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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on July 8, 2014.

Date of Meeting: January 8, 2014

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 Wednesday, January 8, 2014, 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
Shirley C. Scott	Vice Mayor, Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

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 Debra Counsellor, City Clerk’s Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed January 20, 2014, to be “Martin Luther King Jr. Day”.

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

Mayor Rothschild announced City Manager’s communication number 1, dated January 8, 2014, 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, Uhlich, 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 2, dated January 8, 2014, 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 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 7, dated January 8, 2014, 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. Fry’s Food & Drug #90, Ward 4  
8080 S. Houghton Rd.  
Applicant: Robert Joseph Nelson  
Series 9S, City 85-13  
Action must be taken by: January 16, 2014

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

Public Opinion: Written Argument in Favor Filed

2. Fry's Food & Drug #90, Ward 4  
8080 S. Houghton Rd.  
Applicant: Robert Joseph Nelson  
Series 9S, City 86-13  
Action must be taken by: January 16, 2014  
  
Staff has indicated the applicant is in compliance with city requirements.  
  
Public Opinion: Written Argument in Favor Filed
3. Art House Centro, Ward 1  
186 N. Meyer Ave.  
Applicant: Jared Michael Repinski  
Series 10, City 90-13  
Action must be taken by: January 20, 2014  
  
Staff has indicated the applicant is in compliance with city requirements
4. Gio Taco, Ward 6  
350 E. Congress St. #120  
Applicant: Brian Edwin Metzger  
Series 12, City 92-13  
Action must be taken by: January 24, 2014  
  
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.

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)

c. Special Event(s)

1. St. Augustine Catholic High School, Ward 2  
8800 E. 22nd St.  
Applicant: Sarah Doreen Alderete  
City T156-13  
Date of Event: February 8, 2014  
(Fundraiser)

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

2. Tucson Celtic Festival Association, Ward 1  
288 N. Church Ave.  
Applicant: Sarah L. Mackie  
City T159-13  
Date of Event: January 31, 2014  
(Fundraiser)

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

3. Greater Oro Valley Arts Council, Ward 6  
2150 N. Alvernon Way  
Applicant: Jonas Wes Hunter  
City T160-13  
Date of Event: February 1, 2014  
(Fundraiser)

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

4. The Drawing Studio, Inc., Ward 6  
33 S. 6th Ave.  
Applicant: Robert L. White  
City T162-13  
Date of Event: January 24, 2014  
(Art Exhibition/Auction and Annual Benefit)

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

5. Our Lady of LaVang Parish, Ward 5  
800 S. Tucson Blvd.  
Applicant: Van Hieu Nguyen  
City T163-13  
Date of Event: February 1, 2014 - February 2, 2014  
(Vietnamese New Year Festival)

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

d. Agent Change/Acquisition of Control

1. Peter Piper Pizza #7, Ward 1  
432 W. Valencia Rd.  
Applicant: John Edward Baxla  
Series 7, City AC27-13  
Action must be taken by: January 4, 2014

Staff has indicated the applicant is in compliance with city requirements

2. Peter Piper Pizza, Ward 1  
5385 S. Calle Santa Cruz  
Applicant: John Edward Baxla  
Series 7, City AC28-13  
Action must be taken by: January 4, 2014

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

3. Peter Piper Pizza #29, Ward 1  
1380 N. Silverbell Rd.  
Applicant: John Edward Baxla  
Series 7, City AC29-13  
Action must be taken by: January 4, 2014

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

4. Peter Piper Pizza, Ward 2  
9545 E. Old Spanish Trail  
Applicant: John Edward Baxla  
Series 12, City AC30-13  
Action must be taken by: January 4, 2014

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

5. Peter Piper Pizza, Ward 3  
4120 N. Oracle Rd.  
Applicant: John Edward Baxla  
Series 7, City AC31-13  
Action must be taken by: January 4, 2014

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

6. Peter Piper Pizza, Ward 5  
3717 S. 12th Ave. #129  
Applicant: John Edward Baxla  
Series 7, City AC32-13  
Action must be taken by: January 4, 2014

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

7. Peter Piper Pizza #18, Ward 5  
4112 E. 22nd St.  
Applicant: John Edward Baxla  
Series 7, City AC33-13  
Action must be taken by: January 4, 2014

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

8. Peter Piper Pizza, Ward 6  
5925 E. Broadway Blvd. #101  
Applicant: John Edward Baxla  
Series 7, City AC34-13  
Action must be taken by: January 4, 2014

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 Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications Items 5b1 through 5b4, 5c1 through 5c5, and 5d1 through 5d8 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:

Shawn Earl  
Robert Clark

Robert Reus

Ketih Van Heyningen

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 G**

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. TRANSPORTATION: APPROVING THE SUN LINK STREETCAR PRE-REVENUE SERVICE FARE AND SERVICE EQUITY ANALYSIS

1. Report from City Manager JAN08-14-8 CITY WIDE

2. Resolution No. 22180 relating to Mass Transit; adopting the results of the Sun Link Streetcar Pre-Revenue Service Fare and Service Equity Analysis; approving that analysis; and declaring an emergency.
- b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE REGIONAL TRANSPORTATION DATA NETWORK TECHNICAL EXPANSION CONTRACT
1. Report from City Manager JAN08-14-12 CITY WIDE AND OUTSIDE CITY
  2. Resolution No. 22182 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment Number 3 to an Intergovernmental Agreement (IGA) for Transportation Funding between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Regional Transportation Data Network (RTDN) Technical Expansion Contract; and declaring an emergency.
- c. REAL PROPERTY: ACQUISITION OF PROPERTY FOR THE LOS REALES LANDFILL PROJECT BUFFER
1. Report from City Manager JAN08-14-5 OUTSIDE CITY
  2. Resolution No. 22178 relating to Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn, if necessary, property necessary to provide a buffer for the Los Reales Landfill operations at the new facility entrance on Craycroft Road; and declaring an emergency.
- d. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA BOARD OF REGENTS FOR TUCSON WATER'S CORROSION MONITORING PROGRAM
1. Report from the City Manager JAN08-14-3 CITY WIDE
  2. Resolution No. 22177 relating Tucson Water; authorizing and approving the Intergovernmental Agreement (IGA) between the City of Tucson and the Arizona Board of Regents on behalf of the University of Arizona to evaluate, reinstate and improve Tucson Water's Corrosion Monitoring Program; and declaring an emergency.
- e. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR SEWER BILLING SERVICES
1. Report from City Manager JAN08-14-9 CITY WIDE AND OUTSIDE CITY

2. Resolution No. 22179 relating to Water; authorizing and approving a Second Amendment to the Intergovernmental Agreement between Pima County and the City of Tucson for Sewer Billing Services; and declaring an emergency.
- f. REAL PROPERTY: RATIFYING THE ORIGINAL 2008 LEASE AGREEMENT WITH PIMA COUNTY AND APPROVING THE SUBLEASE AGREEMENT WITH THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY FOR THE USE OF OFFICE SPACE IN THE SOUTHERN ARIZONA CHILDREN'S ADVOCACY CENTER
1. Report from City Manager JAN08-14-4 CITY WIDE
  2. Ordinance No. 11139 relating to Real Property; ratifying the original 2008 Lease Agreement with Pima County for the use of office space in the Southern Arizona Children's Advocacy Center (SACAC); authorizing and approving the Sublease Agreement between the City of Tucson (City) and the Arizona Department of Economic Security (DES) for the use of the SACAC office space; and declaring an emergency.
- g. RESOLUTION: SUPPORTING A MEMORIAL IN HONOR OF THOSE KILLED AND INJURED AT THE JANUARY 8, 2011 "CONGRESS ON YOUR CORNER" EVENT
1. Report from City Manager JAN08-14-11 CITY WIDE
  2. Resolution No. 22181 a resolution of the City of Tucson Mayor and Council in support of a memorial in honor of those killed and injured at the January 8, 2011 "Congress on Your Corner" event.

(This item was considered separately at the request of Mayor Rothschild.)

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – g, with the exception of Item g, which was considered separately, be passed and adopted and proper action taken.

## **7. CONSENT AGENDA – ITEM G**

- g. RESOLUTION: SUPPORTING A MEMORIAL IN HONOR OF THOSE KILLED AND INJURED AT THE JANUARY 8, 2011 "CONGRESS ON YOUR CORNER" EVENT
1. Report from City Manager JAN08-14-11 CITY WIDE
  2. Resolution No. 22181 a resolution of the City of Tucson Mayor and Council in support of a memorial in honor of those killed and injured at the January 8, 2011 "Congress on Your Corner" event.



Roger W. Randolph, City Clerk, announced the item to be considered separately was Consent Agenda Item g at the request of Mayor Rothschild.

Steven Brigham, representing a group of volunteers, Ross Zimmerman, Sheryl Horbeth, Andrew Greenhill, Karen Christensen, Jim Tucker and many others, stated it had been a trying, difficult, and stressful week and the Council had been very articulate in responding to media questions. He explained that a lot of the discussion was about connection to government and connection to the meaning of “Congress on Your Corner.” He said that he knew the Memorial was not going to solve the issue of guns and of mental health access to health care, but wanted to be part of the solution and be able to celebrate what government was all about. He expressed that it was the community’s opportunity and responsibility to support the Memorial and encouraged the Mayor and Council to pass the Resolution.

Mayor Rothschild reminded everyone of where they were three years ago when they first heard the news of that terrible day. He said the Tucson Fire Department had a presentation and it was good to remember the vital role first responders played the day of the tragedy and every day in the community. He stated Tucson was not remarkable for this tragedy but rather for the aftermath. He said too many similar tragedies had happened before and since.

Mayor Rothschild stated Tucsonans came together to support the victims and each other and out of the tragedy came the saying “Together We Thrive”. He said he spoke at the press conference regarding a memorial site and stated he knew there were memorial sites since that day at UMC, at Trailhead, a skate park, a playground and even in the Halls of Congress. But, there had been no permanent memorial of all the victims which he believed was needed.

Mayor Rothschild commented that as Tucsonans, he knew no one would forget that day or the victims, Gabe Zimmerman, Dorwan Stoddard, Phyllis Schneck, Judge John Roll, Dot Morris and Christina Taylor-Green, who lost their lives and the thirteen others injured, including Congresswoman Gabrielle Giffords and Congressman Ron Barber. He said a memorial was a constant reminder of their lives, their contributions and the community’s loss. He said it was also a constant reminder of the need to address gun violence and mental illness, gun violence with common sense legislation and mental issues with treatment and support.

Mayor Rothschild said he was pleased to support the Memorial next to City Hall and hoped the rest of the Council would as well. .

Council Member Uhlich said she was pleased to join in with the Pima County Board of Supervisors and pass and adopt the Resolution to support a memorial in honor of those killed and injured at the January 8, 2011, “Congress at Your Corner” event.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Item g be approved and adopted and the proper action taken.

Mayor Rothschild presented Resolution 22181 to the Group of Volunteers that supported “Congress on Your Corner.”

**8. ZONING: (C9-13-10) BASS - WOODLAND, R-1 TO C-1, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager’s communication number 6, dated January 8, 2014, was received into and made part of the record. He also announced this was a request to rezone property located at the north side of Fifth Street, west of Craycroft Road. He said the Zoning Examiner and staff recommended approval subject to certain conditions.

Mayor Rothschild asked if the applicant or a representative was present and agreeable to the proposed requirements.

Ann Graham-Bergin, representing the owners, Charles and Patti Bass, stated they were agreeable to the conditions.

Mayor Rothschild asked the City Clerk to read Ordinance 11138 by number and title only.

Ordinance No. 11138 relating to Zoning: amending zoning district boundaries located on the north side of 5th Street, approximately 360 feet west of Craycroft Road in case C9-13-10, R-1 to C-1; and setting an effective date.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11138.

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

Mayor Rothschild announced City Manager’s communication number 10, dated January 8, 2014, 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 7 to 0, to approve the appointments of Ann Eve Pedersen to the Metropolitan Education Commission (MEC) and the reappointment of Paul Marsh to the Veteran’s Affairs Committee (VAC).

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

Council Member Cunningham announced his personal appointment of Amy Wacker to the Public Art and Community Design Committee (PACDC).

Council Member Fimbres announced his personal appointment of Peter Gavin as to the Planning Commission (PC) as an At-Large member and Richard Sterts, to the ParkWise Commission (PWC).

**10. ADJOURNMENT:** 6:15 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday January 22, 2014 , 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 January 2014, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:ms:jr