



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 8, 2015.

Date of Meeting: March 3, 2015

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, March 3, 2015, 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	Vice Mayor, Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

Shirley C. Scott	Council Member Ward 4
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Staff Members Present:

Martha Durkin	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Phil Kruis, Rincon Mountain Presbyterian Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed March 13th to be “Women in Government Day”.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 71, dated March 3, 2015, 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 Vice Mayor 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 72, dated March 3, 2015, 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 provided by Martha Durkin, 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 73, dated March 3, 2015, 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. Guilin Restaurant, Ward 6
4445 E. Broadway Blvd.
Applicant: Sunny Kin Sun Wong
Series 12, City 2-15
Action must be taken by: March 6, 2015

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

2. The Oink Cafe Breakfast. Lunch. Bacon., Ward 2
7131 E. Broadway Blvd.
Applicant: John Edward Baxla
Series 12, City 4-15
Action must be taken by: March 16, 2015

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. Chars Thai Restaurant, Ward 6
5039 E. 5th St.
Applicant: Kaewgamtong Yohn
Series 7, City 5-15
Action must be taken by: March 13, 2015

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. Whistle Stop Depot, Ward 1
127 W. 5th St.
Applicant: Thomas Robert Aguilera
Series 7, City 3-15
Action must be taken by: March 7, 2015

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)

5. Safeway #255, Ward 1
1551 W. Saint Marys Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City 1-15
Action must be taken by: February 28, 2015

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. Kidsrock, Inc., Ward 6
301-309 E. 7th St.
Applicant: Scott James Cummings
City T6-15
Date of Event: March 19, 2015 - March 22, 2015
(Kids Art/Music Fundraiser)

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

2. El Grupo Youth Cycling, Ward 1
600 N. 9th Ave.
Applicant: Daniela Natale Diamente
City T9-15
Date of Event: April 4, 2015
(Fundraiser)

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

3. Arts Express, Ward 1
127 W. 5th St.
Applicant: Karen F. Wiese
City T10-15
Date of Event: March 14, 2015
(Fundraising for Arts Education)

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

4. San Miguel High School, Ward 1
6601 S. San Fernando Rd.
Applicant: Chris Patino
City T12-15
Date of Event: March 21, 2015
(Parent Dinner & Dance)

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 Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to forward liquor license applications 5b1 through 5b5, and 5c1 through 5c4 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:

Bill Katzel	Justin Hyatt	Sheldon Fishman
Ken Scoville	Jon McLane	Ellen Lewis
Keith Van Heyningen	Roger Score	Sonny Clenny
Art Wadlund	Jim Cook	Robert Reus
Christopher Gates	John Jacobs	Richard Mayers

Council Member Cunningham requested the City Manager collaborate with the Boy Scouts regarding the Youth Summer Transit and Pools Pass Program.

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 H

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 MAR03-15-74 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of August 5, 2014
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of August 5, 2014

- b. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA FOR THE OPERATIONS AND MAINTENANCE OF THE TUCSON MODERN STREETCAR AT CUSHING STREET AND I-10, AND RESCINDING RESOLUTION 22188
 - 1. Report from City Manager MAR03-15-76 WARDS 1 AND 6
 - 2. Resolution No. 22361 relating to Transportation; rescinding Resolution No. 22188 adopted February 19, 2014; authorizing and approving the Revised Intergovernmental Agreement (Revised IGA) between the State of Arizona Department of Transportation (ADOT) and the City of Tucson (City) for Operations and Maintenance of the Tucson Modern Streetcar (SunLink) at Cushing Street and I-10, and declaring an emergency.

- c. INTERGOVERNMENTAL AGREEMENT: WITH THE TOWN OF MARANA FOR PARTICIPATION IN THE REGIONAL TRANSPORTATION DATA NETWORK COMMUNICATION SYSTEM
 - 1. Report from City Manager MAR03-15-77 CITY WIDE
 - 2. Resolution No. 22362 relating to Transportation; authorizing and approving the execution of an Intergovernmental Agreement (IGA) between the City of Tucson (City) and the Town of Marana (Marana) for participation in the Regional Transportation Data Network (RTDN) Communication System; and declaring an emergency.

- d. AGREEMENT: AMENDMENT WITH PIMA COUNTY FOR THE NEIGHBORHOOD STABILIZATION PROGRAM 2
 - 1. Report from City Manager MAR03-15-80 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22363 relating to Housing and Community Development; authorizing and approving the execution of Amendment No. Four (4) to the NSP2 Consortium Funding Agreement between the City of Tucson and Pima County for the Neighborhood Stabilization Program 2 (NSP2); and declaring an emergency.

- e. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE UPGRADE OF THE AIRCRAFT RADIO MODULE OF THE PIMA COUNTY WIRELESS INTEGRATED NETWORK (PCWIN)
 - 1. Report from City Manager MAR03-15-79 CITY WIDE
 - 2. Resolution No. 22364 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of an IGA between the City of Tucson (City) and Pima County for the Pima County Wireless Integrated Network (PCWIN) Project - reimbursement for Aircraft Radio Module; and declaring an emergency.

- f. FINAL PLAT: (S14-036) GRANITE HOUSE 9 & 10, LOTS 1 - 2
(CONTINUED FROM THE MEETING OF JANUARY 21, 2015)
 - 1. Report from City Manager MAR03-15-83 WARD 6
 - 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 of actual application.

- g. MEMORIAL: SUPPORT OF DIVERSITY AND MARRIAGE EQUALITY
 - 1. Report from City Manager MAR03-15-81 CITY WIDE
 - 2. A Memorial relating to Diversity and Equality; urging the Arizona Governor and Legislature to recognize and support that an expanding and diverse community is the core of successful businesses.

- h. RESOLUTION: OPPOSING RECREATIONAL HUNTS BY PREDATOR MASTERS
 - 1. Report from City Manager MAR03-15-82 CITY WIDE
 - 2. Resolution No. 22365 relating to Predator Masters; joining Pima County in opposing "Predator Masters" hunts in Pima County; and declaring an emergency.

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

8. ECONOMIC DEVELOPMENT: NOTICE OF INTENT TO ENTER INTO A RETAIL TAX INCENTIVE DEVELOPMENT AGREEMENT WITH HOMEGOODS INC.

Mayor Rothschild announced City Manager's communication number 75, dated March 3, 2015, was received into and made part of the record. He asked the City Clerk to read Resolution 22360 by number and title only.

Resolution No. 22360 relating to Economic Development; approving a Notice of Intent to enter into a Retail Tax Incentive Development Agreement ("Agreement") with HomeGoods INC. ("HomeGoods") for building of a distribution facility; making certain findings with respect to that Agreement; and adopting an Independent Economic Analysis relating to the Agreement.

Vice Mayor Fimbres inquired how the current agenda item differed from the previous one brought before Mayor and Council on February 18, 2015.

Chris Kaselemis, Economic Initiatives Director, replied it was a state statute which required a 14 day notice be given prior to entering into an Incentive Agreement dealing with sales tax. He stated it was a legal notification that was done two weeks prior, based on direction he had received to come back with formal agreements.

Vice Mayor Fimbres requested a further explanation of how the City would benefit financially from the proposal and if it was a good move for the City.

Mr. Kaselemis confirmed it was a very good move for the City. He cited the total economic impact from HomeGoods was \$873 million, estimated by an Independent Economic Analyst. He indicated there would be nine hundred ten jobs at build out with sixty jobs that averaged over fifty-two thousand, four hundred dollars, initially, and a capital investment of \$75 million. In addition, employees would also be spending money buying houses, generating sales tax for the City as well as the capital investment of many construction jobs, thus having a huge economic impact for the City of Tucson.

It was moved by Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Resolution 22360.

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 78, dated March 3, was received into and made part of the record. He asked if there were any personal appointments to be made.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to approve the appointments of Jay Young, Jim Tofel and Lorena Bazua to the Metropolitan Housing Commission (MHC).

Vice Mayor Fimbres announced his personal appointment of Maen Mdanat to the Planning Commission.

Council Member Uhlich stated the citizens' panel for the City Manager hiring process was meeting the following week. She said it had come to her attention that a couple of the appointees were entirely unable to participate. She said she did not know whether the Ordinance establishing the Commission allowed for alternate appointments, or if it was too late. She expressed interest in coordinating with the Clerk's office to see about taping the panel, so those absent could view it, and perhaps a secondary arrangement to ensure the board and panel was effective. She asked if alternate appointments were allowed at such a late time.

Michael Rankin, City Attorney, indicated the Ordinance did not incorporate a provision for alternate appointments, but there were personal appointments, he believed, that could be filled if they knew someone indeed was not available to be at the meeting. He acknowledged there was not much time.

Council Member Uhlich asked what the turnover was if they were to submit an appointment by Friday for the panel's meeting on Tuesday.

Roger W. Randolph, City Clerk, replied that per the Tucson Code, a current member who was not going to be able to attend, could be expired so a new member could be appointed, as long as they had the information and could provide them with the details for the meeting and time. He added the oath could be administered to them at the meeting so there was time.

Council Member Uhlich inquired if there were plans to tape that meeting.

Martha Durkin, City Manager, affirmed there were plans to tape both public forums and any other process the Mayor and Council liked.

10. ZONING: (C9-14-11) FAMILY DOLLAR – AJO WAY, R-3 TO C-1, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 84, dated March 3, 2015, was received into and part of the record. He asked the City Clerk to read Ordinance 11248 by number and title only.

Ordinance No. 11248 relating to Zoning: amending zoning district boundaries in the area on the north side of Ajo Way, approximately 220 feet east of Holiday Isle Boulevard in case C9-14-11 Family Dollar - Ajo Way, R-3 to C-1; and setting an effective date.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Ordinance 11248.

11. ADJOURNMENT: 7:43 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 17, 2015, 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 3rd day of March 2015, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ddl:ms