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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on November 14, 2018.

Date of Meeting: April 3, 2018

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 5:58 p.m., on Tuesday, April 3, 2018, 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	Vice Mayor, Council Member Ward 2
Paul Durham	Council Member Ward 3
Shirley C. Scott	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:

Michael J. Ortega	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

**2. INVOCATION AND PLEDGE OF ALLEGIANCE AND APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

a. INVOCATION

The invocation was given by Pastor Larry Munguia, The S.O.B.E.R. Project.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. PRESENTATIONS:

1. Mayor Rothschild proclaimed April 16 to be “Angel Heart Pajama Day.”

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager’s communication number 107, dated April 3, 2018, 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 Scott, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of C. W. Hall to the Veterans’ Affairs Committee (VAC).

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

Vice Mayor Cunningham announced his personal appointment of Les Pierce to the Bicycle Advisory Committee (BAC).

**3. MAYOR AND COUNCIL/CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Rothschild announced City Manager’s communication number 101, dated April 3, 2018, 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 and the City Manager to report on current events and asked if there were any reports.

Current event reports were provided by Vice Mayor Cunningham, Council Members Romero, Durham, and Fimbres.

No report was given by the City Manager.

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

**4. BOARDS, COMMITTEES AND COMMISSIONS: REPORTS TO MAYOR AND COUNCIL**

Mayor Rothschild announced City Manager’s communication number 102, dated April 3, 2018, was received into and made part of the record. He also announced this was

the time scheduled to allow Boards, Committees and Commissions to report on their activities during the past year, as well as, anticipated future activities.

Reports were provided by Hyman Kaplan, Outdoor Lighting Code Committee (OLCC) Chairperson, and Andrea Altamirano, Tucson Parks and Recreation Commission (TPRC) Chairperson.

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 106, dated April 3, 2018, 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. Tito and Pep, Ward 6  
4122 E. Speedway Blvd.  
Applicant: John Michael Martinez  
Series 12, City 9-18  
Action must be taken by: April 8, 2018

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)

### c. Special Event(s)

1. Tucson Botanical Gardens, Ward 6  
2150 N. Alvernon Way  
Applicant: Mary Ann Confrey  
City T36-18  
Date of Event: April 28, 2018  
(Urban Garden Festival)

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

2. Tucson Breakfast Lions Club, Ward 5  
4823 S. 6th Ave.  
Applicant: Sanford Nathaniel Shiff  
City T37-18  
Date of Event: April 27, 2018 - April 28, 2018  
(Fundraiser)

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

3. Saints Peter and Paul Catholic School, Ward 2  
6503 E. Tanque Verde Rd.  
Applicant: Patrick M. Crino  
City T38-18  
Date of Event: April 28, 2018  
(Fundraiser)

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

4. Watershed Management Group, Ward 2  
9468 E. Wrightstown Rd.  
Applicant: Lisa Shipek  
City T39-18  
Date of Event: April 21, 2018  
(Raise Awareness of WMG River Restoration work)

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

5. Southern Arizona AIDS Foundation, Ward 6  
522 N. 4th Ave.  
Applicant: Josue Miguel Romero  
City T41-18  
Date of Event: April 21, 2018  
(Jell-O Wrestling Extravaganza)

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

- d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no application(s) for agent changes scheduled for this meeting.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5c1 through 5b5 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:

Jon Schlecht	Angel Flores	Mary Kelso
Tom Starrs	Jim Howard	Paul Hart
Byron Branham	Vytas Sakalas	Anthony Potter
Robert Reus	Brian Williams	Al Wiruth
Joe Audino	Sue DeBenedette	

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 H**

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 APR03-18-108 CITY WIDE
  2. Mayor and Council Regular Meeting Minutes of October 10, 2017
  3. Mayor and Council Study Session Legal Action Report and Minutes of October 10, 2017
- b. BOARDS, COMMITTEES AND COMMISSIONS: TERMINATING THE KINO-22ND ROADWAY DEVELOPMENT CITIZEN ADVISORY COMMITTEE
  1. Report from City Manager APR03-18-103 CITY WIDE
  2. Ordinance No. 11536 relating to Boards and Commissions; terminating the Kino-22nd Roadway Development Citizen Advisory Committee; and declaring an emergency.
- c. BOARDS, COMMITTEES AND COMMISSIONS: NAME CHANGE OF THE “CITIZENS POLICE ADVISORY REVIEW BOARD” TO “COMMUNITY POLICE ADVISORY REVIEW BOARD”
  1. Report from City Manager APR03-18-110 CITY WIDE

2. Ordinance No. 11537 relating to Boards and Commissions; changing the name of the “Citizens Police Advisory Review Board” to the “Community Police Advisory Review Board”; amending the relevant portions of Tucson Code Chapter 10A, Article VIII to reflect the name change; and declaring an emergency.
- d. FINAL PLAT: (S17-040) PIMA MEDICAL CAMPUS, LOTS 1 THROUGH 14, COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager APR03-18-104 WARD 6
  2. Staff recommends that the Mayor and Council approve the 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.
- e. FINAL PLAT: (S17-057) MURPHY’S LOTS 1 AND 2
1. Report from City Manager APR03-18-111 WARD 2
  2. Staff recommends that the Mayor and Council approve the 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.
- f. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE ARCADIA AND TIMROD BIKE BOULEVARD IMPROVEMENTS PROJECT
1. Report from City Manager APR03-18-112 WARD 6
  2. Resolution No. 22878 relating to Intergovernmental Agreements (IGAS) and Transportation; authorizing and approving Amendment No. 1 to the IGA between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Arcadia Avenue and the Timrod Street Bike Boulevard Improvements Projects; and declaring an emergency.
- g. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE EL PASO AND SOUTHWESTERN GREENWAY, KINO PARKWAY TO UNIVERSITY BOULEVARD PROJECT
1. Report from City Manager APR03-18-113 WARDS 1, 5, AND 6

2. Resolution No. 22877 relating to Transportation and Intergovernmental Agreements (IGAs); authorizing and approving Amendment No. 4 to the IGA between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for the El Paso and Southwestern Greenway, Kino Parkway to University Boulevard Project; and declaring an emergency.
- h. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH SAM E. MOUSSA, OWNER OF PARCELS 108-02-0200, 108-02-0240, 108-02-025B, 108-02-025C, 108-02-025D AND 108-02-025E, FOR WATER SERVICE
1. Report from City Manager APR03-18-114 WARD 2 AND OUTSIDE CITY
  2. Resolution No. 22879 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Sam E. Moussa, owner of Parcel Nos. 108-02-0200, 108-02-0240, 108-02-025B, 108-02-025C, 108-02-025D, and 108-02-025E.

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 – h, be passed and adopted and the proper action taken.

**8. PUBLIC HEARING: APPLICATION BY TUCSON GREYHOUND PARK FOR AN OFF-TRACK BETTING SITE AT MIDTOWN TAVERN, 3620 NORTH 1ST AVENUE**

Mayor Rothschild announced City Manager's communication number 116, dated April 3, 2018, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a request for a new off-track betting site located at the Midtown Tavern. 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:

Gary Vella	Alicia Heiserer	Karyn Zoldan
Frank Silverman	Matthew Tow	Deborah Merritt

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Rothschild asked the City Clerk to read Resolution 22880 by number and title only.

Resolution No. 22880 relating to off-track betting facilities; approving Midtown Tavern, 3620 N. 1st Avenue, Tucson, Arizona, as an off-track betting site for horse and dog racing for the Tucson Greyhound Park, and declaring an emergency.

Mayor Rothschild asked Frank Silverman to come forward.

Council Member Durham noted that live dog racing had become illegal in Arizona as of January 2017, and there were already six existing off-track betting locations for horse and dog racing.

Mr. Silverman questioned the January 2017 date as to when dog racing became illegal and stated there was only four off-track betting sites.

Council Member Durham stated live dog racing became illegal in Arizona as of January 2017. He said the information he received from the Arizona Department of Gaming website indicated as of mid-day, showed there were six sites. He stated he had a dim view of supporting an industry which was already illegal in Arizona. He asked if Mr. Silverman would consider amending his request of Tucson Greyhound Park to permit off-track betting for horse and harness racing only, and excluding dog racing.

Mr. Silverman stated he did not know if that was possible since Tucson Greyhound Park operated off-track betting.

Council Member Durham stated Tucson Greyhound Park operated horse and dog off-track betting there too.

Mayor Rothschild said he believed you could get horse and harness racing but did not know if you could get it through Tucson Greyhound Park. He then referred to the City Attorney.

Mike Rankin, City Attorney, stated his read of the statutes was that off-track betting, to establish an additional wagering facility in Arizona; an applicant had to get the approval of the local city or county in which the location was requested. He said while many were for both horse and dog racing events, there were horse racing only licenses that were issued for off-track betting as well. He said it appeared to him that it was possible to get off-tracking betting for horses and excluding dog racing.

Vice Mayor Cunningham said he understood that an applicant had to go through a simulcast broker and the only two exclusive providers were Tucson Greyhound Park and Turf Paradise. He said based on his own research, the only provider that offered a horse only package was Turf Paradise.

Mr. Silverman said he also had a contract with Turf Paradise and Tucson Greyhound Park.

Mayor Rothschild stated the application before them was solely with Tucson Greyhound Park.

Mr. Silverman said Tucson Greyhound Park actually placed the off-track betting booth in the bar and said he did not create dog or horse racing.

Council Member Durham said he wanted to make it very clear that he would oppose the application if it included dog racing and would support the application if it only included horse and harness racing.

Mr. Silverman said he understood his position.

Alicia Heiserer, Tucson Greyhound Park General Manager, stated Turf Paradise could not come into Tucson because they were not local.

Council Member Kozachik thanked them for the clarification. He said this was indeed about live dog racing and many of them worked hard to get live dog racing shut down in Arizona for many years. It was abusive and was the reason it was being shut down all over the country. He said it was a dying industry and they should do nothing at the council level that encouraged the continuation of the exploitation of these animals, and stated he would not support the application.

Vice Mayor Cunningham asked how Tucson Greyhound Park had the monopoly on all off-track betting for Tucson.

Ms. Heiserer said she believed it was a dome that went into effect when the Native Americans came and started Indian gaming, so Tucson Greyhound Park had a dome over Pima County and anyone that came in needed authorization.

Vice Mayor Cunningham said the way he understood this, there was an outfit, which was the king of exploiting dogs from Florida that received all of the City's money, because they had the license to run off-track betting in the City.

Ms. Heiserer said regarding the monies, she had just filled out the sales tax report for five thousand dollars to the City of Tucson and paid taxes for all the employees. She said Tucson Greyhound Park was making it at this time without live greyhound racing, but they were just making it today and for many years they were not.

Council Member Kozachik said it was true and live greyhound racing was maybe bringing a dozen people on a good night. He said it was all about off-track betting; turning their facility into an off-track betting parlor where people come in and buy some beers and watch races that were happening in Florida, and those poor dogs that were getting exploited in Florida, Alabama, Texas and all over the country. He said the industry needed to be shut down.

Mayor Rothschild asked if there were any other questions.

Vice Mayor Cunningham said he wanted to know if there was an alternative. He asked Mr. Silverman if he would be able to obtain a license with Turf Paradise.

Mr. Silverman answered that he did not think he could.

Mayor Rothschild stated he did not want them to speculate and reiterated the application at hand was with Tucson Greyhound Park.

It was moved by Council Member Durham, duly seconded, and passed by a roll call vote of 7 to 0, to deny the application.

**9. PARKS AND RECREATION: APPROVING THE APPOINTMENT OF BRENT DENNIS AS THE DIRECTOR OF PARKS AND RECREATION**

Mayor Rothschild announced City Manager's communication number 115, dated April 3, 2018, was received into and made part of the record. He asked the City Clerk to read Ordinance 11538 by number and title only.

Ordinance No. 11538 relating to the Department of Parks and Recreation: approving the appointment of the Director of Parks and Recreation; and declaring an emergency.

Council Member Romero welcomed Mr. Dennis to the City of Tucson and asked him if he wanted to say a few words.

Brent Dennis said he had been warmly welcomed to this great city and already felt like he was at home. He said he heard the outpouring of support from pickle ball enthusiasts and wanted to inform them he was instrumental in repurposing some of the under utilized basketball and volleyball courts into the very popular pickle ball courts and would work with the community and partnerships in moving it forward. Mr. Dennis also announced his staff would be opening up pickle ball at Udall, El Pueblo and Randolph, beginning April 15<sup>th</sup> from 10:00 am to 4:00 pm every Sunday.

Council Member Scott mentioned pickle ball was also played at Lincoln Park Clements Center.

Mr. Dennis thanked the Mayor and Council and he introduced his Executive Assistant, Diana Schroeder, and said she would be calling to set up appointments to meet with each of them.

It was moved by Council Member Romero, duly seconded and carried by a voice vote of 7 to 0, to pass and adopt Ordinance 11538.

**10. CITY ADMINISTRATION: APPROVING THE APPOINTMENT OF ANA URQUIJO AS ADMINISTRATIVE SERVICES OFFICER AND HUMAN RESOURCES DIRECTOR**

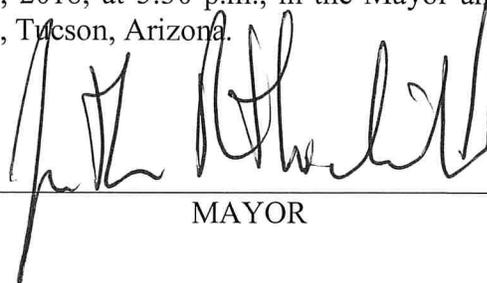
Mayor Rothschild announced City Manager's communication number 117, dated April 3, 2018, was received into and made part of the record. He asked the City Clerk to read Ordinance 11539 by number and title only.

Ordinance No. 11539 relating to the Departments of Business Services and Human Resources; approving the appointment of the Administrative Services Officer of Business Services and Human Resources Director; and declaring an emergency.

It was moved by Vice Mayor Cunningham, duly seconded and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11539.

**11. ADJOURNMENT: 7:47 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on April 17, 2018, 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 3rd day of April 2018, and do hereby certify that it is an accurate transcription.

  
DEPUTY CITY CLERK

RWR:ds:cl