



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 22, 2013.

Date of Meeting: April 16, 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 5:33 p.m., on Tuesday, April 16, 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 Reverend Dr. Charlie Earhart, Water of Life Metropolitan Community Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild presented awards to the winners of the Arizona Equipment Safety Partnering Roadeo.
- b. Mayor Rothschild presented Miss Alex Kate Halvey with a Certificate of Recognition for winning the 2013 American Legion Oratorical Contest and achieving the opportunity to represent Tucson and the State of Arizona.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 122, dated April 16, 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 and Council Members Cunningham, Uhlich, Scott, 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 123, dated April 16, 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.

Current event report was given by Richard Miranda, 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 129, dated April 16, 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)

1. Dollar General Store #10214, Ward 1
155 W. Valencia Rd.
Applicant: Clare Hollie Abel
Series 10, City 15-13
Action must be taken by: May 5, 2013

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

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

2. Dollar General Store #13199, Ward 5
5663 S. 12th Ave.
Applicant: Clare Hollie Abel
Series 10, City 16-13
Action must be taken by: May 5, 2013

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

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

3. Dollar General Store #12582, Ward 5
945 E. 22nd St.
Applicant: Clare Hollie Abel
Series 10, City 17-13
Action must be taken by: May 5, 2013

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

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

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)

4. Whiskey Tango Bar, Ward 2
140 S. Kolb Rd.
Applicant: Ruben Allan Borrego
Series 6, City 14-13
Action must be taken by: April 27, 2013

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

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)

c. Special Event(s)

1. Tucson Kitchen Musicians Association, Ward 1
140 N. Main Ave.
Applicant: Jim B. Lipson
City T52-13
Date of Event: May 4, 2013 - May 5, 2013
(Free Music Festival)

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

2. Tucson Screammers, Ward 3
1102 W. Grant Rd.
Applicant: Bobby G. Sutton Jr.
City T53-13
Date of Event: May 11, 2013
(Zombie Prom)

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

3. St. Demetrios Greek Orthodox Church, Ward 3
1145 E. Fort Lowell Rd.
Applicant: Gary George Andros
City T54-13
Date of Event: May 5, 2013
(Easter Picnic)

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

4. Southern Arizona Aids Foundation, Ward 3
1102 W. Grant Rd.
Applicant: Monique Marie Vallery
City T55-13
Date of Event: April 27, 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 5b4 and 5c1 through 5c4 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

- b. Liquor License Application(s)

New License(s)

1. Dollar General Store #10214, Ward 1
155 W. Valencia Rd.
Applicant: Clare Hollie Abel
Series 10, City 15-13
Action must be taken by: May 5, 2013

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

Public Opinion: Written Arguments Opposed Filed

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Item 5b1, Dollar General Store #10214, located in Ward 1, at the request of Vice Mayor Romero.

Ms. Clare Abel spoke on the behalf of the applicant, Dollar General Stores. She asked Mayor and Council for recommendation of approval for the liquor license.

Yolanda Herrera spoke in opposition of the liquor license request.

Margie Mortimer spoke in opposition of the liquor license request.

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 to the Arizona State Liquor Board with a recommendation for denial; due to oversaturation in the area and that it would not add to the public convenience.

A complete verbatim transcription of this item is available from the City Clerk's Office.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

2. Dollar General Store #13199, Ward 5
5663 S. 12th Ave.
Applicant: Clare Hollie Abel
Series 10, City 16-13
Action must be taken by: May 5, 2013

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

Public Opinion: Written Arguments Opposed Filed

3. Dollar General Store #12582, Ward 5
945 E. 22nd St.
Applicant: Clare Hollie Abel
Series 10, City 17-13
Action must be taken by: May 5, 2013

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

Public Opinion: Written Arguments Opposed Filed

Roger W. Randolph, City Clerk, announced the next items to be considered separately were Items 5b2 and 5b3, Dollar General Store #13199 and Dollar General Store #12582, located in Ward 5, at the request of Council Member Fimbres.

Ms. Clare Abel spoke on the behalf of the applicant, Dollar General Stores. She asked Mayor and Council for recommendation of approval for the liquor license.

Brett Dumont spoke in opposition of the liquor license request.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2 and 5b3 to the Arizona State Liquor Board with a recommendation for denial, on the grounds of saturation of licenses, and that the Dollar General Store did not notify nearby neighborhoods and businesses of its original intent when it initially applied for its business license and permits.

A complete verbatim transcription of this item is available from the City Clerk's Office.

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 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:

Roy Warden	Robert Black	Norma Sandoval
Jim Hannon	Fawn Vega	Art Buske
Terry Higuera	Robert Clark	Keith Van Heyningen
Chris Deile	Shawn Earl	

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 APR16-13-127 CITY WIDE
 - 2. Mayor and Council Regular Meeting Minutes of September 5, 2012
 - 3. Mayor and Council Study Session Legal Action Report and Summary Minutes of September 5, 2012

- b. TUCSON CODE: AMENDING (CHAPTER 20) RELATING TO ONE-WAY STREETS AND ALLEYS
 - 1. Report from City Manager APR16-13-131 CITY WIDE
(Staff has requested this item be continued)

- c. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH SOLAR STAR ARIZONA IV, LLC FOR EXPANSION OF PHOTOVOLTAIC INSTALLATION AT TUCSON WATER'S CENTRAL AVRA VALLEY STORAGE AND RECOVERY PROJECT

1. Report from City Manager APR16-13-128 OUTSIDE CITY
2. Ordinance No. 11066 relating to Real Property; authorizing and approving the Lease Agreement between the City of Tucson and Solar Star Arizona IV, LLC, an affiliate of SunPower Corporation, for expansion of a Utility-Scale Solar Project on City land in Avra Valley, Arizona; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, that Consent Agenda Items a – c, with the exception of Item b, which was continued, be passed and adopted and the proper action taken.

8. PUBLIC HEARING: AUTO MALL SOUTH ANNEXATION DISTRICT

Mayor Rothschild announced City Manager's communication number 124, dated April 16, 2013, was received into and made part of the record. He announced this was the time and place legally advertised for a public hearing on the proposed Auto Mall South Annexation District. He said this public hearing was scheduled to last for no more than one hour. He stated speakers are limited to 5 minute presentations.

Phoebe Robinson spoke in opposition of the Auto Mall South Annexation District.

Mayor Rothschild requested follow-up with Ms. Robinson on her concerns.

Mayor Rothschild asked if there was anyone else who wished to speak on this matter. There was no one.

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 Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to proceed with the Auto Mall South Annexation District.

9. ANNEXATION: MOUNTAIN VAIL ANNEXATION DISTRICT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 125, dated April 16, 2013, was received into and made part of the record. He asked the City Clerk to read Ordinance 11065 by number and title only.

Ordinance No. 11065 relating to Annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona, pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing thereto the Mountain Vail Annexation District property in the vicinity of Houghton Road and Mary Ann Cleveland Way, more particularly described in the body of this ordinance; and establishing original City zoning classifications for the annexation area.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 11065.

Mayor Rothschild asked if there was any discussion.

Council Member Kozachik noted when it came to cost to serve, each of the City's core services for Police, Fire, Transportation, and Parks and Recreation all had a zero cost through 2022. He stated that was not correct and since the annexation was important, the cost to serve should be accurate when voting.

Council Member Romero stated that she agreed with Council Member Kozachik and she thought they needed a serious study. She stated that she thought there was a 1985 or 1995 Ordinance that specifically talked about cost of annexation. She said they needed to know the cost to serve when adding additional residential units.

Mayor Rothschild asked if this land would stand vacant for the next nine years.

Chris Kaselemis, Economic Development Director, stated the land would be developed for sixty residential homes and most small annexations like this one did not require additional staffing. He said they were working on additional analyses to include in the annexation material which would give a cost to serve calculation and determine whether additional staffing was necessary.

Council Member Scott noted this was within the Rita Ranch area and there was service fully available. She reiterated it was not an undue burden in case someone was under the false impression there was no one out there. She said it was a very populated area and they were bringing forward a very small portion of the land that wanted to come in to the City.

Ordinance 11065 was passed and adopted by a roll call vote of 7 to 0.

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

Mayor Rothschild announced City Manager's communication number 126, dated April 16, 2013, was received into and made part of the record. He asked the City Clerk to read Resolution 22028 by number and title only.

Resolution No. 22028 relating to Water; approving the publication of a Notice of Intention to increase certain water rates and fees and scheduling a public hearing; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote 7 to 0, to pass and adopt Resolution 22028 and direct staff to file the proposed fee schedule with the City Clerk's Office, and set May 21, 2013 for the Public Hearing regarding the proposed fees.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 130, dated April 16, 2013, was received into and made part of the record. He asked if there were any personal appointments.

Council Member Fimbres announced his personal appointment of Rob Blizzard to the Commission on Disability Issues (CODI).

Council Member Cunningham requested staff follow up on his appointment of Frank Salbego to the Tucson Greens Committee (TGC).

12. ADJOURNMENT: 6:59 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 23, 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 16th day of April, 2013, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:agj:lo