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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on February 4, 2014.

Date of Meeting: October 8, 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 5:32 p.m., on Tuesday, October 8, 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	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

Shirley C. Scott	Vice Mayor, Council Member Ward 4
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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 Vicky Valenzuela, City Clerk’s Office, after which the Pledge of Allegiance was presented by the entire assembly.  
Presentations:

- a. Mayor Rothschild proclaimed October 2013 to be “Hispanic Heritage Month.”

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Rothschild announced City Manager’s communication number 385, dated October 8, 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 Romero, 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 386, dated October 8, 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 391, dated October 8, 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. Chipotle Mexican Grill, Ward 2  
9484 E. 22nd St.  
Applicant: H. J. Lewkowitz  
Series 12, City 34-13  
Action must be taken by: July 8, 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

2. Jacks Original BBQ, Ward 4  
5250 E. 22nd St.  
Applicant: Sylvia Julia Williams  
Series 7, City 48-13  
Action must be taken by: September 5, 2013

Public Opinion: Written Argument In Favor Filed

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

This item was continued at the request of the applicant.

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)

3. Maker House, Ward 1  
283 N. Stone Ave.  
Applicant: Anthony Marcus Ford  
Series 7, City 60-13  
Action must be taken by: October 19, 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)

Location Transfer(s)

4. Wal-Mart Supercenter #5858, Ward 4  
9260 S. Houghton Rd.  
Applicant: Clare Hollie Abel  
Series 9, City 61-13  
Action must be taken by: October 21, 2013

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

NOTE: State law provides that for a location transfer, Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203; Rule R19-1-102)

c. Special Event(s)

1. Youth On Their Own, Ward 3  
2959 N. Swan Rd.  
Applicant: Teresa Liverzani Baker  
City T111-13  
Date of Event: October 20, 2013  
(Fundraiser)

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

2. Tucson Hebrew Academy, Ward 3  
3800 E. River Rd.  
Applicant: Julee Marie Dawson  
City T112-13  
Date of Event: October 27, 2013  
(Fundraiser)

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

3. Vietnam Veterans of America Inc., Ward 3  
4502 N. 1st Ave.  
Applicant: Steven John Kreamer  
City T117-13  
Date of Event: October 19, 2013  
(Fundraiser)

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

4. Tucson Community School, Ward 3  
2109 E. Hedrick Dr.  
Applicant: Mary Susan Houser  
City T118-13  
Date of Event: October 26, 2013  
(Fundraiser)

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

5. The University of Arizona Alumni Association, Ward 6  
1303 E. University Blvd.  
Applicant: Melinda Waters Burke  
City T119-13  
Date of Event: November 9, 2013  
(The University of Arizona Homecoming 2013)

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

6. Tucson Screammers, Ward 3  
1102 W. Grant Rd.  
Applicant: Bobby G. Sutton Jr.  
City T125-13  
Date of Event: October 10, 2013 - October 13, 2013  
(Haunted House Fundraiser)

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

7. Tucson Screammers, Ward 3  
1102 W. Grant Rd.  
Applicant: Bobby G. Sutton Jr.  
City T126-13  
Date of Event: October 25, 2013  
(Haunted House Fundraiser)

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

8. University of Arizona Lundgren Center, Ward 1  
140 N. Main Ave.  
Applicant: Martha Van Gelder  
City T133-13  
Date of Event: October 18, 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 Council Member Fimbres, duly seconded and carried by a voice vote of 6 to 0 (Vice Mayor Scott absent/excused) to forward liquor license applications 5b1, 5b3, 5b4 and 5c1 – 5c8 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 Van Heyningen

Robert Clark

Robert Reus

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 OCT08-13-389 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of February 26, 2013
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of February 26, 2013
4. Mayor and Council Regular Meeting Minutes of March 5, 2013
5. Mayor and Council Study Session Legal Action Report and Summary Minutes of March 5, 2013
6. Mayor and Council Regular Meeting Minutes of March 19, 2013
7. Mayor and Council Legal Action Report and Summary Minutes of March 19, 2013

- b. GRANTS: GRANT-IN-AID AGREEMENT WITH THE TOHONO O'ODHAM NATION FOR DISTRIBUTION OF FUNDING TO VARIOUS ENTITIES
  - 1. Report from City Manager OCT08-13-387 CITY WIDE AND OUTSIDE CITY
  - 2. Resolution No. 22142 relating to Finance; approving Grant-in-Aid funding from the Tohono O'odham Nation ("Nation") for 2013 for certain entities; authorizing the Director of the Department of Finance to enter into Fiscal Agent Agreements among the City of Tucson ("City"), the Nation and such entities; and declaring an emergency.
  
- c. INTERGOVERNMENTAL AGREEMENT: WITH THE FORT MCDOWELL YAVAPAI NATION FOR DISTRIBUTION OF ITS ANNUAL GAMING COMPACT CONTRIBUTION
  - 1. Report from City Manager OCT08-13-388 CITY WIDE AND OUTSIDE CITY
  - 2. Resolution No. 22143 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the Fort McDowell Yavapai Nation ("Nation") and the City of Tucson ("City") for distribution of a portion of 12% of the Nation's annual gaming compact contribution pursuant to A.R.S. § 5-601.02(H) ("Compact"); and declaring an emergency.
  
- d. FINANCE: APPROVAL OF FISCAL YEAR 2013 INVOLUNTARY TORT JUDGMENTS
  - 1. Report from City Manager OCT08-13-396 CITY WIDE
  - 2. Resolution No. 22146 relating to Fiscal Year ("FY") 2015 primary property tax levy; retroactively approving involuntary court ordered judgments from Litigation Awards from FY 2013; and declaring an emergency.
  
- e. FINAL PLAT: (S13-019) ALVORD COURT HOUSING, LOT 1
  - 1. Report from City Manager OCT08-13-393 WARD 5
  - 2. Staff recommends that the Mayor and Council approve 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.

- f. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY LOCATED AT 14TH STREET AND CAMPBELL AVENUE
  - 1. Report from City Manager OCT08-13-399 WARD 5
  - 2. Ordinance No. 11117 relating to Real Property; authorizing the sale of surplus City property located at 14th Street and Campbell Avenue (RP 1828) to SAM Development (Steven Mar); and declaring an emergency.
  
- g. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY LOCATED AT 18TH STREET AND CAMPBELL AVENUE
  - 1. Report from City Manager OCT08-13-398 WARD 5
  - 2. Ordinance No. 11116 relating to Real Property; authorizing the sale of surplus City property located at 18th Street and Campbell Avenue (RP140) to Raymond W. and Pamela M. Kothe; and declaring an emergency.
  
- h. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY LOCATED AT 1237 EAST GRANT ROAD
  - 1. Report from City Manager OCT08-13-397 WARD 3
  - 2. Ordinance No. 11115 relating to Real Property; declaring the City-owned property located at 1237 East Grant Road to be surplus; authorizing and approving the sale thereof to Ziangfeng Zhang; and declaring an emergency.
  
- i. ELECTIONS: DESIGNATING VOTING LOCATIONS AND APPOINTING ELECTION BOARDS FOR THE CITY ELECTION TO BE HELD NOVEMBER 5, 2013
  - 1. Report from City Manager OCT08-13-394 CITY WIDE
  - 2. Resolution No. 22144 relating to Elections; designating the voting locations for the City of Tucson's November 5, 2013 General and Special Elections; and declaring an emergency.
  - 3. Resolution No. 22145 relating to Elections; appointing officials who will serve as members of Election Boards required for the City of Tucson's November 5, 2013 General and Special Elections; and declaring an emergency.

j. MAYOR AND COUNCIL: MEETING SCHEDULE FOR 2014

1. Report from City Manager OCT08-13-395 CITY WIDE
2. Ordinance No. 11114 relating to Administration; establishing the Mayor and Council 2014 meeting schedule; and declaring an emergency.

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

**8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 16) RELATING TO SHOPPING CART IMPOUNDMENT**

Mayor Rothschild announced City Manager's communication number 400, dated October 8, 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 a proposed ordinance to require cart retrieval services for abandoned shopping carts. 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 anyone wished to speak on the matter.

Robert Reus stated abandoned shopping carts were a problem in his neighborhood due to its vicinity to Fry's. Mr. Reus said he informed the supermarket of the matter, but no progress was made. He requested Mayor and Council to take action on the issue.

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

Mayor Rothschild asked the City Clerk to read Ordinance 11118 by number and title only.

Ordinance No. 11118 relating to Neighborhood Preservation; amending Chapter 16 of the Tucson City Code to add Article IV, Section 16-39 – Shopping Cart Impoundment; and declaring an emergency.

Council Member Romero requested review of the Resolution in a year to ensure its success and continued funding through Environmental Services. In addition, she noted the proposed Resolution targets the issue of carts once they are off of the retail premises.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 11118.

Michael Rankin, City Attorney, recommended the addition of an effective date on or after November 11, 2013.

Ms. Romero accepted the addition, but reiterated her request for a clause of review in a year.

Mr. Rankin stated the clause could be added as additional direction to the Ordinance rather than imbedded in the Ordinance itself.

Council Member Uhlich asked for a review of the process regarding the parties involved with the stake holder group and requested staff to recount whether this was a consensus recommendation.

Andrea Ibanez, Housing and Community Development Director, listed the parties who met to discuss the Ordinance. She noted it was an extensive group and that they came to a consensus quite easily.

Council Member Fimbres inquired who would receive fines for fees assessed.

Mr. Rankin stated the fees would be for cost recovery, so they would come back to the general fund.

Mr. Fimbres asked if there were cart retrieval companies in Tucson they could employ as opposed to a company from Phoenix.

Ms. Ibanez stated there was one company, Triton, who works with Bashas', AJ's, and Food City; however if they were to go out to bid on this, they could employ other individuals or companies interested in performing the same task.

Ordinance 11118, including the added effective date, passed by a roll call vote of 6 to 0 (Vice Mayor Scott absent/excused).

**9. ZONING: (C9-12-09) ENVIRONMENTAL CONTROL - GRAYBILL DRIVE, R-2 TO C-2, ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager's communication number 392, dated October 8, 2013, was received into and made part of the record.

Mayor Rothschild asked the City Clerk to read Ordinance 11113 by number and title only.

Ordinance No. 11113 relating to Zoning: amending zoning district boundaries in the area located on the south side of Graybill Drive, approximately 140 feet east of First Avenue in case C9-12-09 Environmental Control - Graybill Drive, R-2 to C-2; and setting an effective date.

Council Member Uhlich asked if a representative from Environmental Controls was present and agreeable to the proposed requirements.

Jack Newbeck, The Planning Center, stated they were agreeable to the conditions.

Ms. Uhlich addressed the one protest and said it was resolved.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll vote of 6 to 0 (Vice Mayor Scott absent/excused) to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11113.

**10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Rothschild announced City Manager's communication number 390, dated October 8, 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 Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Scott absent/excused) to approve the appointments of Mike Anglin to the Design Review Board (DRB) as an Alternate Registered Architect, Samantha Bivens to the Veterans' Affairs Committee (VAC) as the American Red Cross Southern Arizona Chapter representative, Katie Gannon to the Landscape Advisory Committee (LAC), and Christopher Brooks to the Citizen's Water Advisory Committee (CWAC).

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

There were none.

**11. ADJOURNMENT: 6:05 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, October 22, 2013, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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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 8th day of October 2013, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:lo:dd