

# MAYOR AND COUNCIL – REGULAR MEETING

## LEGAL ACTION REPORT AND SUMMARY

TUESDAY, OCTOBER 22, 2013

MAYOR AND COUNCIL CHAMBERS

CITY HALL, 255 W. ALAMEDA, TUCSON, AZ

1. ROLL CALL: 5:31 p.m.

OFFICIAL MEMBERS PRESENT: Mayor Jonathan Rothschild, Vice Mayor Shirley C. Scott, Council Members Paul Cunningham, Karin Uhlich, Richard G. Fimbres and Steve Kozachik

OFFICIAL MEMBERS ABSENT/EXCUSED: Council Member Regina Romero

STAFF MEMBERS: Richard Miranda, City Manager; Michael Rankin, City Attorney; and Suzanne Mesich, Assistant City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Roy Tullgren, Gospel Rescue Mission, after which the Pledge of Allegiance was presented by the entire assembly.

### PRESENTATIONS

- a. Proclaiming November 16<sup>th</sup> as “Family Festival in the Park Day.”

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AGENDA ITEM / MAYOR AND COUNCIL ACTION	STAFF ACTION
3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS (CITY WIDE) OCT22-13-403  Current event reports were provided by Vice Mayor Scott, and Council Members Cunningham and Fimbres.	
4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS (CITY WIDE) OCT22-13-402  No report was provided.	

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AGENDA ITEM / MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>5. LIQUOR LICENSE APPLICATIONS (CITY WIDE) OCT22-13-406</p> <p>b. Liquor License Application(s)                      New License(s)</p> <ol style="list-style-type: none"> <li>1. Market Friendly, City 62-13</li> <li>2. Cafe Francais, City 63-13</li> </ol> <p>Person Transfer</p> <ol style="list-style-type: none"> <li>3. Denim &amp; Diamonds, City 64-13</li> <li>4. New Asia Chinese Restaurant, City 65-13</li> </ol> <p>c. Special Event(s)</p> <ol style="list-style-type: none"> <li>1. YWCA Tucson, City T120-13</li> <li>2. Sonoran Art Foundation, Inc., City T121-13</li> <li>3. Saints Peter and Paul Parish, City T122-13</li> <li>4. Tucson Celtic Festival Association, City T123-13</li> <li>5. St Ambrose Catholic School, City T124-13</li> <li>6. Bootstraps to Share (BICAS), City T130-13</li> <li>7. Friends of Tucson's Birthplace, City T132-13</li> <li>8. Tucson Dance Foundation, City T134-13</li> </ol> <p>d. Agent Change/Acquisition of Control</p> <ol style="list-style-type: none"> <li>1. May's Counter, City AC11-13</li> </ol> <p>It was moved by Council Member Kozachik, duly seconded and CARRIED by a voice vote of 6 to 0 (Council Member Romero absent/excused), to forward Items 5b1-4, 5c1-8, and 5d1 to the State Liquor Board with a recommendation for approval.</p>	<p>CITY CLERK</p>
<p>6. CALL TO THE AUDIENCE</p> <p>The following individuals spoke at the Call to the Audience:</p> <p>Angelica Loreto, Mary DeCamp, Terry Higuera, Andy Silverman, Ruth Beeker, Arturo Robles, Keith Van Heyningen, Pernela Jones, Susan Caldwell, Agustin Reyes, Robert Clark, James Jordan, Jonathan Salvatierra, Elga Gutierrez, Erin Cain-Hodge, Kathryn Ferguson, Monica Velasco, Rick Saling, Carol Schurr, Leilani Clark, and Rosa Leal.</p>	

AGENDA ITEM / MAYOR AND COUNCIL ACTION	STAFF ACTION
7. CONSENT AGENDA	
a. APPROVAL OF MINUTES (CITY WIDE) OCT22-13-401	<u>CITY CLERK</u>
b. AGREEMENT: APPROVING AN EXTENDED OCCUPANCY AGREEMENT WITH LITERACY CONNECTS (CITY WIDE) OCT22-13-404  Ordinance No. <u>11119</u>	<u>HOUSING AND COMMUNITY DEVELOPMENT</u>
c. EASEMENT AGREEMENT: WITH THE ARIZONA BOARD OF REGENTS AND CARONDELET HEALTH NETWORK FOR ACCESS RIGHTS TO CONSTRUCT A FLOODWALL (WARD 1) OCT22-13-409  Resolution No. <u>22149</u>  This item was continued at the request of staff.	<u>PLANNING AND DEVELOPMENT SERVICES</u>
d. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY LOCATED AT 527 W. SIMPSON STREET (WARD 6) OCT22-13-410  Ordinance No. <u>11121</u>	<u>REAL ESTATE</u>
e. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY LOCATED AT 633 W. 18TH STREET (WARD 1) OCT22-13-411  Ordinance No. <u>11122</u>	<u>REAL ESTATE</u>
f. REAL PROPERTY: SECOND AMENDMENT TO THE LEASE AGREEMENT WITH CAFE POCA COSA FOR PROPERTY LOCATED AT 120 E. PENNINGTON STREET (WARD 6) OCT22-13-408  Ordinance No. <u>11120</u>	<u>REAL ESTATE</u>
g. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR USE, MAINTENANCE, AND SUPPORT OF THE PIMA COUNTY WIRELESS INTEGRATED NETWORK (CITY WIDE) OCT22-13-414  Resolution No. <u>22151</u>	<u>POLICE</u>

AGENDA ITEM / MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>h. INTERGOVERNMENTAL AGREEMENT: AMENDMENT 2 TO ADDENDUM 1 TO AGREEMENT WITH THE TOWN OF ORO VALLEY RELATING TO EFFLUENT AND RECLAIMED WATER (OUTSIDE CITY) OCT22-13-405</p> <p>Resolution No. <u>22147</u></p> <p>It was moved by Council Member Fimbres, duly seconded and PASSED by a roll call vote of 6 to 0 (Council Member Romero absent/excused), that Consent Agenda Items a-h, with the exception of item c which was continued, be approved and/or adopted and proper action taken.</p>	<p><u>WATER</u></p>
<p>8. REAL PROPERTY: APPROVING A GOVERNMENT PROPERTY LEASE EXCISE TAX LEASE AGREEMENT WITH OT ALEGRIA, LLC FOR PORTIONS OF THE CADENCE AND PLAZA CENTRO RETAIL PROJECT (WARD 6) OCT22-13-407</p> <p>Resolution No. <u>22148</u></p> <p>Questions were fielded and answered by Michael Rankin, City Attorney.</p> <p>It was moved by Council Member Kozachik, duly seconded and PASSED by a roll call vote of 6 to 0 (Council Member Romero absent/excused), to pass and adopt Resolution No. <u>22148</u>.</p>	<p><u>ECONOMIC INITIATIVES</u></p>
<p>9. ECONOMIC DEVELOPMENT: APPROVAL OF MODIFICATIONS TO THE PRIMARY JOBS INCENTIVE PROGRAM (CITY WIDE) OCT22-13-413</p> <p>Resolution No. <u>22150</u></p> <p>Questions were fielded and answered by Michael Rankin, City Attorney.</p> <p>It was moved by Council Member Uhlich, duly seconded and PASSED by a roll call vote of 6 to 0 (Council Member Romero absent/excused), to pass and adopt Resolution No. <u>22150</u>.</p>	<p><u>ECONOMIC INITIATIVES</u></p>

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<p>10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS (CITY WIDE) OCT22-13-412</p> <p>There are no appointments in the report at this time.</p> <p>No personal appointments were announced.</p>	<u>CITY CLERK</u>
<p>11. ADJOURNMENT 7:04 p.m.</p> <p>The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, November 6, 2013, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.</p>	