and made part of the record.

(Staff requested that this item be continued to the meeting of November 20, 2012.)

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 419, dated November 14, 2012, was received into and made part of the record.

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

Council Member Fimbres announced his personal appointments of Willie Blake to the Tucson Parks and Recreation Commission, Steve Ramirez to the Economic and Workforce Development Selection Committee, and Benette Valdillez to the Tucson Commission on Gay, Lesbian, Bisexual, and Transgender Issues.

14. ADJOURNMENT: 5:59 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, November 20, 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 14th day of November 2012, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:rlm:ds