



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on December 2, 2013.

Date of Meeting: June 18, 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 5:41 p.m., on Tuesday, June 18, 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 Reverend Nathan Gladish, Sunrise Chapel, 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 241, dated June 18, 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, Uhlich, and Fimbres, and Mayor Rothschild. 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 242, dated June 18, 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 260, dated June 18, 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. Sentinel Peak Brewing Company, Ward 6
4746 E. Grant Rd.
Applicant: Jeremy David Hilderbrand
Series 3, City 27-13
Action must be taken by: June 14, 2013

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

2. Buffalo Wild Wings Grill & Bar, Ward 2
68 N. Harrison Rd.
Applicant: Chris Nicholas Miller
Series 12, City 33-13
Action must be taken by: June 29, 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)

3. New Moon Lounge, Ward 3
915 W. Prince Rd.
Applicant: Kevin Arnold Kramber
Series 6, City 31-13
Action must be taken by: June 28, 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)

Person/Location Transfer(s)

4. Hudson-Restaurant Bar, Ward 6
201 N. 4th Ave.
Applicant: Thomas Robert Aguilera
Series 6, City 32-13
Action must be taken by: June 28, 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 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. Arizona Lodging & Tourism Association, Ward 1
3800 W. Starr Pass Blvd.
Applicant: Debbie Sweeney Johnson
City T72-13
Date of Event: July 10, 2013 – July 11, 2013
(Fundraiser)

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

2. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Meagan E. Crain
City T73-13
Date of Event: July 19, 2013
(Art Exhibition Opening)

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

3. 2nd Saturdays, Ward 6
110 E. Pennington St.
Applicant: Fletcher J. McCusker
City T75-13
Date of Event: July 13, 2013
(Music Festival)

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

d. Agent Change/Acquisition of Control

1. Romano's Macaroni Grill, Ward 6
5100 E. Broadway Blvd.
Applicant: Clare Abel
Series 12, City AC5-13
Action must be taken by: July 4, 2013

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 Kozachik, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Romero absent/excused), to forward liquor license applications Items 5b1 through 5b3, 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)

New License(s)

4. Hudson-Restaurant Bar, Ward 6
201 N. 4th Ave.
Applicant: Thomas Robert Aguilera
Series 6, City 32-13
Action must be taken by: June 28, 2013

Roger W. Randolph, City Clerk, announced that the item to be considered separately was Item 5b4, Hudson-Restaurant Bar located in Ward 6, at the request of Council Member Kozachik.

Council Member Kozachik stated there were concerns raised by area residents and merchants when this was originally proposed to be an American Junkie. He noted that this proposal was an entirely different model. Mr. Kozachik displayed the interior of the Hudson-Restaurant Bar and requested Mr. Anderson to explain the model and proposal in further detail.

Jason Anderson, Hudson-Bar Restaurant, reiterated the strong opposition to the American Junkie concept and explained how he undertook the lease and design build. He stated their proposal included a 5,000 square foot interior remodel, a light addition to the indoor/outdoor patio, and the addition of a high quality food and beverage program. Furthermore, he discussed why they applied for a Series 6.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Romero absent/excused), to forward liquor license applications 5b4 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:

Bailey Hollingsworth

Mary DeCamp

Keith Van Heyningen

Ken Johnson
Bianca Lucrecia

Gayle Brickert-Albrecht

Cecilia Cruz Baldenegro

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 J

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 JUN18-13-250 CITY WIDE
2. Mayor and Council Special Meeting Minutes of November 29, 2012
3. Mayor and Council Regular Meeting Minutes of December 4, 2012
4. Mayor and Council Study Session Legal Action Report and Summary Minutes of December 4, 2012

b. PARKS AND RECREATION: APPROVING THE REID PARK ZOO MASTER PLAN UPDATE

1. Report from City Manager JUN18-13-248 WARD 6
2. Resolution No. 22069 relating to Parks and Recreation; approval of the Reid Park Zoo Master Plan Update; and declaring an emergency.

c. ZONING: (S08-085) EXTENDING PROTECTED DEVELOPMENT RIGHTS FOR THE TENTATIVE AND FINAL PLATS FOR KIPPES TOWNHOMES WHICH WERE PREVIOUSLY APPROVED AS PROTECTED DEVELOPMENT RIGHT PLANS

1. Report from City Manager JUN18-13-243 WARD 2
2. Resolution No. 22068 relating to Zoning: extending the duration of protected development rights for the tentative and final plats for Kippes Townhomes (S08-085) which were previously approved as protected development right plans; and declaring an emergency.

d. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT AGE FOR PETER A. TRUSKO

1. Report from City Manager JUN18-13-245 CITY WIDE

- e. MAYOR AND COUNCIL: AMENDING THE 2013 MAYOR AND COUNCIL MEETING SCHEDULE
 - 1. Report from City Manager JUN18-13-247 CITY WIDE
 - 2. Ordinance No. 11084 relating to Administration; amending the schedule of Mayor and council regular meeting dates for 2013, as originally approved on October 16, 2012 through Ordinance No. 11029 (and its incorporated Exhibit A), by cancelling the regular meetings that had been scheduled for June 25, September 17, October 15, November 19, and December 10; and declaring an emergency.

- f. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR SEWER BILLING SERVICES
 - 1. Report from City Manager JUN18-13-253 CITY WIDE
 - 2. Resolution No. 22072 relating to Water; authorizing and approving a First Amendment to the Intergovernmental Agreement (IGA) between Pima County and the City of Tucson for Sewer Billing Services; and declaring an emergency.

- g. GRANT APPLICATION: TO THE GILA RIVER INDIAN COMMUNITY IN SUPPORT OF THE UNIVERSITY OF ARIZONA PRESIDENT'S OFFICE AND COLLEGE OF EDUCATION
 - 1. Report from City Manager JUN18-13-257 CITY WIDE
 - 2. Resolution No. 22073 relating to Finance; authorizing and approving a Grant Application to the Gila River Indian Community in support of the University of Arizona President's Office and College of Education and disbursement of gaming monies; and declaring an emergency.

- h. GRANT APPLICATION: TO THE GILA RIVER INDIAN COMMUNITY IN SUPPORT OF THE NATIVE AMERICAN ADVANCEMENT FOUNDATION
 - 1. Report from City Manager JUN18-13-256 CITY WIDE
 - 2. Resolution No. 22074 relating to Finance; authorizing and approving a Grant Application to the Gila River Indian Community in support of the Native American Advancement Foundation and disbursement of gaming monies; and declaring an emergency.

- i. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR MAINTAINING A SUB-RECIPIENT AGREEMENT FOR IMPLEMENTATION OF THE FEDERALLY FUNDED HOME PROGRAM
 - 1. Report from the City Manager JUN18-13-252 CITY WIDE
 - 2. Resolution No. 22071 relating to Intergovernmental Agreements; approving the Intergovernmental Agreement between Pima County and the City of Tucson maintaining a sub-recipient agreement relating to the implementation of the HOME Program; and declaring an emergency.

- j. RESOLUTION: SUPPORTING A COMMUNITY-WIDE CONFERENCE ON THE HEALTH IMPACTS OF A CHANGING CLIMATE IN THE SOUTHWEST
 - 1. Report from City Manager JUN18-13-261 CITY WIDE
 - 2. Resolution No. 22076 relating to Public Health and Safety; support of a community-wide conference on the health impacts of changing climate in the Southwest; and declaring an emergency.

- k. CITY VEHICLES: ANNUAL APPROVAL OF EXEMPTION OF CERTAIN CITY VEHICLES FROM BEARING IDENTIFYING MARKINGS
 - 1. Report from City Manager JUN18-13-263 CITY WIDE
 - 2. Resolution No. 22077 relating to City Vehicles; pursuant to A.R.S. Section 38-538.03(B), exempting certain City motor vehicles from the requirement that they bear markings identifying them as City vehicles; making this exemption effective from July 1, 2013 through and including June 30, 2014; and declaring an emergency.

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

13. TUCSON CODE: AMENDING (CHAPTER 17) RELATING TO DOMESTIC PARTNERSHIPS AND CIVIL UNIONS

(NOTE: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 262, dated June 18, 2013, was received into and made part of the record. He asked the City Clerk to read Ordinance 11088 by number and title only.

Ordinance No. 11088 relating to Human Relations; amending the Tucson Code Chapter 17, Human Relations, Article IX, Registered domestic partnerships, to enhance the City's support for domestic partnerships and civil unions.

Council Member Uhlich thanked members of the Tucson Commission on Gay, Lesbian, Bisexual, and Transgender Issues (GLBT) as well as other community members present for this matter. She also thanked Mayor and Council for unanimously supporting this measure at the Study Session. She expressed how the amendment reinforced the City's legacy of nondiscrimination and acceptance of diversity.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Ordinance No. 11088.

Council Member Fimbres inquired about the status of couples already part of the City of Tucson Domestic Partnership Registry.

Michael Rankin, City Attorney, stated they were already recognized and would continue to be so under the prior version of the Ordinance. Anyone who wished to renew the certification and obtain registration as a Civil Union would have that opportunity once the Ordinance went into effect in 30 days.

Mr. Fimbres requested to know which City Department would assume the Civil Union Registry.

Mr. Rankin noted that one of the reasons the Ordinance was being adopted without the emergency clause was to allocate time for administrative changes. He concluded a change from the current arrangement was not anticipated.

Mr. Fimbres asked if the Tucson Civil Union Registry would be open to committed same sex and opposite sex couples.

Mr. Rankin answered affirmatively.

Ordinance 11088 passed by a roll call vote of 6 to 0 (Vice Mayor Romero absent/excused).

8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 15) RELATING TO CHANGES IN RESIDENTIAL AND COMMERCIAL COLLECTION AND DISPOSAL FEES AND SERVICES

Mayor Rothschild announced City Manager's communication number 246, dated June 18, 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 changes in Environmental Services fees and services. He stated the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations. He asked if there was anyone who wished to speak on the matter.

There was no one.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Romero absent/excused), to close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance 11087 by number and title only.

Ordinance No. 11087 relating to Environmental Services; amending Chapter 15 of the Tucson City Code; amending existing fees and services and violation penalties in regard to residential and commercial refuse collection, and disposal services by amending Tucson Code Article IV, Section 15-16.8, Article V, Sections 15-32.5, 15-33.2, 15-34.7, and 15-34.8; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 11087.

Council Member Cunningham commented on the possibility of digital scanners in the next five to ten years in regards to recycling. He expressed his hope that they seriously consider moving the idea forward in order to encourage citizens to reduce their waste.

Council Member Uhlich asked if it were possible for the Environmental Services Department to reach out to the Arizona Multihousing Association and the Tucson Manufactured Housing Group due to requests from multifamily complex residents who desire recycling availability.

Andrew Quigley, Environmental Services Department Director, responded affirmatively. Also, he stated the approval of the Ordinance would enable the Department to offer services to community members they currently did not provide refuse service to and further market recycling.

Ordinance 11087 passed by a roll call vote of 6 to 0 (Vice Mayor Romero absent/excused).

9. PUBLIC HEARING: PROPOSED OPTIONS FOR THE ALTERNATIVE EXPENDITURE LIMITATION (HOME RULE) AND PERMANENT BASE ADJUSTMENT

Mayor Rothschild announced City Manager's communication number 258, dated June 18, 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 option for either an alternative spending limit: "Home Rule," or a Permanent Base Adjustment. A second public hearing on this item would be held on July 9, 2013. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations. He asked if there was anyone who wished to speak on the issue.

There was no one.

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 close the public hearing.

10. PUBLIC HEARING: INTERGOVERNMENTAL AGREEMENT AMENDMENT WITH PIMA COUNTY FOR THE RILLITO REGIONAL PARK

Mayor Rothschild announced City Manager's communication number 259, dated June 18, 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 an amendment to the 2004 Pima County Bond Implementation Ordinance and Intergovernmental Agreement with Pima County to change the scope of the project for the Rillito Regional Park. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations. He asked if there was anyone who wished to speak on the issue.

There was no one.

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 close the public hearing.

Mayor Rothschild asked the City Clerk to read Resolution 22075 by number and title only.

Resolution No. 22075 relating to Intergovernmental Agreements; approving Amendment No. One to the Intergovernmental Agreement between Pima County and the City of Tucson for the 2004 Pima County General Obligation Bond changing the scope of the project of the Northside Recreation Center relating to Rillito Regional Park (the "Amended Project"); and declaring an emergency.

Council Member Uhlich recapped the history and dynamics of the item.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Resolution 22075.

Council Member Fimbres asked if the projected cost savings for the City of Tucson, contingent upon approval of the proposal, was between \$815,000 to \$1 million in operation and maintenance.

Kelly Gottschalk, Assistant City Manager/Chief Financial Officer, clarified that it was projected cost avoidance, but confirmed the estimates.

Mr. Fimbres inquired as to who would pay for the project. He also requested an explanation regarding how the change in this project could be done after the vote conducted for the initial bonds.

Ms. Gottschalk stated the bond proceeds would be reallocated back to the County, and the County would be responsible for constructing the project and paying for operation and maintenance in the future. Thus, the City would not be liable. She also stated that the ballot question included athletic fields as an allowable source. The County also recognized that over time, needs and situations changed. Furthermore, the County adopted a truth in bonding policy as part of the bond issue, which laid out the process for changing a project. This public hearing was a step in the process.

Council Member Cunningham asked if by voting for this Resolution any of the funds would be put into the racetrack.

Ms. Gottschalk stated that currently the plan was not to allocate any money to the racetrack.

Annette Slusser, Assistant County Administrator, said the vote would allow the original funds for the Community Center to go to a soccer field and associated improvements. This had no impact on the racetrack's operation.

Mr. Cunningham inquired about the improvement process. He also asked if the race track elimination was contingent upon building a new facility on the fairground.

Ms. Slusser briefly described the phased approach. She said that was the original plan, but it had not been finalized by the Bond Advisory Committee (BAC).

Mr. Cunningham expressed the Pima County Horsemen's Association's concerns with the vote and requested confirmation that it would not affect corporate horse racing in Pima County.

Ms. Slusser answered affirmatively.

Council Member Kozachik questioned whether the conversations would continue with respect to the use of the fairgrounds as an alternate site.

Ms. Slusser said that was the original discussion; however, the Pima County Fairgrounds Association would not allow the racetrack to be built there. She stated they needed a new location.

Resolution 22075 passed by a roll call vote of 6 to 0 (Vice Mayor Romero absent/excused).

11. CITY MAGISTRATES: APPOINTMENT OF CITY MAGISTRATES AND FIXING COMPENSATION

Mayor Rothschild announced City Manager's communication number 244, dated June 18, 2013, was received into and made part of the record. He asked the City Clerk to read Ordinance 11086 by number and title only.

Ordinance No. 11086 relating to City Magistrates; appointing Wendy Million as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Romero absent/excused), to pass and adopt Ordinance 11086.

Mayor Rothschild asked the City Clerk to read Ordinance 11085 by number and title only.

Ordinance No. 11085 relating to City Magistrates; appointing Geraldine Hale as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Romero absent/excused), to pass and adopt Ordinance 11085.

12. ECONOMIC DEVELOPMENT: NOTICE OF INTENT TO ENTER INTO A RETAIL DEVELOPMENT TAX INCENTIVE AGREEMENT WITH TUCSON URBAN, LLC, FOR THE FIFTH AND CONGRESS RIALTO BLOCK (CONTINUED FROM THE MEETING OF MAY 7, 2013)

Mayor Rothschild announced City Manager's communication number 249, dated June 18, 2013, was received into and made part of the record. He asked the City Clerk to read Resolution 22070 by number and title only.

Resolution No. 22070 relating to Economic Development; adopting the results of Economic Impact Study for Fifth and Congress Rialto Block and issuing Notice of Intent to enter into a retail development agreement with Tucson Urban, LLC.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Romero absent/excused), to pass and adopt Resolution 22070.

13. TUCSON CODE: AMENDING (CHAPTER 17) RELATING TO DOMESTIC PARTNERSHIPS AND CIVIL UNIONS

(This item was taken out of order and considered after Item #7.)

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 251, dated June 18, 2013, was received into and made part of the record. He asked for a motion to approve the appointment in the report.

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 approve the appointment of Gary A. Luce to the Environmental Services Advisory Committee (ESAC).

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

Council Member Cunningham announced his personal appointment of Earl Causbie to the Bond Project Advisory Committee (BPAC).

15. ADJOURNMENT: 6:38 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, July 9, 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 18th day of June 2013, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:lo:am