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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 22, 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 5:38 p.m., on Wednesday, January 22, 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 Pastor Dan Gutierrez, Drexel Heights Baptist Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Vice Mayor Scott presented an "Act of Courage" award to Carolyn Turk and Susan Carty for the courage displayed in assisting a Sun Tran bus driver during a medical emergency.

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

Mayor Rothschild announced City Manager’s communication number 13, dated January 22, 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 Vice Mayor Scott and 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 14, dated January 22, 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.

No report was given.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Rothschild announced City Manager’s communication number 18, dated January 22, 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. LA Market, Ward 5  
3015 E. Benson Hwy  
Applicant: Kholoud Bashir Hamdi  
Series 10, City 52-13

Action must be taken by: September 8, 2013

Revenue Investigations has indicated the applicant is in compliance with city requirements.

Tucson Police Department and Planning & Development Services have indicated the applicant is not in compliance with city requirements.

This item was considered separately.

2. Los Compas Super Carniceria y Mercado, Ward 5  
2620 E. 22nd St.  
Applicant: Aymen M. Ameen  
Series 10, City 72-13  
Action must be taken by: December 2, 2013

Tucson Police Department and Planning & Development Services have indicated the applicant is in compliance with city requirements.

Revenue Investigations has indicated the applicant is not in compliance with city requirements.

This item was considered separately.

(Continued from the Mayor and Council Meeting of December 2, 2013)

3. Totopo's Mexican Grill, Ward 4  
2475 S. Harrison Rd.  
Applicant: Enrique P. Borboa  
Series 12, City 87-13  
Action must be taken by: January 17, 2014

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

4. Smashburger #3, Ward 2  
6970 E. 22nd St. #A106 & #A108  
Applicant: Eric Laurence Wolf  
Series 12, City 91-13  
Action must be taken by: January 25, 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/Location Transfer(s)

5. TownePlace Suites Tucson Airport, Ward 5  
6595 S. Bay Colony Dr.  
Applicant: Andrea Dahlman Lewkowitz  
Series 7, City 89-13  
Action must be taken by: January 18, 2014

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. San Miguel High School, Ward 1  
140 N. Main Ave.  
Applicant: Nicola Anne Muscat Hartmann  
City T161-13  
Date of Event: March 1, 2014  
(10th Anniversary Kickoff)  
  
Staff has indicated the applicant is in compliance with city requirements.
2. Philoptochos Society, Ward 3  
1145 E. Fort Lowell Rd.  
Applicant: Vasiliki J. Kyriakckis  
City T164-13  
Date of Event: February 22, 2014  
(Fundraiser)  
  
Staff has indicated the applicant is in compliance with city requirements.
3. Living Streets Alliance, Ward 6  
221 S. 6th Ave.  
Applicant: Kylie M. Walzak  
City T165-13  
Date of Event: April 5, 2014 - April 6, 2014  
(Community Festival)  
  
Staff has indicated the applicant is in compliance with city requirements.
4. YWCA Tucson, Ward 1  
525 N. Bonita Ave.  
Applicant: Eula Liane Hernandez  
City T166-13  
Date of Event: February 6, 2014  
(Opening Reception for Galleria)  
  
Staff has indicated the applicant is in compliance with city requirements.
5. BICAS aka Bootstraps To Share, Ward 3  
1122 N. Stone Ave.  
Applicant: Tanya Rich  
City T167-13  
Date of Event: February 1, 2014  
(Fundraiser)  
  
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

1. Del Bravo Imports, Inc., Ward 1  
2102 N. Forbes Blvd. #101  
Applicant: Peter James Palmer  
Series 4, City AC35-13  
Action must be taken by: February 3, 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 Vice Mayor Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b3 through 5b5, 5c1 through 5c5 and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

**5. LIQUOR LICENSE APPLICATIONS**

b. Liquor License Application(s)

New License(s)

1. LA Market, Ward 5  
3015 E. Benson Hwy  
Applicant: Kholoud Bashir Hamdi  
Series 10, City 52-13  
Action must be taken by: September 8, 2013

Revenue Investigations has indicated the applicant is in compliance with city requirements.

Tucson Police Department and Planning & Development Services have indicated the applicant is not in compliance with city requirements.

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b1, LA Market, located in Ward 5.

Council Member Fimbres asked the proprietor of the restaurant to say a few words.

Kholoud Bashir Hamdi, the applicant for LA Market, gave a brief explanation as to why she was not in compliance with the Planning and Development Services Department and Tucson Police Department. She said the architect working on the development plan became ill and was unavailable to finish project. She stated she found a new architect who completed the project for her.

Ms. Hamdi stated that she had a problem at her Prince Market store that involved the Tucson Police Department (TPD). She said has been at Prince Market for seven years and never had a problem with the liquor license. She stated she was out town with her family when the issues occurred, but she had two employees who were buying stolen merchandise and drugs and selling it illegally. Upon her return, she said she was informed that her store and her home had been served with a search warrant.

Council Member Fimbres asked staff from TPD to speak on the item.

Lieutenant Mike Hammarstrom, Tucson Police Department Special Investigations Division, read a memorandum dated December 5, 2013, from Captain Claykid, Tucson Police Department Special Investigation Division to the City Clerk's Office, regarding the liquor license application in question.

It was moved by Council Member Fimbres, duly seconded, carried by a voice vote of 7 to 0, to forward Item 5b1 to the State Liquor Board with a recommendation of denial.

Council Member Uhlich asked what follow-up had been taken with regard to Prince Market, if there was a liquor license associated with it and were there grounds for revocation.

Lt. Hammarstrom stated he did not know the status of the license, and could not comment on the criminal investigation since it was still on-going. He stated he could get back with Council Member Uhlich on the status of the liquor license.

A verbatim transcription of this item is available through the City Clerk's Office.

## **5. LIQUOR LICENSE APPLICATIONS**

### **b. Liquor License Application(s)**

#### **New License(s)**

2. Los Compas Super Carniceria y Mercado, Ward 5  
2620 E. 22nd St.  
Applicant: Aymen M. Ameen  
Series 10, City 72-13  
Action must be taken by: December 2, 2013

Tucson Police Department and Planning & Development Services have indicated the applicant is in compliance with city requirements.

Revenue Investigations has indicated the applicant is not in compliance with city requirements.

(Continued from the Mayor and Council Meeting of December 2, 2013)

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b2, Los Compas Super Carniceria y Mercado, Ward 5.

Council Member Fimbres stated he gave Los Compas Super Carniceria y Mercado ample opportunities to make the adjustments needed. Based on testimonies and facts presented he recommended denial of the application.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward Item 5b2 to the State Liquor Board with a recommendation of denial.

A verbatim transcription of this item is available through the City Clerk's Office.

## **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. 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  
Roy Goodman  
Belem Chagoya

Anthony Potter  
Brian Flagg  
Cesar Aguirre

Ken Johnson  
Keith Van Heyningen

Council Member Kozachik directed the City Manager to follow-up with Project Management in the Planning and Development Services Department on the issue of styrofoam litter.

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 D**

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 JAN22-14-17 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of May 21, 2013

3. Mayor and Council Special Meeting Minutes of May 21, 2013
  4. Mayor and Council Study Session Legal Action Report and Summary Minutes of May 21, 2013
- b. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA BOARD OF REGENTS TO DIVERT ORGANIC WASTE MATERIAL FROM THE LOS REALES LANDFILL
1. Report from City Manager JAN22-14-19 CITY WIDE
  2. Resolution No. 22184 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Board of Regents, on behalf of the University of Arizona's Compost Cats, to divert organic waste material from the Los Reales Landfill; and declaring an emergency.
- c. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA, NORTON SCHOOL OF RETAILING AND CONSUMER SCIENCES
1. Report from City Manager JAN22-14-15 CITY WIDE AND OUTSIDE CITY
  2. Resolution No. 22183 relating to Intergovernmental Agreements; approving the Intergovernmental Agreement (IGA) between the City of Tucson and the Arizona Board of Regents, University of Arizona, on behalf of the Norton School of Retailing and Consumer Sciences, to conduct a study of effective messages for rebate marketing; and declaring an emergency.
- (This item is considered separately at the request of Council Member Cunningham.)
- d. FINAL PLAT: (S13-014) THIRD STREET PROMENADE CONDOMINIUMS
1. Report from City Manager JAN22-14-16 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 time of actual application.

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



## **7. CONSENT AGENDA – ITEMS C**

- c. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA, NORTON SCHOOL OF RETAILING AND CONSUMER SCIENCES
1. Report from City Manager JAN22-14-15 CITY WIDE AND OUTSIDE CITY
  2. Resolution No. 22183 relating to Intergovernmental Agreements; approving the Intergovernmental Agreement (IGA) between the City of Tucson and the Arizona Board of Regents, University of Arizona, on behalf of the Norton School of Retailing and Consumer Sciences, to conduct a study of effective messages for rebate marketing; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the item to be considered separately was Consent Agenda Item c, at the request of Council Member Cunningham.

Council Member Cunningham asked how they came up with the twenty-eight thousand dollar number.

Albert Elias, Assistant City Manager, responded it was a result of discussion between the School of Retailing and Consumer Science and Tucson Water and the scope of work they discussed to do these two reports. He stated this was how they arrived with the cost estimate based on the specific deliverables they would be providing.

Council Member Cunningham asked if the City was paying twenty-eight thousand dollars to research how people receive their water rebates.

Mr. Elias affirmed they would be collecting data and provide reports for the City.

Council Member Cunningham stated he understood this was a really good project and was proud we partnered with the University of Arizona. He stated that the City had people that could figure out what the consumer response was for water rebate. He said that it was thirty thousand dollars and it would probably cost the City the same amount of money to hire a full time person to do the research. He stated the City needed to be careful about how money was being spent with outside consultants.

It was moved by Vice Mayor Scott, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Item c be approved and adopted and proper action taken.

## **8. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Rothschild announced City Manager's communication number 20, dated January 22, 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 Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to appoint Paul G. Marsh to the Veterans Affairs Committee (VAC).

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

Council Member Uhlich announced her personal appointment of Daisy Jenkins to the Human Relations Commission (HRC), Kevin Dahl to the Planning Commission (PC), Peter Hormel to the ParkWise Commission (PWC), Mykl Wells to the Public Art and Community Design Committee (PACDC) and Jean Luc Cuisiner to the Tucson/Pima County Historic Commission (TPCHC).

**9. ADJOURNMENT:** 6:35 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, February 4, 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 22nd day of January 2014 and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:kr:sf