



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 8, 2013.

Date of Meeting: March 5, 2013

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 5:34 p.m., on Tuesday, March 5, 2013, 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
Paul Cunningham
Karin Uhlich
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

Vice Mayor, Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Debra Counsellor, City Clerk’s Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild, assisted by Council Member Uhlich, proclaimed March 16, 2013 as “Youth Peace Day.” Ann Yellot, co-chair of the Youth and Peace Conference, accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 70, dated March 5, 2013, 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 Vice Mayor Romero, Council Members Cunningham, Uhlich, Fimbres, and 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 71, dated March 5, 2013, 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 80, dated March 5, 2013, 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)

NOTE: There are no application(s) for new licenses scheduled for this meeting.

Person/Location Transfer

1. CVS Pharmacy #10184, Ward 6
825 E. University Blvd.
Applicant: Jason Barclay Morris
Series 9, City 7-13
Action must be taken by: March 17, 2013

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. Rialto Theater Foundation, Ward 1
140 N. Main Ave.
Applicant: Curtis John McCrary
City T13-13
Date of Event: March 24, 2013
(Music Festival)

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

2. Tucson Breakfast Lions Club, Ward 5
4823 S. 6th Ave.
Applicant: Wayne Francis Locke
City T16-13
Date of Event: April 5, 2013 - April 6, 2013
(Fundraiser)

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

3. Tucson Community School, Ward 3
2109 E. Hedrick Dr.
Applicant: Mary Sue Houser
City T18-13
Date of Event: March 23, 2013
(Dinner & Silent/Live Auction)

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

4. Beowulf Alley Theatre Company, Ward 1
140 N. Main Ave.
Applicant: Michael Fenlason
City T19-13
Date of Event: March 16, 2013 - March 17, 2013
(Performance/Fundraiser)

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

5. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Meagan Elizabeth Crain
City T22-13
Date of Event: March 11, 2013
(Fundraiser)

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

6. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Meagan Elizabeth Crain
City T23-13
Date of Event: March 18, 2013
(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 T24-13
Date of Event: April 5, 2013
(Fundraiser)

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

d. Agent Change/Acquisition of Control

NOTE: There are no application(s) for agent changes scheduled for this meeting.

It was moved by Vice Mayor Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 and 5c1 through 5c7 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
Susan Foster
Lee Stanfield
Ryan Koch

Billy Lolos
Dave Croteau
Brian Blank

Frank Rupp
Phillip Gaellord
Anne Gomez

Council Member Uhlich requested staff’s assistance in clarifying concerns expressed regarding the use and purpose of the emergency clause in the adoption of resolutions and ordinances, and to provide specifics to the community about a paragraph in Resolution 22006 that alluded to the change from the waste energy incinerator to solar energy installation.

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 E

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 MAR05-13-73 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of June 19, 2012
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of June 19, 2012

b. BOARDS, COMMITTEES AND COMMISSIONS: AMENDING THE MEMBERSHIP OF THE VETERANS' AFFAIRS COMMITTEE TO INCLUDE REPRESENTATION FROM THE AMERICAN RED CROSS, SOUTHERN ARIZONA CHAPTER, SERVICE TO THE ARMED FORCES PROGRAM

1. Report from City Manager MAR05-13-81 CITY WIDE
2. Resolution No. 22013 relating to Boards and Commissions; pursuant to Tucson Code Section 10A-21, approving the American Red Cross, Southern Arizona Chapter, Service to the Armed Forces Program's requested membership on the Veterans' Affairs Committee, and appointing Diane Kephart as the Program's delegate to the Committee; and declaring an emergency.

c. WATER: NOTICE OF INTENTION TO INCREASE CERTAIN TUCSON WATER MISCELLANEOUS FEES AND SCHEDULING A PUBLIC HEARING FOR MAY 21, 2013

1. Report from City Manager MAR05-13-74 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 22011 relating to Water; authorizing the adoption of a Notice of Intention to increase certain Tucson Water miscellaneous fees; and declaring an emergency.

d. WATER: ADOPTING TUCSON WATER'S FINANCIAL PLAN FOR FISCAL YEARS 2013 THROUGH 2018

1. Report from City Manager MAR05-13-75 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 22010 relating to Tucson Water; authorizing and adopting the Tucson Water Financial Plan for the period from Fiscal Year 2013 to Fiscal Year 2018; and declaring an emergency.

e. AGREEMENT: WITH TUCSON ELECTRIC POWER FOR THE PURCHASE OF SOLAR POWER

1. Report from City Manager MAR05-13-76 CITY WIDE
2. Resolution No. 22012 relating to General Services; authorizing and approving the Bright Tucson Community Solar Rider Agreement between Tucson Electric Power (TEP) and the City of Tucson; and declaring an emergency.

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

8. PUBLIC HEARING: HOOVER & HUGHES ANNEXATION DISTRICT

Mayor Rothschild announced City Manager's communication number 78, dated March 5, 2013, 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 the proposed Hoover & Hughes Annexation District. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

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.

Council Member Fimbres asked staff if the City would be able to proceed with this item, given a letter received earlier that day from the County Administrator requesting changes to the annexation boundaries that would require an IGA for road maintenance and operations of Hughes Access Road.

Chris Kaselemis, Economic Development Program Director, replied affirmatively. He explained the annexation was for county land only. The letter asked that we change the boundaries to include privately owned property, but these individuals indicated they were not interested, and could be annexed at a later date. Hughes Access Road had already been annexed along with the Ratheon Annexation and was included within the City limits.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to proceed with the Hoover & Hughes Annexation District.

9. ZONING: (C9-12-16) CAID INDUSTRIES - GANLEY ROAD, R-2 TO I-1, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 72, dated March 5, 2013, was received into and made part of the record. He also announced this was a request to rezone the property bordered by Ganley Road on the south and Bilby Road on the north and located east of South Campbell 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.

Mike Marks, MJM Consulting, representing the applicant, stated they reviewed and agreed on all rezoning conditions. He introduced Mr. Assenmacher, owner of Caid Industries, who expressed his appreciation of the support received in the rezoning.

Mayor Rothschild asked the City Clerk to read Ordinance 11049 by number and title only.

Ordinance No. 11049 relating to Zoning: amending zoning district boundaries in the area of the north side of Ganley Road, 685 feet east of South Campbell Avenue in Case C9-12-16 Caid Industries - Ganley Road, R-2 to I-1; and setting an effective date.

It was moved by Council Member Fimbres, 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 11049.

10. FINANCE: DESIGNATING TUCSON GOLF AS AN ENTERPRISE

Mayor Rothschild announced City Manager's communication number 79, dated March 5, 2013, was received into and made part of the record. He asked the City Clerk to read Ordinance 11050 by number and title only

Ordinance No. 11050 relating to Finance; designating Tucson Golf as an Enterprise; requiring separate accounting of the revenues and expenses of Tucson Golf as an Enterprise Fund; and declaring an emergency.

Vice Mayor Romero explained that it was incumbent upon the Mayor and Council to ensure fiscal responsibility.

It was moved by Vice Mayor Romero, duly seconded, to pass and adopt Ordinance 11050.

Mayor Rothschild asked if there was any discussion.

Council Member Kozachik asked where the deficit funding would come from if Tucson Golf failed to cover costs.

Kelly Gottschalk, Assistant City Manager, stated the funding would come from the General Fund, but the Ordinance required it to be recorded as a long-term loan.

Council Member Kozachik further asked if the City was prevented from contracting with an outside agency for operations management or selling off properties.

Ms. Gottschalk replied it was not.

Ordinance 11050 was passed and adopted by a roll vote of 7 to 0.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager’s communication number 77, dated March 5, 2013, 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 Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Herman Ortiz to the Citizens’ Water Advisory Committee (CWAC), and the reappointment of Stephen Grede to the Tucson-Pima County Historical Commission (TPCHC) in the Land Use Planner, Urban Planner, Landscape Architect or Cultural Geographer category.

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

Council Member Scott announced her personal appointments of Douglas Jackson to the Small, Minority, and Women-Owned Business Commission (SMWBC), and Steve Anderson to the Tucson Convention Center Commission (TCCC).

12. ADJOURNMENT: 6:34 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 19, 2013, 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 March 2013, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:rlm:yl