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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on November 6, 2013.

Date of Meeting: April 23, 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 5:30 p.m., on Tuesday, April 23, 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  
Richard G. Fimbres  
Steve Kozachik  
Jonathan Rothschild

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

Absent/Excused:

Shirley C. Scott

Council Member Ward 4

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 Vice Chairman Jerry Carlyle, San Xavier District of Tohono O'odham, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed April 23, 2013 to be "Outstanding Teen Citizen Day."
- b. Mayor Rothschild presented the "2013 Dorothy Finley Outstanding Teen Citizen Awards" to Monica Cruz, Alyssa Enriquez, Angelina Hernandez, Jennifer Sanchez, Mitchell Timinsky, Jessica Lazzeroni, Etienne Boeuf, Zainab Jabbar, Dino Kadich, and Shelby Link.

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

Mayor Rothschild announced City Manager's communication number 132, dated April 23, 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, Council Members Cunningham, 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 133, dated April 23, 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.

No report was given.

## **5. LIQUOR LICENSE APPLICATIONS**

Mayor Rothschild announced City Manager's communication number 147, dated April 23, 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. Mulligan's Sports Grill, Ward 4  
9403 E. Golf Links Rd.  
Applicant: Thomas Robert Aguilera  
Series 12 (Continuation of a Restaurant License (Grill Bill)), City 19-13  
Action must be taken by: May 9, 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)

Location Transfer(s)

2. Scottish Stein Tavern, Ward 4  
8060 E. 22nd St. #118  
Applicant: William Esson  
Series 6, City 18-13  
Action must be taken by: May 10, 2013

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. The University of Arizona, Arizona Athletics, Ward 6  
1 National Championship Dr.  
Applicant: Lindsay Telleen Jenkins  
City T51-13  
Date of Event: May 4, 2013  
(Wedding Reception)

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

This item was considered separately at the request of Council Member Kozachik.

2. Tucson International Mariachi Conference, Ward 6  
900 S. Randolph Way  
Applicant: Kathy Wells  
City T56-13  
Date of Event: May 18, 2013  
(Fundraiser)

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

3. Reid Park Zoological Society, Ward 6  
1100 S. Randolph Way  
Applicant: Gail Brown  
City T57-13  
Date of Event: June 15, 2013  
(Fundraiser)

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

4. University High School Foundation and Alumni Association, Ward 6  
5163 E. 22nd St.  
Applicant: Oscar Antonio Campos  
City T58-13  
Date of Event: April 27, 2013  
(Fundraiser)

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

5. Tucson Medical Center Foundation, Ward 1  
3800 W. Starr Pass Blvd.  
Applicant: Erika Weitzel Grasse  
City T59-13  
Date of Event: April 26, 2013 - April 27, 2013  
(Fundraiser)

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

d. Agent Change/Acquisition of Control

1. American Legion #7, Ward 1  
330 W. Franklin St.  
Applicant: Kevin Arnold Kramber  
Series 14, City AC1-13  
Action must be taken by: May 6, 2013

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

2. Jeff's Pub, Ward 2  
112 S. Camino Seco  
Applicant: Jeffrey Schantz  
Series 6, City AC2-13  
Action must be taken by: May 11, 2013

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 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 5b2, 5c2 through 5c5, and 5d1 through 5d2 to the Arizona State Liquor Board with a recommendation for approval.

## **5. LIQUOR LICENSE APPLICATIONS**

### **c. Special Event(s)**

1. The University of Arizona, Arizona Athletics, Ward 6  
1 National Championship Dr.  
Applicant: Lindsay Telleen Jenkins  
City T51-13  
Date of Event: May 4, 2013  
(Wedding Reception)

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 5c1, The University of Arizona, Arizona Athletics located in Ward 6, at the request of Council Member Kozachik.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 5 to 0 (Council Member Kozachik recused, and Council Member Scott absent/excused), to forward liquor license application 5c1 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:

Mary DeCamp	Billy Lolos	Beryl Baker
Robert Clark	Susan Caldwell	Roger Score
Keith Van Heyningen	Chris Deile	Shawn Earl
Val Little	June Webb-Vignery	

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 K**

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 APR23-13-136 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of September 11, 2012
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of September 11, 2012

### **b. FINANCE: PROPOSED SALE OF WATER SYSTEM REVENUE OBLIGATIONS, SERIES 2013**

1. Report from City Manager APR23-13-146 CITY WIDE
2. Ordinance No. 11055 an Ordinance relating to Finance; authorizing the Chief Financial Officer of City of Tucson, Arizona, to cause the sale and execution and delivery pursuant to an obligation indenture of not to exceed \$25,000,000 aggregate principal amount of Water System Revenue Obligations, Series 2013, evidencing proportionate interest of the holders thereof in installment payments of the purchase price to be paid by the City of Tucson, Arizona, pursuant to a Series 2013 City Purchase Agreement; authorizing the completion, execution and delivery with respect thereto of all agreements necessary or appropriate for the financing of costs of acquiring improvements to the storage, treatment and distribution facilities of the water system of the City and related financing costs including the delegation to the Chief Financial Officer of certain authority with respect thereto; authorizing the preparation and delivery of an official statement with respect to such obligations; ordering the sale of such obligations; authorizing the execution and delivery of a continuing disclosure undertaking with respect to such obligations; authorizing the Chief Financial Officer to expend all necessary funds therefor and declaring an emergency.

c. FINANCE: SALE OF WATER SYSTEM REVENUE REFUNDING BONDS, SERIES 2013

1. Report from City Manager APR23-13-145 CITY WIDE
2. Ordinance No. 11054 an Ordinance relating to Finance; authorizing the issuance and sale of (I) City of Tucson, Arizona, Water System Revenue Refunding Bonds, Series 2013-A, as tax-exempt bonds, in a principal amount not to exceed \$45,000,000 and (II) City of Tucson, Arizona, Water System Revenue Refunding Bonds, Series 2013-B, as taxable bonds, in a principal amount not to exceed \$30,000,000 (collectively, the "Series 2013 Refunding Bonds"); providing for the sale thereof, the application of the proceeds therefrom to the refunding of the bonds to be refunded and the payment of principal and the interest thereon; providing certain terms, covenants and conditions relating to the Series 2013 Refunding Bonds; authorizing the execution and delivery of a Depository Trust Agreement and appointing a Depository Trustee with respect to the bonds to be refunded; authorizing the execution and delivery of a Purchase Agreement and a continuing disclosure undertaking with regard to the Series 2013 Refunding Bonds; appointing a Bond Registrar, Transfer Agent, and Payment Agent for the Series 2013 Refunding Bonds; authorizing the preparation and delivery of an official statement with respect to the Series 2013 Refunding Bonds; and declaring an emergency.

d. FINANCE: SALE OF SENIOR LIEN STREET AND HIGHWAY USER REVENUE REFUNDING BONDS, SERIES 2013

1. Report from City Manager APR23-13-142 CITY WIDE
2. Ordinance No. 11051 an Ordinance relating to Finance; authorizing the issuance and sale of not to exceed \$60,000,000 City of Tucson, Arizona, Senior Lien Street and Highway User Revenue Refunding Bonds, in one or more series, as tax-exempt or taxable bonds; providing certain terms, covenants and conditions relating to the Series 2013 Refunding Bonds; providing for the application of the proceeds thereof to the redemption of the bonds to be refunded; authorizing the execution and delivery of a Bond Purchase Contract and a continuing disclosure undertaking with regard to the Series 2013 Refunding Bonds and a Depository Trust Agreement with respect to the bonds to be refunded; appointing a Bond Registrar, Transfer Agent and Paying Agent; authorizing the preparation and delivery of an official statement in connection with the Series 2013 Refunding Bonds; ratifying certain acts heretofore taken by City officials; and declaring an emergency.

- e. FINANCE: SALE OF GENERAL OBLIGATION BONDS, SERIES 2012-A (2013) AND GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013-B
  - 1. Report from City Manager APR23-13-144 CITY WIDE
  - 2. Ordinance No. 11052 an Ordinance relating to Finance; authorizing the issuance and sale of (I) City of Tucson, Arizona, General Obligation Bonds, Series 2012-A (2013), as tax-exempt or taxable bonds, in a principal amount not to exceed \$20,000,000 and (II) City of Tucson, Arizona, General Obligation Refunding Bonds, Series 2013-B, as tax-exempt or taxable bonds, in a principal amount not to exceed \$30,000,000 (collectively, the "Series 2013 Bonds"); providing for sale thereof and the levy and collection of *ad valorem* taxes for the payment of the principal of and interest on the Series 2013 Bonds; providing for the application of a portion of the proceeds therefrom for the acquisition and construction of certain municipal improvements and the refunding of the bonds to be refunded and for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2013 Bonds; authorizing the execution and delivery of a Depository Trust Agreement and appointing a Depository Trustee with respect to the bonds to be refunded; authorizing the execution and delivery of a Bond Purchase Agreement and a continuing disclosure undertaking with regard to the Series 2013 Bonds; appointing a Bond Registrar, Transfer Agent and Paying Agent for the Series 2013 Bonds; authorizing the preparation and delivery of an official statement with respect to the Series 2013 Bonds; and declaring an emergency.
- f. ZONING: (S05-182) EXTENDING PROTECTED DEVELOPMENT RIGHTS ON THE TENTATIVE AND FINAL PLATS FOR INDIGOMODERN WHICH WERE PREVIOUSLY APPROVED AS A PROTECTED DEVELOPMENT RIGHT PLAN
  - 1. Report from City Manager APR23-13-135 WARD 6
  - 2. Resolution No. 22029 relating to Zoning: extending the duration of protected development rights for the portion of the tentative and final plats for IndigoModern (S05-182) located on the south side of Third Street; and declaring an emergency.
- g. FINAL PLAT: (S13-001) RIO VIEJO APARTMENTS, BLOCK 1, A RE-SUBDIVISION OF BLUE SKY SUBDIVISION, LOTS 1 TO 42, AND COMMON AREAS "A" AND "B"
  - 1. Report from City Manager APR23-13-134 WARD 5



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.

(This item was continued at the request of Council Member Fimbres.)

h. REAL PROPERTY: CONVEYANCE OF RIGHT-OF-WAY VIA THE PAPER PLAT PROCESS FOR PROPERTY LOCATED WITHIN THE BLUE SKY SUBDIVISION (CONTINUED FROM THE MEETING OF APRIL 9, 2013)

1. Report from City Manager APR23-13-138 WARD 5
2. Ordinance No. 11064 relating to Real Property; vacating and declaring right of way within Blue Sky Subdivision to be surplus; authorizing the conveyance thereof at no cost to Metro Title Agency of Arizona, as Trustee under Trust No. T09-0608, in accordance with the City of Tucson's Paper Plat Policy; and declaring an emergency.

(This item was continued at the request of Council Member Fimbres.)

i. REAL PROPERTY: APPROVAL OF A UTILITY RIGHT OF WAY LEASE FOR WELLS NEAR SAHUARITA ROAD AND SANTA RITA ROAD

1. Report from City Manager APR23-13-148 OUTSIDE CITY

Staff requested this item be continued.

j. EMERGENCY MANAGEMENT: ADOPTION OF PIMA COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

1. Report from City Manager APR23-13-143 CITY WIDE
2. Resolution No. 22034 relating to emergency management; adopting the Pima County Multi-Jurisdictional Hazard Mitigation Plan 2012 as the official City of Tucson Hazard Mitigation Plan; and declaring an emergency.

k. MUTUAL AID AGREEMENT: WITH THE CORONA DE TUCSON FIRE DISTRICT FOR EMERGENCY SERVICES

1. Report from City Manager APR23-13-141 CITY WIDE AND OUTSIDE CITY

2. Resolution No. 22031 relating to the Fire Department; authorizing and approving a Mutual Aid Agreement for Emergency Services between the City of Tucson, acting through the Tucson Fire Department, and the Corona de Tucson Fire District to provide fire suppression, medical, hazardous material, on-scene emergency medical, and technical rescue response (referred to collectively as "all hazard response"); 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 – k, with the exception of Items g and h, which were continued, be passed and adopted and the proper action taken.

**9. REAL PROPERTY: APPROVING A GOVERNMENT PROPERTY LEASE EXCISE TAX LEASE AGREEMENT WITH ONE EAST BROADWAY, LLC**

(Note: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 139, dated April 23, 2013, was received into and made part of the record. He asked the City Clerk to read Resolution 22030 by number and title only.

Resolution No. 22030 relating to Real Property; authorizing and approving the Government Property Lease Excise Tax ("GPLET") Lease Agreement between the City of Tucson and One East Broadway, LLC; 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), to pass and adopt Resolution 22030.

**8. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED ANNUAL BUDGET FOR FISCAL YEAR 2014**

Mayor Rothschild announced City Manager's communication number 140, dated April 23, 2013, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing to provide the public with an opportunity to comment on the Fiscal Year 2014 recommended budget. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Comments were made by:

Barrie Pederson  
Todd Griffith

Richard Rudinski  
William Bonanno

Roland Gutierrez

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to close the public hearing.

Mayor Rothschild announced that the tentative adoption of the Fiscal Year 2014 budget was scheduled for May 7, 2013, and another legally-required public hearing was scheduled for May 21, 2013, for the purpose of public comment regarding the tentative budget as adopted on May 7, 2013.

**9. REAL PROPERTY: APPROVING A GOVERNMENT PROPERTY LEASE EXCISE TAX LEASE AGREEMENT WITH ONE EAST BROADWAY, LLC**

(NOTE: This item was taken out of order and discussed after the Consent Agenda.)

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

Mayor Rothschild announced City Manager's communication number 137, dated April 23, 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 Vice Mayor Romero, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to approve the re-appointments of Kathryn Hahne (Educator) and Christina Bickelmann (Water Conservation Specialist) to the Landscape Advisory Committee (LAC).

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

Council Member Cunningham announced his personal appointments of Frank Salbego to the Tucson Greens Committee (TGC) and Ron Ewing to the Environmental Services Advisory Committee (ESAC).

Council Member Kozachik announced his personal appointment of Kade Mislinski to the Small, Minority and Women-Owned Business Commission (SMWBC).

**11. ADJOURNMENT: 6:48 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 7, 2013, 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 23rd day of April 2013, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:dp:arf