



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on November 13, 2013.

Date of Meeting: June 4, 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 5:36 p.m., on Tuesday, June 4, 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:

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	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

Regina Romero	Vice Mayor, Council Member Ward 1
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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 Chaplain Richard Lopez, Fellowship of Christian Athletes, 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 216, dated June 4, 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 Council Members Cunningham, 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 217, dated June 4, 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 219, dated June 4, 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. Sam-Witches and Such, Ward 2
6502 E. Tanque Verde Rd.
Applicant: Tiffany Marie Paris
Series 12, City 25-13
Action must be taken by: June 14, 2013

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)

NOTE: There are no application(s) for special events scheduled for this meeting.

d. Agent Change/Acquisition of Control

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

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0, (Vice Mayor Romero absent/excused), to forward liquor license application 5b1 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 VanHeynigen
Kenneth Miller
Paula Huff
Robert Clark

Steve Juhan
James Merkle
Brad Richards

Billy Lolos
Paul Parisi
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 F

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 JUN04-13-220 CITY WIDE
 - 2. Mayor and Council Special Meeting Minutes of November 7, 2012
 - 3. Mayor and Council Study Session Legal Action Report and Summary Minutes of November 7, 2012
 - 4. Mayor and Council Special Meeting Minutes of November 12, 2012

- b. REAL PROPERTY: APPROVING THE POST CLOSING AGREEMENT WITH FIRST AMERICAN TITLE INSURANCE COMPANY TO SECURE ONSITE IMPROVEMENTS FOR THE SILVERBELL CROSSINGS DEVELOPMENT
 - 1. Report from City Manager JUN04-13-228 WARD 3
 - 2. Resolution No. 22061 relating to Real Property; approving and authorizing execution of the Post Closing Agreement between First American Title Insurance Company and the City of Tucson for vacant land fronting Silverbell Road known as Silverbell Crossings; and declaring an emergency.

- c. GRANT APPLICATION: TO THE GILA RIVER INDIAN COMMUNITY IN SUPPORT OF SOUTHERN ARIZONA ASSOCIATION FOR THE VISUALLY IMPAIRED
 - 1. Report from City Manager JUN04-13-223 CITY WIDE
 - 2. Resolution No. 22063 relating to Finance; authorizing and approving a Grant Application to the Gila River Indian Community in support of the Southern Arizona Association for the Visually Impaired and disbursement of gaming monies; and declaring an emergency.

- d. GRANT APPLICATION: TO THE GILA RIVER INDIAN COMMUNITY IN SUPPORT OF THE GLOBAL COMMUNITY COMMUNICATIONS ALLIANCE
 - 1. Report from City Manager JUN04-13-224 CITY WIDE
 - 2. Resolution No. 22062 relating to Finance; authorizing and approving a Grant Application to the Gila River Indian Community in support of the Global Community Communications Alliance and disbursement of gaming monies; and declaring an emergency.

e. ASSURANCE AGREEMENT AND FINAL PLAT: (S09-015) SILVERBELL CROSSINGS, RCP, LOTS 1 TO 143 AND COMMON AREAS "A" THRU "E" (CONTINUED FROM THE MEETING OF NOVEMBER 20, 2012)

1. Report from City Manager JUN04-13-222 WARD 3
2. Resolution No. 21968 relating to Planning; authorizing the Mayor to execute an Assurance Agreement securing the resubdivision of vacant property for 143 lots on 31.69 acres; approving a final plat in Case No. S09-015; 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 actual application.

Michael Rankin, City Attorney, stated he had a correction to read into the record as mentioned during the Study Session. He said language was to be inserted on page two of the Assurance Agreement, under Section 6, to amend the first sentence to read as follows: "Subdivider shall complete construction of the improvements not more than two years after the date of this agreement or as otherwise agreed to between the parties by separate written agreement."

f. SURPLUS PROPERTY: DONATION OF A 2006 VICTORY MOTORCYCLE TO THE TOWN OF PATAGONIA MARSHAL'S OFFICE

1. Report from City Manager JUN04-13-218 CITY WIDE
2. Resolution No. 22059 relating to Procurement: approving and authorizing the donation of one Model Year 2006 Victory Motorcycle to the Town of Patagonia Marshal's Office; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Romero absent/excused), that Consent Agenda Items a – f, with the correction to Item e, be passed and adopted and the proper action taken.

8. ZONING: (C9-03-12) DIBRO DEVELOPMENT – THORNYDALE ROAD, O-3, MU AND I-2 TO C-1 AND C-2, ORDINANCE ADOPTION (WARD 3)

Mayor Rothschild announced City Manager's communication number 226, dated June 4, 2013, was received into and made part of the record. He asked the City Clerk to read Ordinance 11083 by number and title only.

Ordinance No. 11083 relating to Zoning: amending zoning district boundaries in the area located on the northeast side of River Road (formerly Thornydale Road) – as it bends north to intersect Orange Grove Road, approximately 800 feet south of Orange Grove Road in Case C9-03-12 Dibro Development – Thornydale Road, O-3, MU and I-2 to C-1 and C-2 Zoning; and setting an effective date.

Council Member Uhlich stated that the majority of the public feedback received had been in favor of the proposal. She also said she had received a letter from George Larson which praised the responsiveness to the case.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll vote of 6 to 0 (Vice Mayor Romero absent/excused), to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11083.

9. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH JYW DEVELOPMENT, LLC, THE OWNERS OF THE HIGHWAY DRIVE PARCELS (OUTSIDE CITY)

Mayor Rothschild announced City Manager's communication number 221, dated June 4, 2013, was received into and made part of the record. He asked the City Clerk to read Resolution 22060 by number and title only.

Resolution No. 22060 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of the Pre Annexation and Development Agreement between the City of Tucson and JYW Development, LLC, owners of the Highway Drive Parcels.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll vote of 6 to 0 (Vice Mayor Romero absent/excused), to approve the request as recommended by the Zoning Examiner and pass and adopt Resolution 22060.

10. MUNICIPAL INCORPORATION: RESOLUTION OF CONSENT TO THE INCORPORATION OF THE TOWN OF VAIL (OUTSIDE CITY)

Mayor Rothschild announced City Manager's communication number 227, dated June 4, 2013, was received into and made part of the record. He asked City Clerk to read Resolution 22064 by number and title only.

Resolution No. 22064 relating to Municipal Incorporation; pursuant to Arizona Revised Statutes, § 9-101.01(C)(1), consenting with conditions to an attempt by the "Citizens for Vail" Incorporation Committee to municipally incorporate; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll vote of 6 to 0 (Vice Mayor Romero absent/excused), to approve the request as recommended by the Zoning Examiner and pass and adopt Resolution 22064.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 225, dated June 4, 2013, was received into and made part of the record. He asked if there were any personal appointments to be made.

Council Member Scott announced her personal appointment of Sherry Hoskinson to the Economic and Workforce Development Selection Committee (EWDSC).

Council Member Fimbres announced his personal appointment of Dennis Arnold to the Bond Project Advisory Committee (BPAC).

Council Member Kozachik announced his personal appointment of Neil Markowitz to the Environmental Services Advisory Committee (ESAC).

11. ADJOURNMENT: 6:23 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on June 11, 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 4th day of June 2013, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:aa:yl