



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on August 5, 2015.

Date of Meeting: December 16, 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 5:32 p.m., on Tuesday, December 16, 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	Council Member Ward 4
Richard G. Fimbres	Vice Mayor, Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

Martha Durkin	City Manager
Michael Rankin	City Attorney
Deborah Rainone	Chief Deputy City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Larry Munguia, The S.O.B.E.R. Project, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild made a presentation to the City of Tucson’s Budget staff for winning the Distinguished Budget Presentation Award for the 30th year in a row.
- b. Mayor Rothschild proclaimed December 16, 2014 as Metropolitan Education Commission (MEC) 25th Anniversary Day. June Webb-Vignery, MEC Director, accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 399, dated December 16, 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 Council Members Romero, Cunningham, and Uhlich and Vice Mayor 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 400, dated December 16, 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 Martha Durkin, 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 403, dated December 16, 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. New China Super Buffet, Ward 2
1160 N. Wilmot Rd.
Applicant: Yunqin Lu
Series 12, City 103-14
Action must be taken by: December 27, 2014

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

This item was considered separately.

2. QQ Sushi Restaurant, Ward 6
1011 N. Tyndall Ave. #171
Applicant: Thomas Robert Aguilera
Series 12, City 107-14
Action must be taken by: January 10, 2015

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

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

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)

There are no application(s) for person transfers scheduled for this meeting.

c. Special Event(s)

1. Congregation or Chadash, Ward 6
160 S. Scott Ave.
Applicant: Mitch Reed Karson
City T163-14
Date of Event: February 7, 2015
(Fundraiser)

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

2. The Drawing Studio, Inc., Ward 3
160 S. Scott Ave.
Applicant: Tanya Rich
City T165-14
Date of Event: January 31, 2015
(2015 Tucson Sculpture Festival)

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

3. Tucson Jazz Festival, Ward 6
300 E. Congress St.
Applicant: Yvonne C. Ervin
City T166-14
Date of Event: January 19, 2015
(Jazz Festival)

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

4. Tucson Jewish Community Center, Ward 3
3800 E. River Rd.
Applicant: Barry Paul Baker
City T167-14
Date of Event: February 8, 2015
(Fundraiser)

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

5. St. Patrick's Day Parade of Tucson, Inc., Ward 1
283 N. Stone Ave.
Applicant: Gregory Patrick Landers
City T168-14
Date of Event: January 10, 2015
(Fundraiser)

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

- d. Agent Change/Acquisition of Control

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

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 Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 and 5c1 through 5c5 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

- b. Liquor License Application(s)

New License(s)

2. QQ Sushi Restaurant, Ward 6
1011 N. Tyndall Ave. #171
Applicant: Thomas Robert Aguilera
Series 12, City 107-14
Action must be taken by: January 10, 2015

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

Public Opinion: Written Arguments Opposed Filed

Deborah Rainone, Chief Deputy City Clerk, announced the item to be considered separately was Item 5b2, QQ Sushi Restaurant located in Ward 6, due to written arguments filed.

Council Member Kozachik requested the Applicant come forward. He indicated there were questions with respect to some documents submitted and some petitions that were filed by the Applicant on behalf of his client that were either in inappropriate or incomplete form. He stated he thought there was a timely way to get to get the word out to applicants and people on either side of the issue, those efforts that needed to be made so that people understood what would and would not be a part of the record.

Thomas Aguilera, Applicant, stated he was aware of Title 4 protocol associated with the submission of arguments in favor or opposed to liquor license applications. He said his petition had many signatures, but a number of them did not include addresses, which was part of the requirement. He indicated however, that two of them did. He asked that those two be admitted to the record. He noted the Islamic Center failed to submit appropriate organizing documents and was curious why the City accepted theirs but would not accept his.

Council Member Kozachik assured Mr. Aguilera the two signatures in support of the application were on the record and indicated the written protest by the Islamic Center was not part of the record based on the deficiencies Mr. Aguilera identified.

Mr. Aguilera added the reason he brought it up was because the agenda indicated otherwise. He stated he and his client had recently met with the Islamic Center and had some productive discussions. He indicated the application was a Series 12 restaurant, a sushi concept new to Tucson. He said his client was trained in Title 4 liquor laws and would be the agent on the license. He acknowledged understanding of the sensitivity in the area and stated his client had been well informed of those, as well. He added that his client's intention was to become a good neighbor by emphasizing not serving underage clients and not over serving clients. He requested that the Mayor and Council recommend approval of the application to the State Liquor Department.

Council Member Kozachik thanked Mr. Aguilera for meeting with the Islamic Center community and encouraged him, regardless of the outcome, to continue that outreach. He acknowledged there were speakers from the Center and surrounding areas who wanted to voice their opinions.

Diana Lett, Feldman's Neighborhood Association spoke in opposition to the liquor license application.

Mayam Mir, Islamic Center of Tucson, spoke in opposition to the request.

Ayman Albargash, Islamic Center of Tucson Board of Trustee spoke in opposition to the request.

Council Member Kozachik acknowledged the concerns of those individuals who spoke. He stated there were two legal reasons to propose a recommendation of denial; one was "the person". He said there was absolutely nothing in Mr. Aguilera's client's background that would indicate denial should be recommended on that basis. He continued stating that given the circumstances currently surrounding the location of the restaurant, it was an appropriate basis to recommend denial of the request.

It was moved by Council Member Kozachik, duly seconded, to forward liquor license application 5b2 to the Arizona State Liquor Board with a recommendation for denial.

Council Member Romero inquired if the parameters from a religious institution were taken into consideration.

Council Member Kozachik replied by saying it was a Series 12 for a restaurant.

Mayor Rothschild directed the inquiry to the City Attorney, who clarified it did not qualify for the foot qualification because it was not a bar, it was a restaurant. He also added it was for a liquor license.

The submission of Liquor License application 5b2 with a recommendation of denial to the Arizona State Liquor Board was carried by a voice vote of 7 to 0.

A verbatim transcript of this item is available from the City Clerk's Office for ten years from the date of this meeting.

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:

Roberto Rodriguez	Ana Lugo	Alicia Aranja
Keith Van Heyningen	Ana Saucedo	Diane Wilson
Kyle Preston	Raven Gaston	Jim Byrne
Dino DeConcini	Guadalupe Barrios (Martin)	

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 J

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. FINANCE: WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE

1. Report from City Manager DEC16-14-402 CITY WIDE
2. Resolution No. 22328 relating to Finance; authorizing the write-off of certain uncollectible accounts; and declaring an emergency.

b. FINANCE: REFUNDING OF WATER SYSTEM REVENUE BONDS, SERIES 2015

1. Report from City Manager DEC16-14-404 CITY WIDE
2. Ordinance No. 11218 relating to Finance; authorizing the issuance and sale of (I) City of Tucson, Arizona, Water System Revenue Refunding Bonds, Series 2015-A, as Tax-Exempt Bonds, in a principal amount not to exceed \$50,000,000 and (II) City of Tucson, Arizona, Water System Revenue Refunding Bonds, Series 2015-B, as Taxable Bonds, in a principal amount not to exceed \$85,000,000 (collectively, the "Series 2015 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 interest thereon; providing certain terms, covenants and conditions relating to the Series 2015 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 2015 Refunding Bonds; appointing a Bond Registrar, Transfer Agent and Payment Agent for the Series 2015 Refunding Bonds; authorizing the preparation and delivery of an official statement with respect to the Series 2015 Refunding Bonds; and declaring an emergency.

- c. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF REVENUE TO CONDUCT AUDITS IN 2015
 - 1. Report from City Manager DEC16-14-405 CITY WIDE
 - 2. Resolution No. 22329 relating to Finance; authorizing and approving Modification to Intergovernmental Agreement (IGA) between the State of Arizona Department of Revenue (ADOR) and the City of Tucson (City) to conduct audits in 2015 in compliance with House Bill (HB) 2111; and declaring an emergency.

- d. TUCSON CODE: AMENDING (CHAPTER 10) RELATING TO A SKILL BASED PAY STRUCTURE FOR CERTAIN TUCSON FIRE DEPARTMENT EMPLOYEES
 - 1. Report from City Manager DEC16-14-406 CITY WIDE
 - 2. Ordinance No. 11233 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service--Human Resources, Article II, Compensation Plan, Section 10-31, Amending Ordinance No. 11180 to establish skill based pay structure for certain Tucson Fire Department employees, beginning with the pay period that includes January 1, 2015; otherwise reaffirming the provisions of Ordinance No. 11180; and declaring an emergency.

- e. HOUSING AND COMMUNITY DEVELOPMENT: APPROVING THE GENERAL FUND ALLOCATION FOR A LIMITED HOMELESS PREFERENCE PROGRAM
 - 1. Report from City Manager DEC16-14-413 CITY WIDE
 - 2. Resolution No. 22333 relating to Housing and Community Development; approving the community non-profit agencies recommended for General Fund Fiscal Year 2015 (FY 2015) human services funding set-aside for a limited homeless preference; authorizing and directing the City of Tucson's Housing and Community Development Department to execute contracts in accordance with the recommendations; and declaring an emergency.

- f. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE REALIGNMENT OF HUGHES ACCESS ROAD AND THE CONSTRUCTION AND MAINTENANCE OF AEROSPACE PARKWAY
 - 1. Report from City Manager DEC16-14-411 WARD 5

2. Resolution No. 22332 relating to Transportation; authorizing and approving an Intergovernmental Agreement (IGA) between Pima County and the City of Tucson (City) for the realignment of Hughes Access Road and the construction and maintenance of Aerospace Parkway; and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Fimbres.)

- g. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH TUCSON UNIFIED SCHOOL DISTRICT FOR THE CONSTRUCTION AND JOINT USE OF SCHOOL/PARK FACILITIES AT GRIJALVA ELEMENTARY SCHOOL
 1. Report from City Manager DEC16-14-409 WARD 1
 2. Resolution No. 22331 relating to Intergovernmental Agreements; approving and authorizing the First Amendment to the Intergovernmental Agreement between the City of Tucson and Tucson Unified School District for the joint use of school/park facilities at Grijalva Elementary School; and declaring an emergency.
- h. FINAL PLAT: (S14-035) CALLE SANTA CRUZ, LOTS 1 AND 6 OF BLOCK 2
 1. Report from City Manager DEC16-14-401 WARD 1
 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 time of actual application.
- i. REAL PROPERTY: AUTHORIZATION TO ACQUIRE REAL PROPERTY FOR THE DOWNTOWN LINKS PROJECT AND AMENDING RESOLUTIONS 21509 AND 21710
 1. Report from City Manager DEC16-14-408 WARD 6
 2. Resolution No. 22330 relating to Transportation; amending Resolution 21509, adopted April 13, 2010, and amending Resolution 21710, adopted April 5, 2011, to correct a Scrivener's Error and to identify additional Right of Way (ROW) acquisitions needed for the Regional Transportation Authority (RTA) Downtown Links Project (Project); authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn, if necessary, the additional real property necessary for the Project; and declaring an emergency.

j. INTERGOVERNMENTAL AGREEMENT: WITH THE TUCSON UNIFIED SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICERS PROGRAM

1. Report from City Manager DEC16-14-417 CITY WIDE
2. Resolution No. 22336 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement (IGA) between the City of Tucson (City) and Tucson Unified School District (TUSD) for School Resource Officers (SROs) funded through the Arizona Department of Education (AZDE) School Safety Program (SSP); and declaring an emergency.

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

It was moved by Council Member Kozachik, duly seconded, and passed by a voice vote of 7 to 0, that Consent Agenda Items a – i, with the exception of Items f and j, which were considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM F

f. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE REALIGNMENT OF HUGHES ACCESS ROAD AND THE CONSTRUCTION AND MAINTENANCE OF AEROSPACE PARKWAY

1. Report from City Manager DEC16-14-411 WARD 5
2. Resolution No. 22332 relating to Transportation; authorizing and approving an Intergovernmental Agreement (IGA) between Pima County and the City of Tucson (City) for the realignment of Hughes Access Road and the construction and maintenance of Aerospace Parkway; and declaring an emergency.

Vice Mayor Fimbres asked what the benefit of the IGA was for the City of Tucson and the region.

Hector Martinez, Real Estate Department Director, replied it was the first phase of the Sonoran Corridor Project. He added, the construction of a new access road allowed for a buffer for Raytheon to be built. He said it also allowed for additional land for future development of Raytheon, which ultimately created new jobs for the community.

Vice Mayor Fimbres asked for confirmation that the acquisition and construction of the realigned roads was being performed by Pima County Regional Transportation funds and the maintenance responsibility was being assigned to Pima County, therefore there was no budget impact to the City of Tucson.

Mr. Martinez confirmed Pima County had secured the funds and the IGA articulated their commitment to construct and maintain the roadway.

It was moved by Vice Mayor Fimbres, duly seconded, and carried by a voice vote of 7-0, that Consent Agenda Item f be passed and adopted and proper action taken.

7. CONSENT AGENDA – ITEM J

j. INTERGOVERNMENTAL AGREEMENT: WITH THE TUCSON UNIFIED SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICERS PROGRAM

1. Report from City Manager DEC16-14-417 WARD 5
2. Resolution No. 22336 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement (IGA) between the City of Tucson (City) and Tucson Unified School District (TUSD) for School Resource Officers (SROs) funded through the Arizona Department of Education (AZDE) School Safety Program (SSP); and declaring an emergency.

Council Member Romero spoke of an agreement with Tucson Unified School District (TUSD) and Amphi School Districts (ASD) to provide resource officers to their schools that was signed in September of 2014. She said she stated at the meeting of September 23, 2014, the Mayor and Council made it clear that there should be a provision in the agreement regarding questions about immigration status from School Resource Officers (SROs) to students. She said she made her position very clear that that question should not be asked in any school, anywhere in Tucson, anywhere in this country, ever.

Council Member Romero stated that the City Attorney advised the question could be asked based on SB 1070. She stated that the Mayor and Council had a history of standing up against SB 1070. Tucson was the first city in Arizona to take a position against it. She said the Mayor and Council had been very clear with their direction and policy vision given to staff regarding this stance. She gave a history dating back to 2007 of all the Mayor and Council had done regarding SB 1070, which included approving protocols regarding new visas, a Dream Act resolution, signed on to Arizona Accord in terms of how to expand immigration policies, approved an Immigrant Welcoming City resolution, an immigration reform resolution and a memorial asking President Obama to stop all deportations and separating families.

Council Member Romero said that on September 23, 2014, direction was given to forward language to TUSD that talked about SROs having the opportunity to ask for immigration status with a legal advisor and/or parent/guardian present with the student. She said her office worked with many groups because she knew legally there were federal laws that prevented the immigration question from being asked in schools. She said her office had received letters signed by all nine law professors at the James E.

College of Law, as well as the Metropolitan Education Commission (MEC) encouraging the Mayor and Council to reconsider their position and re-word the language in the IGA with TUSD.

Council Member Romero acknowledged that the language also affected parents and families and would detour students from showing up at school for fear if they were to get into minor or big trouble that question would be asked. She said TUSD received the letter and said they were going to change the language back that said they would not ask for immigration status. She said she supported the language sent back by TUSD to not include any other provisions and to be very clear of where the Mayor and Council stood in terms of never asking a student's immigration status.

Council Member Romero reiterated that the IGA before them indicated just that and it would also include changing the language in the IGA approved with Amphi School District. She made it very clear that the Mayor and Council believed in the rights of individuals, having an immigrant welcoming city, a comprehensive immigration reform, and access to education for everyone, equally, regardless of their status. She stated that the policy and vision approved by the Mayor and Council throughout the years was also instituted into the policy that the City brought forth. She said she supported revising, as quickly as possible, the Tucson Police Department's (TPD's) General Orders to reflect President Obama's priority enforcement program, so that people stopped for not signaling are not questioned about their immigration status.

It was moved by Council Member Romero, duly seconded, to approve the IGA as presented by TUSD.

Council Member Kozachik explained he was going to support the motion for three reasons; 1) to get SROs in to the schools, 2) to protect the rights of kids, and 3) to lay a legal foundation such that TPD officers are not placed in a position of violating their sworn oath. He said since September 2014, the President issued an Executive Order, part of which was the Priority Enforcement Policies which drew a line in the sand that said immigration status questions would not be asked if the line was not crossed.

Council Member Kozachik said several people, in addition to the people mentioned by Council Member Romero, shared with him a Department of Justice opinion, based on 14th Amendment, Equal Protection claims indicating the status question should not be asked in a school setting. He said by adopting the language and writing it into the General Orders, would protect the kids and the police sworn oath to protect as well.

Council Member Cunningham stated he was a Safe School Officer for seven years in the Sunnyside School District, a school district that was ninety Latino. He acknowledged there were students whose documentation was questionable at best, but added he never had a circumstance where he needed to inquire about someone's immigration status. He clarified it was a program designed to help students never enter the justice system. He added the program taught life skills and education about how to

say no to drugs and that is why he supported the program. He warned regardless of the outcome TPD's General Orders needed to be looked at, to determine if changes on how immigration status was being questioned needed to be made.

Council Member Cunningham stated he did not want people to misinterpret his comments about TPD's General Orders. He said he felt they needed to be looked at and discussed. He said he was supporting the motion because he believed in the School Safety Program and immigration should never be an issue.

Vice Mayor Fimbres praised TPD for all of their work and stated since SB 1070 was implemented, it has put them in a hard place. He said the City of Tucson has been very proactive regarding SB 1070. He said he was glad TUSD reconsidered the language. He asked staff if the President's Executive Order came in to play on the agenda item or would it have to be brought back to change the language.

Michael Rankin, City Attorney, confirmed the IGA and the motion as presented for approval, was in fact the revised version as approved by TUSD. He stated a strikethrough version was also included so there would not be any question as to what the change was and what was actually being approved. He said the revision resulted in a provision that directly stated when interacting with minors at the school; the SROs would refrain from asking about immigration status. Once approved the agreement would be completely executed which meant the grant award would be able to be acted upon through the Department of Education and SROs would be able to be implemented in TUSD schools. He spoke of the rules and guidelines underneath the Executive Order issued by the President and Department of Homeland Security in November and indicated it was a basis for more fundamental and broad range in policy that Chief Villaseñor was already initiating with respect to TPD's General Orders. He then allowed Chief Villaseñor to make comments.

Roberto Villaseñor Tucson Police Department, Chief of Police, reminded the Mayor and Council of his opposition to SB 1070 since it was first introduced and mentioned several meetings he had attended with the Attorney General and the President in Washington D.C., voicing concerns about the position it put law enforcement in. He stated that he had discussed with Mayor and Council his responsibilities, tried to take direction and apply it to the extent that he could but until the Executive Order was issued he felt his hands were tied. Since SB 1070 went into effect, out of 11,000 inquiries made to Border Patrol, only in 94 incidents resulted in Border Patrol (BP) response. He said less than one percent of the time BP responded to the scene and of those 94 responses they only took 55 into custody.

Chief Villaseñor continued saying that now with the Executive Order he would instruct his officers, when an individual is under arrest, to do a criminal background check themselves instead of calling BP. What the Executive Order was looking for was; terrorism connections, gang affiliations, felony convictions and previous deportation warrants or multiple misdemeanors. He said if the criteria laid out in the Executive Order were not met BP would not be contacted. He reiterated that SROs would not be in

conflict as they would not inquire about status, unless, they had someone under arrest because then they are obligated to do so. He stated inquires would not be made at the school; that would be away from the school when someone was in custody. He said this also applied to the Amphitheater School District though the IGA was slightly different. He concluded that the policy change would go into effect and then the General Orders would change to better mirror and reflect the Executive Order.

Council Member Kozachik asked if SROs would not ask status questions.

Chief Villaseñor affirmed they would not, unless they had someone under arrest.

Mr. Rankin responded that the language of the IGA was consistent with the Executive Orders, with respect to SRO's, it meant SRO's would not question juveniles about their immigration status.

Chief Villaseñor clarified that where the SRO's could not question immigration status, they could still make the check when an arrest was made as they were obligated to do so by law.

Mr. Rankin explained there were two different checks that were made. A check made upon an arrest would be a criminal background history check and was not an immigration status check. However, when a criminal background check revealed a person fell under the Priority 1 or 2 categories, as identified under the President's Executive Order and Department of Homeland Security (DHS) guidelines, then an immigration status inquiry would be forwarded.

Mayor Rothschild confirmed Chief Villaseñor was correct and under the President's Orders, students were not to be asked questions in the general setting of the school, as to their immigration status.

Council Member Uhlich stated there seemed to be two steps to the IGA; one was the IGA and second was the context addressed with broader policy. She asked if what was described was in keeping with South Tucson's approach.

Mr. Rankin replied he had not reviewed the South Tucson policy in some time, and did not want to give an imprecise response but said it was not the same methodology. He said he believed however, the impact would be the same and by implementing the policy in connection with arrests it would reduce the number of immigration status inquires made to BP dramatically.

Council Member Uhlich stated she supported the request to bring the General Orders to the table. She said she thought Mr. DeConcini's comment was quite compelling. She said she thought that the majority of the Mayor and Council disagreed with the City Attorney's interpretation. She said staff needed to look at the South Tucson policy and the Mayor and Council needed to provide very explicit direction on their expectations for TPD's policy on this matter.

Council Member Uhlich stated that since this was a policy issue, she believed it was within the Mayor and Council purview and despite the fact that they Mayor and Council very rarely disagreed with the City Attorney's advice, she felt this was an instance where they needed the opportunity to explicitly vote on whether or not to accept the legal advice they were receiving. She suggested that in January, they take that opportunity to review the context. She said that the perception of law enforcement was based on the context and trust. She stated it was up to the Mayor and Council, because they served the community, to set the parameters to rebuild that trust.

Council Member Romero reiterated that the language on the IGA sent by TUSD was very definitive when interacting with minors that she was comfortable with. She said it stated that SROs should refrain from asking about immigration status. She agreed with Council Member Uhlich, that TPD's General Orders should be brought to the table and clarified as soon as possible to determine the direction that should be taken and how it would affect families.

Council Member Kozachik requested language from a Department of Justice memo stating the undocumented or noncitizen status of a student or his parent or guardian is irrelevant to that student's entitlement to an elementary or secondary public education, be read into the record.

The motion to pass and adopt Consent Agenda Item j, as submitted by TUSD, passed by a call vote of 7 to 0.

RECESS: 6:40 p.m.

RECONVENE: 6:45 p.m.

All members present as they were at the beginning of the meeting.

8. PUBLIC HEARING: APPROVAL OF THE APPLICATION FOR DEMOLITION OF FOUR HISTORIC STRUCTURES AND THE PROPOSED REPLACEMENT PLAN FOR A MULTIPLE USE HOTEL

Mayor Rothschild announced City Manager's communication number 415, dated December 16, 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 of the application for demolition of four historic structures and the proposed replacement plan for a multiple use hotel. He announced staff wanted to make a brief statement before beginning the public hearing.

Ernie Duarte, Planning and Development Services Department (PDSD) Director, advised the public hearing was to address the request of 714 Tucson LLC to remove four contributing properties located at 714 N. Euclid and replace them with a hotel. He said the proposal was in accordance with the rules and regulations of both the Unified Development Code for demolition of contributing historic properties and the Main Gate

Overlay District. He stated the proposal was reviewed and approved by the Tucson Pima Historical Commission (TPCHC) Plans Review Subcommittee and the hotel design was reviewed and approved by the Main Gate District (MGD) Design Review Committee and the West University Historic Zone Advisory Review Board (WUHZAB). However, both were not in support of the demolition of the existing structures on site.

Mr. Duarte said when completed, the project would present another significant transit-oriented development in Main Gate and would be along the Sun Link route. He added it would be a \$25 million project that would generate three hundred construction jobs over eighteen months, generate \$325,000 in construction sales tax, and over \$200,000 of permitting and impact fees for City of Tucson. Also, he said the hotel would serve almost one hundred direct and indirect jobs and provide the city with transient rental and bed tax revenue on a yearly basis. He indicated staff recommended approval.

Mayor Rothschild declared the public hearing was scheduled to last no more than one hour and each speaker would be limited to a five minute presentation.

The following people spoke at the public hearing:

Tom Dunn	Matt Williams	Deborah Chah
John Patterson	Jim Kuliesh	Rick McDonnell
Ralph Pattison	Evelyn Alvarez	

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

It was moved by Vice Mayor 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 22334 by number and title only.

Resolution No. 22334 relating to Planning and Zoning: approving the application for demolition of four historic "contributing" structures and the proposed replacement plan for new construction of a mid-rise multiple use hotel -714 N. Euclid - Historic Preservation Zone (HPZ) Case No. 14-20 - Euclid Hotel; and setting an effective date.

Council Member Kozachik commented that irrespective of the number of jobs the project would create, it needed to stand on its own merits. He asked staff to speak, during their presentation; the process the project went through, i.e., the various boards and the design phase, the roof top deck and project financials, specifically, the data released which indicated it would take 110 years to break even with respect to the \$2.7 million that would be needed to be put back into the existing structures.

Bob Vint, AIA, Vint and Associates Architects, commented on the process the project went through. He said the Design Review Committee did not specifically

approve the project but shaped it by critiquing it. He said it was more a matter of understanding the project and making recommendations they felt would make it better, rather than approving or endorsing it.

Mr. Vint stated there were many committees the project was presented to which included the WUHZAB, TPCHC Plans Review Subcommittee, MGD Design Review Committee, the West University Neighborhood Association (WUNA) at large and property owners of West University, in a publically advertised meeting. He said all together thirteen meetings were held over the past eight months and the design evolved in response to the comments received.

Mr. Vint stressed that as a professional architect and Tucsonan, he was not in the business of tearing down significant historic buildings. He stated that in his professional opinion, the four particular structures had lost their historic context and were not part of the District, architecturally they were across Euclid from West University, next to a five-story, precast concrete garage that contained seventeen hundred cars. He stated there was modern development all the way down to 6th Street which included the new University of Arizona (UA) honors dorms which was six-stories high. He also mentioned other dorms in the area that had been built in the last decade.

Mr. Vint commented that the entire corridor between Euclid and Park Avenue had been under redevelopment and the City's PDSO studied the transition area. He stated that the City's design professional, Rick Gonzales, also reviewed the design and was the one who established the best practices. He said he believed the hotel would bring about one hundred forty new customers to those businesses on University Boulevard and stated it was not about destroying historic buildings rather building economic development which would serve as an amenity to the neighborhood.

Mr. Vint stated the hotel would be competitive with the University Park Marriot and came in at a lesser price point so it would be a more affordable place for people to stay. He emphasized it would not be student housing but a hotel and while he was aware of the problems with some students misbehaving at the towers, hotel guests would not be rowdy students and he did not believe there had been any police calls to the Marriot Park with complaints that the guests had thrown things from the balconies. He said he did not anticipate this happening in addition to not having balconies. He spoke about another design concern regarding windows. He said the windows had been canted to the southwest to look toward downtown and a mountain as opposed to staring straight at the neighborhood and invading privacy. He spoke about window glare and the intensity of the sun. He said one part of the building would always cast a shadow on another part of the building to reduce the exposed surface to the sun and it would also create a more interesting urban form.

Mr. Vint stated the best practices followed had been established worldwide in; Europe, North America, Latin America, San Jose, California and Portland, Oregon, all of which were mentioned in the meeting with the design professional. He stated that was the process they had gone through including the many review meetings they had had and

response to neighborhood comments to add some softer touches to the building design such as color and type of brick to be used. All of the changes were accepted by the TPDHC Plans Review Subcommittee and ultimately by the advisory board.

Mr. Vint referenced the roof top pool and pointed out it was pushed all the way east, where it overlooked the courtyard of the hotel and was away from the street. He said a green roof was also proposed, surrounding the perimeter of the 4th level roof top deck, which would keep people away from the edge of the roof. He said they would be held back approximately 16-20 feet so there would not be people leaning on the parapet and having loud conversations, they would be set more to the middle. He addressed the concern regarding the pool projecting sound into the neighborhood and stated he believed the opposite would be true because it would be overlooking the courtyard so the sound would have a place to go rather than being reflected into the neighborhood. He stated the sound would spread out like a wave in all directions and would actually be more evenly distributed in the location of the pool. He added the traffic noise on Euclid would be much greater than any roof top pool noise could possibly be. He concluded those were his comments regarding the project and stated his client, Mike Golec, was present to address any financial questions.

Mike Golec, 7ONE4, stated the financial report was a two-year summary of all the income and costs related to the project based off the as-is conditions. He said from the as is, a study was done on the rehabilitation, adaptive reuse cost, as well as a current replacement plan costs. The rehabilitation cost averaged one hundred seventy dollars a square foot, based off the international existing building code. He stated that and a really conservative approach was taken where all the costs had nothing to do with the owner of the project; but was site specific and carried a zero percent interest rate on a full cash purchase. The cost did not reflect any owner related costs such as attorney, accounting or internal processing fees. He said it was only costs related directly to the project.

Council Member Uhlich mentioned issues with other structures in the area, where a design was approved but then the structures were not built to the design. She asked staff what had been done since then to ensure what was reflected would be held to in the actual project construction.

Mr. Duarte acknowledged there had been issues in the past, with other structures reviewed and approved by the Design Review Committee (DRC) that subsequently went through the plan check process that required some changes in the design. He said there was no mechanism in place to close the loop to go back to the DRC. He stated since that time, an additional step had been instituted to ensure any changes that were a result of the plan check process had to go back through the DRC.

Council Member Uhlich announced it was the first she had heard of concerns regarding potential conflicts of interest and asked the City Attorney to address the parameters for that and share any additional thoughts.

Michael Rankin, City Attorney, said it was not something he had reviewed previously as it was the first he had heard of it, as well. He noted that generally a conflict

of interest was involved if a person, in a decision making role, had a pecuniary, proprietary or penal interest in the outcome of what that decision might be. He acknowledged it was hard for him to offer some kind of determination on the “fly” but said, based on what he had heard that evening, he did not think there was some kind of statutory or legal conflict of interest.

Council Member Uhlich asked if that had more to do with individuals, than the institutions they represented.

Mr. Rankin affirmed her response.

Council Member Kozachik questioned if it was fair to say the DRB advises “as to form” and were not the approval.

Mr. Rankin affirmed that they advise as to design, which was described in the comments.

Council Member Fimbres inquired about the results of the public hearing held on November 17, 2014, and if it was well attended.

Mr. Duarte replied the large neighborhood meeting was a requirement of Maingate Overlay District. He said in these types of projects that contemplate the removal of historic properties, the applicant was required to meet with the entire neighborhood association. He said in this instance, there had been a mail out of over six hundred notices to property owners in the WUNA and was not well attended. He said there were approximately a total of twelve or fourteen people that attended. WUNA did not approve the demolition of contributing properties.

Council Member Uhlich stated there was a loss of four contributing structures to the historic zone. She asked staff how many structures there were within the district and how close were they to losing their historic status.

Jonathan Mabry, Office of Integrated Planning, Historic Preservation Manager reported that WUNA had six hundred ninety-five properties within the boundaries of which six hundred forty-five were contributing properties. He indicated it was one of the stronger historic districts in terms of the percentage of historic properties within the boundaries. He stated it was ninety-three percent of the properties within the boundaries had historic designation. He confirmed it was erosion but only a small hit as the loss of the four contributing properties reduced that percentage by one percent.

Council Member Romero requested more clarification on the process in terms of the different committees the property owners attended beginning in April 2014 through November 2014. She stated that PDSO was recommending approval of the demolition and replacement plan and asked why they thought it was a good idea.

Mr. Duarte explained it was an extensive process and the applicant had to demonstrate a couple things. First was that there was no viable economic reuse of the existing properties. He stated once that argument was made, the Applicant needed to present a replacement plan. He indicated two items were provided to the Mayor and Council; a good case presented by the Applicant that there was no economic reuse of the existing properties and the replacement plan that met City requirements. He said there were extensive meetings with the TPCHC Review Subcommittee to review the two items. He indicated the process involved a lot of back and forth in shaping the design of the project and once the Applicant got through that process, TPCHC Plans Review Subcommittee made a recommendation to him.

Mr. Duarte stated that one of the requirements of the Main Gate Overlay District (MGD) was to have the applicant go back to the DRC to get a review and comment on the replacement plan. He said there were extensive meetings with the TPCHC Plans Review Subcommittee and the DRC. Additionally, there were requirements that the Applicant meet with the entire neighborhood association, as well as, the WUHZAB. He said staff believed this to be an activity center in the City of Tucson with infrastructure investment with Sun Link. He said when the Mayor and Council approved the MGD, this particular property was entitled so that if there was interest in developing it and were able to make a case for no economic reuse, the heights being proposed were prescribed in the MGD. He confirmed staff believed that the project that had been presented thus far met the requirements and therefore PDSO was in support of the project.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22334.

9. PRE-ANNEXATION DEVELOPMENT AGREEMENT: WITH JON MARK BAILEY OWNER OF PARCEL 214-23-198A, FOR WATER SERVICES

Mayor Rothschild announced City Manager's communication number 407, dated December 16, 2014, was received into and made part of the record. He asked the City Clerk to read Resolution 22327 by number and title only.

Resolution No. 22327 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 Jon Mark Bailey, Owner of Parcel No. 214-23-198A.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22327.

10. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH WATERMARK HACIENDA TUCSON, LLC AND HACIENDA PROFESSIONAL OFFICE, LLC

Mayor Rothschild announced City Manager's communication number 416, dated December 16, was received into and made part of the record. He asked the City Clerk to read Resolution 22335 by number and title only.

Resolution No. 22335 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 Watermark Hacienda Tucson, LLC and Hacienda Professional Office, LLC, owners of Gateway Hacienda Parcel Nos. 108-24-008F and 108-24-008G.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22335.

11. ANNEXATION: GATEWAY HACIENDA ANNEXATION DISTRICT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 410, dated December 16, 2014, was received into and made part of the record. He asked the City Clerk to read Ordinance 11231 by number and title only.

Ordinance No. 11231 relating to Annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing thereto the Gateway Hacienda Annexation District property, more particularly described in the body of this ordinance.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11231.

12. TUCSON CODE: AMENDING (CHAPTER 10A) RELATING TO THE INDEPENDENT AUDIT AND PERFORMANCE COMMISSION

Mayor Rothschild announced City Manager's communication number 414, dated December 16, 2014, was received into and made part of the record. He asked the City Clerk to read Ordinance 11232 by number and title only.

Ordinance No. 11232 relating to Boards and Commissions; amending the Tucson Code Chapter 10(A), Community Affairs, by amending Article XI, Independent Audit and Performance Commission; and setting an effective date.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11232.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 412, dated December 16, 2014, was received into and made part of the record. He asked if there were any personal appointments to be made.

There were no personal appointments made.

14. ADJOURNMENT: 8:00 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, January 6, 2015, 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 16th day of December 2014, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ddl:mz