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# Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on November 18, 2014

Date of Meeting: June 17, 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 5:35 p.m., on Tuesday, June 17, 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	Vice Mayor, Council Member Ward 2
Karin Uhlich	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:

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 Roy Tullgren, Gospel Rescue Mission, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild and Council Member Romero presented certificates to the Tucson Jazz Institute for Winning First Place at the Jazz at Lincoln Center’s 19<sup>th</sup> Annual Essentially Ellington High School Jazz Competition in New York City.

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

Mayor Rothschild announced City Manager’s communication number 186, dated June 17, 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 Cunningham, Council Members Romero, 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 187, dated June 17, 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 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 185, dated June 17, 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. Pueblo Vida Brewing, Ward 6  
115 E. Broadway Blvd.  
Applicant: Kyle Edward Jefferson  
Series 3, City 7-14  
Action must be taken by: March 21, 2014

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

Public Opinion: Written Argument in Support Filed

2. Whole Foods Market, Ward 6  
3360 E. Speedway Blvd.  
Applicant: Jeffrey Howard Roff  
Series 10WS, City 36-14  
Action must be taken by: July 6, 2014

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

3. Hamilton Distillers, Ward 1  
2106 N. Forbes Blvd. #103  
Applicant: Stephen Hamilton Paul  
Series 1, City 37-14  
Action must be taken by: July 5, 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.

#### c. Special Event(s)

1. St. Luke's in the Desert, Inc. dba St. Luke's Home, Ward 3  
3800 E. River Rd.  
Applicant: Beverly J. Heasley  
City T65-14  
Date of Event: October 26, 2014  
(Fundraiser)

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

#### d. Agent Change/Acquisition of Control

1. Sauce Pizza & Wine, Ward 3  
2990 N. Campbell Ave. #110  
Applicant: Randy D. Nations  
Series 12, City AC7-14  
Action must be taken by: June 22, 2014

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

2. Sauce Pizza & Wine, Ward 6  
5285 E. Broadway Blvd. #A  
Applicant: Randy D. Nations  
Series 12, City AC8-14  
Action must be taken by: June 22, 2014

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

3. Zinburger, Ward 2  
6390 E. Grant Rd.  
Applicant: Randy D. Nations  
Series 12, City AC9-14  
Action must be taken by: June 23, 2014

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

4. Zinburger, Ward 3  
1865 E. River Rd.  
Applicant: Randy D. Nations  
Series 12, City AC10-14  
Action must be taken by: June 23, 2014

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

5. Social House, Ward 6  
446 N. Campbell Ave. #150  
Applicant: Kevin Arnold Kramber  
Series 12, City AC11-14  
Action must be taken by: June 29, 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 Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications Items 5b1 through 5b3, 5c1, and 5d1 through 5d5 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:

Lea Márquez Peterson	Rob Glaser	David Goldstein
Pete Polley	Daniel Brockert	Keith Van Heyningen
Tzadik Rosenberg-Greenberg	Noreen Conroy	Sheldon Gutman
Claudia Valdez	Bill Essenmacher	

Council Member Uhlich asked the City Attorney, to provide materials for review on the City’s dog laws because the issues addressed by Noreen Conroy seemed out of line with the intent of the ordinances.

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 I**

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 JUN17-14-188 CITY WIDE
  - 2. Mayor and Council Regular Meeting Minutes of December 2, 2013
  - 3. Mayor and Council Study Session Legal Action Report and Summary Minutes of December 2, 2013
  - 4. Mayor and Council Regular Meeting Minutes of December 17, 2013
  - 5. Mayor and Council Study Session Legal Action Report and Summary Minutes of December 17, 2013
- b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO TUCSON CITY COURT
  - 1. Report from City Manager JUN17-14-182 CITY WIDE

2. Resolution No. 22244 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 02 to the Intergovernmental Agreement between the Pima County Superior Court and the City of Tucson for providing jurors to the Tucson City Court; and declaring an emergency.
- c. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH COMMONWEALTH MORTGAGE COMPANY, OWNERS OF COMMONWEALTH PARCEL NO. 140-39-8830
1. Report from City Manager JUN17-14-183 OUTSIDE CITY
  2. Resolution No. 22243 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 Commonwealth Mortgage Co., owners of Commonwealth parcel no. 140-39-8830.
- d. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH TODD VAUGHT AND JULI CAPRICE, OWNERS OF THE SHADY LANE PARCEL NO. 205-52-035A
1. Report from City Manager JUN17-14-184 OUTSIDE CITY
  2. Resolution No. 22245 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between Todd Vaught and Juli Caprice, owners of Shady Lane parcel no. 205-52-035A.
- e. LABOR AGREEMENTS: WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, THE COMMUNICATION WORKERS OF AMERICA/TUCSON ASSOCIATION OF CITY EMPLOYEES AND THE TUCSON POLICE OFFICERS ASSOCIATION
1. Report from City Manager JUN17-14-191 CITY WIDE
  2. Resolution No. 22246 relating to Employee Relations; authorizing the City Manager to execute Amendment No. 1 to the Labor Agreement between the City of Tucson and the American Federation of State, County and Municipal Employees ("AFSCME"); and declaring an emergency.
  3. Resolution No. 22247 relating to Employee Relations; authorizing the City Manager to execute Amendment No. 1 to the Labor Agreement between the City of Tucson and the Communication Workers of America/Tucson Association of City Employees ("CWA/TACE"); and declaring an emergency.

4. Resolution No. 22248 relating to Employee Relations; authorizing the City Manager to execute Amendment No. 1 to the Labor Agreement between the City of Tucson and the Tucson Police Officers Association ("TPOA"); and declaring an emergency.

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

f. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR CRASH DATA SOFTWARE

1. Report from City Manager JUN17-14-200 CITY WIDE
2. Resolution No. 22252 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the State of Arizona on behalf of its Department of Transportation (ADOT) and the City of Tucson Police Department (TPD) for the electronic submission of collision reports from TPD to ADOT; and declaring an emergency.

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

g. INTERGOVERNMENTAL AGREEMENT: WITH VARIOUS OUTSIDE AGENCIES FOR THE PIMA COUNTY/TUCSON METROPOLITAN COUNTER NARCOTICS ALLIANCE

1. Report from City Manager JUN17-14-197 CITY WIDE AND OUTSIDE CITY

(Staff has requested this item be continued.)

h. GRANT APPLICATION: TO THE FEDERAL TRANSIT ADMINISTRATION FOR THE URBANIZED AREA FORMULA FUNDS, SURFACE TRANSPORTATION PROGRAM AND BUS AND BUS FACILITIES FUNDS

1. Report from City Manager JUN17-14-193 CITY WIDE
2. Resolution No. 22251 relating to Transportation; authorizing and approving the submission of Federal Transit Administration ("FTA") Capital Grant Applications on behalf of the City of Tucson; and declaring an emergency.

i. TUCSON CODE: AMENDING (CHAPTER 2) RELATING TO SUN LINK STREETCAR FARES

1. Report from City Manager JUN17-14-194 WARDS 1 AND 6
2. Ordinance No. 11182 relating to Transit; amending Chapter 2, Article 1, of the Tucson Code for Sun Link streetcar fares.

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 – d, h – i, with the exception of Item g, which was continued, be passed and adopted and the proper action taken.

**7. CONSENT AGENDA – ITEM E**

e. LABOR AGREEMENTS: WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, THE COMMUNICATION WORKERS OF AMERICA/TUCSON ASSOCIATION OF CITY EMPLOYEES AND THE TUCSON POLICE OFFICERS ASSOCIATION

1. Report from City Manager JUN17-14-191 CITY WIDE
2. Resolution No. 22246 relating to Employee Relations; authorizing the City Manager to execute Amendment No. 1 to the Labor Agreement between the City of Tucson and the American Federation of State, County and Municipal Employees ("AFSCME"); and declaring an emergency.
3. Resolution No. 22247 relating to Employee Relations; authorizing the City Manager to execute Amendment No. 1 to the Labor Agreement between the City of Tucson and the Communication Workers of America/Tucson Association of City Employees ("CWA/TACE"); and declaring an emergency.
4. Resolution No. 22248 relating to Employee Relations; authorizing the City Manager to execute Amendment No. 1 to the Labor Agreement between the City of Tucson and the Tucson Police Officers Association ("TPOA"); and declaring an emergency.

Council Member Kozachik stated the material received indicated the extension for the labor agreement was for an additional year through June 30, 2015. He asked if we were about to reopen the labor agreements for renegotiation.

Michael Rankin, City Attorney, answered this was correct.

Council Member Kozachik asked if the renegotiation did not take a full year to finalize, why would the City be locked into the terms and conditions of the existing agreements and why not change the language to “unless resolved earlier”.

Mr. Rankin stated negotiating all four labor agreements could take a considerable period of time. He agreed it may not take a full year but this would roll the existing agreements over for the period of a full year and would allow for the reopening of the agreements and negotiations to occur during that time, such that the new agreements could be presented to Council at a time when they could be adopted in advance of and start on the beginning of the next fiscal year.

Council Member Kozachik stated it prevented the option of beginning the new terms and conditions prior to June 30, 2015, even if a new agreement was negotiated and would lock in the terms and conditions for another year.

Mr. Rankin stated it extended the current terms and conditions for a full year.

Council Member Kozachik stated he would not support it. He stated we should reserve the right to change the terms and conditions at the time they are negotiated and agreed upon by all the parties because everyone was negotiating in good faith and to the extent that they expect the new terms to begin when they were negotiated.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 22246, 22247 and 22248.

Council Member Uhlich asked did this preclude if there was mutual agreement to change the labor agreement prior to the fiscal year end that would be brought to Mayor and Council.

Mr. Rankin stated it did not preclude it if both parties agree to, for example, negotiate an agreement in six months and if both parties said okay lets execute it and agree to have an effective date starting at that time, it did keep the existing terms in place for a year, so there may be reluctance to have an effective date prior to that if the terms were not as favorable for one side or the other.

Council Member Kozachik asked why not write the flexibility into the language.

Council Member Fimbres asked if this included AFSCME, TACE, CWA and TPOA.

Mr. Rankin stated it included all four agreements.

Resolution Nos. 22246, 22247 and 22248 were declared passed and adopted by a roll call vote of 6 to 1 (Council Member Kozachik dissenting).

## 7. CONSENT AGENDA – ITEM F

### f. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR CRASH DATA SOFTWARE

1. Report from City Manager JUN17-14-200 CITY WIDE
2. Resolution No. 22252 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the State of Arizona on behalf of its Department of Transportation (ADOT) and the City of Tucson Police Department (TPD) for the electronic submission of collision reports from TPD to ADOT; and declaring an emergency.

Council Member Kozachik stated he asked two questions of staff, one was the materials stated the cost was projected to be minimal and indicated a time frame of one year. He asked first if staff would define what minimal meant and second was a year enough time. He stated the answer to the first question was the cost to the City would be minimal but would require a Public Safety City Information Technology (I.T.) System Analyst and a Public Records Specialist, time testing and trouble shooting. He stated the answer to the second question was agreeing the suggested time frame for implementation sounded tight. He was concerned the City was buying into some hidden cost by not locking in a cost and acknowledged the time frame was tight. He also asked about potential penalty of prepay of fifty thousand dollars if the City did not reach an agreement and how the costs could escalate.

Brett Klein, Assistant Chief, Tucson Police Department, indicated he was not aware of any penalties or what the penalties would be if this was not fulfilled within a certain time period. He stated the cost was a little difficult to predict not knowing what it would take to implement the new system. He stated there were some integration problems and there was someone from I.T. present to answer any questions about implementation and the timeframe.

Yvonne Morken, I.T. Administrator, said the issue being addressed with Intergraph and the interface was that the specific requirement needed to be worked on was something that applied to all agencies in Arizona and therefore Intergraph was working on a general solution. She stated a service request had been filed with Intergraph to get the problems resolved. She said she had received reports of progress on the resolution of the interface issues and she did not have any concerns about being able to implement the system.

Council Member Kozachik stated the communications he had received indicated I.T. staff felt the implementation time frame of a year was “tight”. He stated he did not want to agree to the terms if there was going to be excess costs the City had not anticipated and budgeted for. He said his understanding was there was fifty thousand dollars allocated by the Arizona Department of Transportation (ADOT) and the City would pay any unknown costs beyond that.

Ms. Morken stated there was no invoice or cost presented from Intergraph but no additional charges were expected due to the fact it was a general requirement for all Arizona agencies to use this vendor. She stated ADOT had offered the funds should Intergraph charge any additional costs. She also stated the cost of these interfaces was typically lower than fifty thousand dollars.

Council Member Kozachik asked if the Finance Department was comfortable with that statement.

Ms. Morken stated it only required a small change on a form.

Kelly Gottschalk, Assistant City Manager/Chief Financial Officer, confirmed it was consistent with other technology projects in which the City did not know what it was getting into until work had started. She also said once it was implemented it would save a significant amount of staff time, providing more on the positive side than the negative side for the City.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution 22252.

Mayor Rothschild said he would support the item. He said it was fifty thousand dollars from ADOT to fix the problem and it was a problem that needed fixing. He asked in the future on any matters like this if Mayor and Council could get them in a timely manner, so if there were any questions needing answers the Council could move them to a future meeting.

Resolution No. 22252 was declared passed and adopted by a roll call vote of 6 to 1 (Vice Mayor Cunningham dissenting).

**8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 19) RELATING TO TRANSACTION PRIVILEGE TAXES**

Mayor Rothschild announced City Manager's communication number 201, dated June 17, 2014, 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 the proposed tax amendments to the Model City Tax Code. He asked if the staff would like to make a brief statement before beginning the public hearing. No staff was present. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Robert Reus spoke in opposition of amending Tucson Code relating to transaction privilege taxes.

Mayor Rothschild asked if anyone else in the audience wished to be heard on this item.

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 Ordinance 11183 by number and title only.

Ordinance No. 11183 relating to Taxation, amending Chapter 19; adopting the 2011, 2012, and 2013 tax amendments to the Model City Tax Code; Relating to Transaction Privilege Taxes on Commercial Leases, Advertising, Retail Exemptions, Food for Home Consumption, Wastewater Removal Services, Rental of Tangible Personal Property, and Public Utility; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11183.

**9. FINANCE: FIXING AND LEVYING THE PRIMARY AND SECONDARY PROPERTY TAXES FOR FISCAL YEAR 2015**

Mayor Rothschild announced City Manager's communication number 196, dated June 17, 2014, was received into and made part of the record. He asked the City Clerk to read Ordinance 11165 by number and title only.

Ordinance No. 11165 relating to taxation; fixing, levying, and assessing primary and secondary property taxes for the City of Tucson upon the assessed valuation of the property within the City of Tucson subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required in the annual budget, less the amounts estimated to be received from other sources of revenue and unencumbered balances from the previous fiscal year; providing funds for various purposes, all for the fiscal year ending June 30, 2015; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Ordinance 11165.

Vice Mayor Cunningham asked if the City was using the property values from the County Assessor for the property tax. He asked if the property taxes would go down for some City residents.

Kelly Gottschalk, Assistant City Manager/Chief Financial Officer, stated the taxes would go down on the City's share of the tax.

Ordinance 11165 was declared passed and adopted by a roll call vote of 7 to 0.

**10. WATER: AUTHORIZING AND APPROVING THE PARTIAL ASSIGNMENT OF A WATER SERVICE SUBCONTRACT AND AN AMENDMENT TO THE SUBCONTRACT WITH THE UNITED STATES SECRETARY OF THE INTERIOR**

Mayor Rothschild announced City Manager's communication number 192, dated June 17, 2014, was received into and made part of the record. He asked the City Clerk to read Resolution 22250 by number and title only.

Resolution No. 22250 relating to Water; approving and authorizing a Partial Assignment of Rights and Assumption of Obligations of Central Arizona Municipal and Industrial Water Service Subcontract between the Flowing Wells Irrigation District and the City of Tucson; and Amendment Number 1 to the City of Tucson's Subcontract No. 07-XX-30-W084 with the United States Secretary of the Interior and the Central Arizona Water Conservation District; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, to pass and adopt Resolution 22250.

Vice Mayor Cunningham stated he understood the City was increasing 19 acre feet to Flowing Wells. He asked how that would be affected if the City's Central Arizona Project (CAP) allotment was cut in the next five years.

Christopher Avery, Tucson Water, stated the total allocation of CAP Municipal and Industrial Priority Water would increase by 19 acre feet and if there was a shortage, the City would be cut proportionately, some of the 19 acre feet would be cut in the same proportion as the remaining allocation.

Vice Mayor Cunningham asked if, with all the wheeling agreements for CAP water, the City's allotment would be affected if there was a decrease.

Mr. Avery stated this was a transfer of 19 acre feet of Municipal and Industrial Priority Water, previously held by Flowing Wells, to the City of Tucson. He said it was a minor amount of water and had the same priority as the current subcontract and would place the City in a better position if there was a shortage.

Resolution 22250 was declared passed and adopted by a roll call vote of 7 to 0.

**11. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING PRETRIAL SERVICES TO THE TUCSON CITY COURT**

Mayor Rothschild announced City Manager's communication number 190, dated June 17, 2014, was received into and made part of the record. He asked the City Clerk to read Resolution 22249 by number and title only.

Resolution No. 22249 relating to Intergovernmental Agreements; approving and authorizing an Intergovernmental Agreement with Pima County Superior Court for providing Pretrial Services to the Tucson City Court; and declaring an emergency.

It was moved by Vice Mayor Cunningham, duly seconded, to pass and adopt Resolution 22249.

Council Member Kozachik stated in 2004 the City discontinued the use of pre-trial services and since then City Court Magistrates have not received domestic violence information. He asked if the information had been available for the City Magistrates for the purposes of making a decision on release.

Antonio Riojas, Presiding City Magistrate, stated when the pre-trial services contract was dropped in 2004, the City went to form four, which was filled out by the arresting agencies and gave information concerning domestic violence charges. He said it told the Magistrate the victim's name, address, whether or not the victim wanted contact or to allow the defendant to come back home. He stated the City Magistrate stopped receiving information about other domestic violence arrests in other jurisdictions in the County. He said by approving the IGA, the Magistrates would receive the information on pending domestic violence cases outside the City.

Council Member Fimbres asked what the proposed cost was for the IGA.

Judge Riojas stated the cost was one hundred thousand dollars a year.

Resolution 22249 was declared passed and adopted by a roll call vote of 7 to 0.

**12. REAL PROPERTY: APPROVING THE FIRST AMENDMENT TO THE LEASE WITH THE MUSEUM OF CONTEMPORARY ART FOR PROPERTY LOCATED AT 265 S CHURCH AVENUE (CONTINUED FROM THE MEETING OF JUNE 3, 2014)**

Mayor Rothschild announced City Manager's communication number 199, dated June 17, 2014, was received into and made part of the record. He asked the City Clerk to read Ordinance 11181 by number and title only.

Ordinance No. 11181 relating to Real Property; authorizing and approving a First Amendment to Lease between the City of Tucson (City) and the Museum of Contemporary Art (MOCA) for real property located at 265 South Church Avenue, Tucson, Arizona; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Ordinance 11181.

Council Member Fimbres requested the Museum of Contemporary Art's (MOCA) option to purchase the building be explained in further detail. He also asked what if MOCA decided to purchase the building before or after the 36 month provision.

Michael Rankin, City Attorney, stated the amendment to the lease would bring the lease into conformance with the Mayor and Council approved policy on leased City property. He stated it would establish rental payment at a rate of twenty five percent of market as determined by an appraiser. He said the appraisal identified this as the best use of the property. He said as part of the lease, the City incorporated the option to purchase provision. He stated in the months between the twenty fourth month and the thirty sixth month, the tenant can opt to purchase the property. He said if the tenant were to purchase the property there would be a new appraisal performed, and the tenant would pay the full appraised price for the property. He said if the tenant did not elect to purchase the property, the lease would remain in place and the City did have a termination provision allowing for termination of the lease with twelve months prior notice. He stated the lease also had a renewal period for an additional five years.

Council Member Fimbres asked if MOCA would be responsible for water and electricity expenses.

Mr. Rankin answered affirmatively.

Ordinance 11181 was declared passed and adopted by a roll call vote of 7 to 0.

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

Mayor Rothschild announced City Manager's communication number 198, dated June 17, 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 Scott, duly seconded, and carried by a voice vote of 7 to 0, to approve the reappointment of Maxine Goodman and Sheila Tobias to Pima County/Tucson Women's Commission.

Vice Mayor Cunningham congratulated Leonard Porges for his appointment to the Charter Review Committee.

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

Council Member Scott announced her personal appointment of Stephen Taylor to the ParkWise Commission and David Flaughter to the Civil Service Commission.

Council Member Fimbres announced his personal appointment of Mark Lewis to the Citizens' Water Advisory Committee.

**11. ADJOURNMENT: 7:03 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, July 8, 2014, at 5:30 p.m., and a special meeting would be held on Monday, June 30, 2014, at 6:00 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 17th day of June 2014, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:sf:dd