



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on September 10, 2013.

Date of Meeting: January 15, 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 5:37 p.m., on Tuesday, January 15, 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
Paul Cunningham
Karin Uhlich
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

Vice Mayor, Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Adam Kemper, Northwest Community Friends Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed January 21st to be “Martin Luther King Jr. Day”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 20, dated January 15, 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 Vice Mayor Romero and Council Members Cunningham, Scott, 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 21, dated January 15, 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 22, dated January 15, 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. Sprouts Farmers Market #22, Ward 2
7877 E. Broadway Blvd.
Applicant: Randy D. Nations
Series 10S, City 109-12
Action must be taken by: January 25, 2013

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

2. Sprouts Farmers Market #24, Ward 6
4645 E. Speedway Blvd.
Applicant: Randy D. Nations
Series 10S, City 110-12
Action must be taken by: January 25, 2013

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

3. Rita Ranch Market, Ward 4
8201 S. Rita Rd.
Applicant: Richard Frank Rhinesmith
Series 10, City 111-12
Action must be taken by: January 25, 2013

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

4. Sprouts Farmers Market #23, Ward 3
4282 N. 1st Ave.
Applicant: Randy D. Nations
Series 10S, City 113-12
Action must be taken by: February 3, 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/Location Transfer(s)

5. Bianchis Italian, Ward 1
1110 N. Silverbell Rd.
Applicant: Vincent Jason Bianchi
Series 7, City 112-12
Action must be taken by: February 1, 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)

c. Special Event(s)

1. Santa Cruz Parish, Ward 5
1220 S. 6th Ave.
Applicant: Rebecca Marie Lujan
City T114-12
Date of Event: February 16, 2013
(Car Show)

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 T115-12
Date of Event: January 25, 2013
(Art Exhibition Opening)

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

3. Tucson Musicians Museum, Ward 1
101 W. 6th St.
Applicant: Susan Eileen French
City T116-12
Date of Event: February 23, 2013
(Fundraiser)

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

4. The University of Arizona, Arizona Athletics, Ward 6
1 National Championship Dr.
Applicant: Lindsay Telleen Jenkins
City T117-12
Date of Event: February 23, 2013
(Donor Relations)
This item was considered separately.

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

5. Tucson Celtic Festival Association, Ward 1
288 N. Church Ave.
Applicant: Erin Renee Haugen
City T118-12
Date of Event: January 25, 2013
(Burns Supper)

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

d. Agent Change/Acquisition of Control

1. Las Margaritas, Ward 6
3602 E. Grant Rd.
Applicant: Michael Barton Morse
Series 12, City AC29-12
Action must be taken by: January 19, 2013

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

2. Hamilton Distillers, Ward 6
209 N. Hoff Ave.
Applicant: Stephen Hamilton Paul
Series 1, City AC30-12
Action must be taken by: January 26, 2013

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

3. 1702, Ward 6
1702 E. Speedway Blvd.
Applicant: Eric Jonathan Lepie
Series 3, City AC31-12
Action must be taken by: January 31, 2013

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

4. 1702, Ward 6
1702 E. Speedway Blvd.
Applicant: Eric Jonathan Lepie
Series 7, City AC32-12
Action must be taken by: January 31, 2013

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

This item was considered separately.

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 5b1 through 5b5, 5c1 through 5c3, 5c5, and 5d1 through 5d4 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

- c. Special Event(s)
- 4. The University of Arizona, Arizona Athletics, Ward 6
1 National Championship Dr.
Applicant: Lindsay Telleen Jenkins
City T117-12
Date of Event: February 23, 2013
(Donor Relations)

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

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5c4, The University of Arizona, Arizona Athletics, located in Ward 6, at the request of Council Member Kozachik.

Council Member Kozachik recused himself from voting due to a conflict of interest.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Kozachik declared a conflict of interest), to forward liquor license applications 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:

Robert Shatz
Ian Johnson

Keith Van Heyningan
David Bachman-Williams

Robert Reus
G. Dale Babel

Council Member Cunningham requested that staff follow up with Mr. Shatz on his concerns regarding Tucson Meet Yourself.

Mayor Rothschild requested that staff provide Mr. Babel with his administrative rights in regards to a hearing.

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 E

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 JAN15-13-23 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of May 8, 2012
3. Mayor and Council Study Session Legal Action Report and Minutes of May 8, 2012

b. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-085) KIPPES TOWN HOMES

1. Report from City Manager JAN15-13-24 WARD 2
2. Resolution No. 21995 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the resubdivision of vacant property for 8 lots on 0.83 acres; approving a final plat in Case No. S08-085; and declaring an emergency.
3. Staff recommends that the Mayor and Council approve the assurance agreement and 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 the actual application.

c. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE COPPER STREET BIKE BOULEVARD PROJECT (CONTINUED FROM THE MEETING OF JANUARY 8, 2013)

1. Report from City Manager JAN15-13-26 WARDS 3 AND 6

2. Resolution No. 21992 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Copper Street Bike Boulevard Project; and declaring an emergency.
- d. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE TREAT AVENUE BIKE BOULEVARD PROJECT (CONTINUED FROM THE MEETING OF JANUARY 8, 2013)
1. Report from City Manager JAN15-13-27 WARDS 3, 5, AND 6
 2. Resolution No. 21987 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Treat Avenue Bike Boulevard Project; and declaring an emergency.
- e. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY AND MUNICIPAL FIRE DEPARTMENTS AND FIRE DISTRICTS WITHIN PIMA COUNTY FOR EMERGENCY RESPONSE BY A HAZARDOUS MATERIALS TEAM
1. Report from City Manager JAN15-13-29 CITY WIDE
 2. Resolution No. 21996 relating to Intergovernmental Agreements; approving Amendment Number 2 to the Intergovernmental Agreement between the City of Tucson (Tucson Fire Department), Drexel Heights Fire District, Golder Ranch Fire District, Green Valley Fire District, Northwest Fire/Rescue District, and Pima County to allow for emergency response by a hazardous materials team within Pima County (originally approved by Resolution No. 19930 on September 7, 2004, and previously amended by Amendment Number 1, approved by Resolution No. 21443 on November 17, 2009), which Amendment Number 2 will add the Avra Valley and Picture Rocks Fire Districts as parties to the agreement and confirm all of its other terms and conditions; authorizing and directing the Fire Chief to execute Amendment Number 2 on behalf of the City of Tucson, and the City Clerk to attest the same; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – e be passed and adopted and the proper action taken.

8. ZONING: (C9-07-24) SPALDING - MILLMAR ROAD, SR TO RX-1, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 25, dated January 15, 2013, was received into and made part of the record. He asked the City Clerk to read Ordinance 11044 by number and title only.

Ordinance No. 11044 relating to zoning: amending zoning district boundaries in the area on the south side of Millmar Road, approximately 550 feet west of South Mesquite Ranch Road in Case C9-07-24 Spalding - Millmar Road, SR to RX-1; and setting an effective date.

It was moved by Council Member Scott, duly seconded, and passed by a roll vote of 7 to 0, to pass and adopt Ordinance 11044.

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 28, dated January 15, 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 Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Bob Slocum to the Veterans' Affairs Committee (VAC).

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

Council Member Fimbres announced his personal appointment of Jesse Lugo to the 2012 Bond Oversight Committee (BOC).

10. ADJOURNMENT: 6:14 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, February 5, 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 15th day of January 2013, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:arf:dsc