



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 3, 2016.

Date of Meeting: October 8, 2015

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:30 p.m., on Tuesday, October 8, 2015, 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	Vice Mayor, 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 Ortega	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Karisa McMillan, City Clerk’s Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild presented members of the Performing Arts Unit of the Parks and Recreations Department with the Mayor’s and Council’s Employee Appreciation Awards. Members presented were:

Barry Bernard	Alex Dardan	Jack Lanning
Marco Limon	Louis Lopez	Mark Felix
Gary Rodriquez	Willie Smith	Chuck Spicer
Brian Stress	Robert Neowestfal	Raymond Woyack

- b. Mayor Rothschild proclaimed September 21st through September 25th as American Indian Awareness Days. Vickie Mullins from the Tucson Indian Center was present to accept the proclamation.

- c. Mayor Rothschild presented the Streetcar Project Staff/Transportation Department with the Arizona Forward Award, considered the “Academy Award” of the environmental community for their work in putting together and completing the street car project. They were also presented with the President’s Award, the highest honor from the State of Arizona, for the 2015 Environmental Excellence Award.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 367, dated October 8, 2015, 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, Fimbres, and Vice Mayor Uhlich. 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 368, dated October 8, 2015, 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 Michael Ortega, 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 369, dated October 8, 2015, 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. Cheba Hut, Ward 6
1820 E. 6th St.
Applicant: Dorian Ray Lenz
Series 12, City 71-15
Action must be taken by: October 9, 2015

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

NOTE: State law provides that for a new license application "In all proceedings before the governing body of a city the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person/Location Transfer(s)

2. Beyond Bread, Ward 6
6260 E. Speedway Blvd.
Applicant: Shelby Daniel Collier
Series 7, City 74-15
Action must be taken by: October 15, 2015

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

NOTE: State law provides that for a person and location transfer Mayor and Council may consider both the applicant's capability qualifications reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Downtown Tucson Partnership, Ward 6
220 S. 5th Ave.
Applicant: Brandi R. Haga-Blackman
City T112-15
Date of Event: November 21, 2015
(33rd Annual El Tour de Tucson)

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

2. Jewish Federation of Southern Arizona, Ward 6
5550 E. 5th St.
Applicant: Stuart Mellan
City T114-15
Date of Event: November 18, 2015
(Stewardship)

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

3. Warehouse Arts Management Organization, Ward 1
101 W. 6th St.
Applicant: Marvin O. Shaver
City T115-15
Date of Event: October 24, 2015
(Fundraiser)

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

4. Jewish History Museum, Ward 6
564 S. Stone Ave.
Applicant: Julie Louise Lauterbach-Colby
City T116-15
Date of Event: October 22, 2015
(Cultural Block Party)

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

5. Tucson Community School, Ward 3
2109 E. Hedrick Dr.
Applicant: Anne Rumps
City T117-15
Date of Event: November 7, 2015
(Fundraiser)

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

6. University of Arizona Student Affairs & Enrollment Management, Ward 6
1303 E. University Blvd.
Applicant: Allyson Tofel
City T118-15
Date of Event: October 23, 2015
(Alumni Relations)

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

7. UA College of Humanities, Ward 6
2130 N. Alvernon Way
Applicant: Helen Bernard

City T119-15
Date of Event: October 23, 2015
(Homecoming Alumni Reception)

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

This item was considered separately.

8. Imago Dei Middle School, Ward 6
55 N. 6th Ave.
Applicant: Anne M. Sawyer
City T120-15
Date of Event: October 18, 2015
(10 Year Anniversary)

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

9. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Matthew Lee Slominski
City T124-15
Date of Event: October 26, 2015
(Monday @ The Museum-Fundraiser)

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

10. University of Arizona Student Union, Ward 6
1303 E. University Blvd.
Applicant: Joel S. Hauff
City T125-15
Date of Event: October 17, 2015
(Fundraiser)

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

11. Friends of Tucson's Birthplace, Ward 1
929 W. Mission Lane
Applicant: Katharine K. Peterson
City T129-15
Date of Event: October 18, 2015
(Fundraiser)

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

- d. Agent Change/Acquisition of Control

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 application items 5b1, 5b2 and 5c1 through 5c11, with the exception of item 5c7, which was considered separately to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event(s)

7. UA College of Humanities, Ward 6
2130 N. Alvernon Way
Applicant: Helen Bernard
City T119-15
Date of Event: October 23, 2015
(Homecoming Alumni Reception)

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

Council Member Kozachik said the ongoing issue with this address had been that there were parking issues every time an event was held here. There was inadequate overflow parking and guests parked in the neighborhood and on people's property. He asked resident (Kenneth Willets) that lives nearby the event location to comment.

Kenneth Willets, a neighborhood resident, stated he represented eight or nine families that live on the neighboring street. One concern was only two residents on the street received notices sent to the residents regarding the liquor license application. The residents were not clear on the type of permit application, if it was a sampling, open bar, or a cash bar, and what steps were being taken to ensure the event did not overflow into the neighborhood. They were concerned about participants drinking and driving on the streets and in the neighborhood and the safety of their children and grandchildren. They were also concerned about intoxicated guests from the event having an accident on their property and then suing the resident.

Council Member Kozachik questioned the issue of only two of the twelve residents on the street receiving the notice.

Roger Randolph, City Clerk, stated that State statute required that a mailer be sent to all residents within 300 feet of the location. City staff uses a GIS mapping program to determine those addresses, and he would check into the program on the missed addresses. He also advised that in addition to resident cards, a mailer is sent to all neighborhood associations within a mile of the event.

Council Member Kozachik asked about the criteria considered when the Tucson Police Department (TPD) did their assessment on these types of liquor license applications. He wanted to know if TPD just looked at the applicant's background or if they also looked at the location.

Michael Rankin, City Attorney, said that TPD looked at the qualifications of the applicant, and if it was a location where there had been prior special events, they also assessed if there was any criminal activity or previous problems at those events. In this case, there were none. The fact that TPD was making a recommendation of no objection indicated they found no previous issues along those lines.

Council Member Kozachik asked if any City staff element looked at the anticipated size of the event or at the parking situation to make an assessment if the applicant should be looking at alternate parking sites or setting up other parking arrangements.

Mr. Randolph stated that the applications were sent to the planning department which looked at the site plans and determined whether it conformed to the necessary requirements under the *Code*.

Council Member Kozachik stated this site did not accommodate parking for these events; it only had about ten parking spaces. He asked City staff to contact the applicant regarding the parking and he would also contact the applicant to let them know this would be the last special event permit that he would recommend approval for until he saw that arrangements had been made with some of their surrounding neighbors to handle overflow parking.

It was moved by Council Member Kozachik, duly seconded, and passed by a voice vote of 7 to 0, to forward item 5c7 to the state liquor board with a recommendation of 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:

Julie Neal	Mark Brown	John Brakey
Jonathan Salvatierra	Michael Lewis Arthur Meyer	Phillip Gaillard
Lynn Brownfousel	Jerry Cannella	Robert Reus
Christopher Gates	Debbie Wilkinson	

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

7. CONSENT AGENDA – ITEMS A THROUGH D

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager OCT08-15-370 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of March 3, 2015
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of March 3, 2015
4. Mayor and Council Study Session Legal Action Report and Summary Minutes of March 10, 2015
5. Mayor and Council Study Session Legal Action Report and Summary Minutes of March 11, 2015

b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY COMMUNITY COLLEGE DISTRICT FOR THE PIMA COLLEGE ADULT EDUCATION BRIDGE TO COLLEGE AND CAREER READINESS PROGRAM

1. Report from City Manager OCT08-15-372 CITY WIDE
2. Resolution No. 22477 relating to Housing and Community Development; authorizing and approving Amendment 1 to the Intergovernmental Agreement (IGA) between the City of Tucson (City) and Pima County Community College District (District) for the Pima College Adult Education Bridge to College and Career Readiness Program (Program); and declaring an emergency.

c. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY TO PROVIDE ANIMAL CARE SERVICES WITH PIMA ANIMAL CARE CENTER

1. Report from City Manager OCT08-15-366 CITY WIDE
2. Resolution No. 22476 relating to Outside Agency Activities; authorizing and approving Amendment No. 01 to the Intergovernmental Agreement (IGA) to provide Animal Care Services between the City of Tucson (City) and Pima County for Fiscal Year 2016 (FY16); and declaring an emergency.

d. BOARDS, COMMITTEES AND COMMISSIONS: AMENDING RESOLUTION NO. 22213 TO EXTEND THE TERM OF THE CHARTER REVIEW COMMITTEE, AND AMEND ITS MISSION AND RESPONSIBILITIES (CONTINUED FROM THE MEETING OF SEPTEMBER 24, 2015)

1. Report from City Manager OCT08-15-376 CITY WIDE
2. Resolution No. 22473 relating to Boards, Committees and Commissions; amending Resolution No. 22213 to extend the term of the Charter Review Committee and its members to December 31, 2016 and to amend the Mission and Responsibilities of the Committee; and declaring an emergency.

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

8. PUBLIC HEARING: BINGO LICENSE APPLICATION - CATALINA POST NUMBER 4903, VETERANS OF FOREIGN WARS OF THE UNITED STATES, 5320 EAST BELLEVUE STREET, CITY NUMBER 207

Mayor Rothschild announced City Manager's communication number 373, dated October 8, 2015, was received into and made part of the record. He stated this was the time and place legally advertised for a public hearing on a request for a bingo license at Catalina VFW Post Number 4903, located at 5320 East Bellevue Street. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Mayor Rothschild asked if the applicant or a representative was present and if he would like to make any comments prior to the hearing.

Gary L. Reph, Applicant, came forward to advocate approval of the Bingo license.

There were no other speakers present.

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

Council Member Kozachik expressed gratitude to the Catalina Post Number 4930, Veterans of Foreign Wars of the United States, for all that they contribute to the Community.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to forward the Bingo License application to the Department of Revenue for approval.

9. PUBLIC HEARING: ZONING (C9-10-04) DESERT TOYOTA – 22ND STREET, C-1 TO C-2, FIVE-YEAR TIME EXTENSION

Mayor Rothschild announced City Manager's communication number 374, dated October 8, 2015, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing. He said this was a hearing on a request for a five-year time extension for the completion of the rezoning conditions for property located on the south side of East 22nd Street east of Prudence Road. He stated staff recommends approval of the requested five-year extension from February 23, 2016 to February 23, 2021, subject to compliance with the conditions of rezoning.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations. He asked if the applicant was present and agreeable to the proposed requirements.

George Lance, Project Architect, stated the owners were agreeable to the requirements. He also spoke on behalf of Desert Toyota and expressed that the project should come to fruition within the next five years due to the economy. He said this was the reason for the request for extension.

There were no other speakers present.

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

Council Member Scott expressed her gratitude towards this project being completed because it was a very good project.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to approve the zoning extension.

10. ZONING: (C9-11-09) POTTERY AND WINE – GRANT ROAD, R-2 AND C-1 TO C-2, TIME EXTENSION

Mayor Rothschild announced City Manager's communication number 375, dated October 8, 2015, was received into and made part of the record. He said this was a request for a time extension to complete the conditions of rezoning for approximately 0.50 acres located on the south side of Grant Road west of Alvernon Way. He stated staff recommends approval of an approximate ten and a half month time extension, from November 22, 2015, to October 5, 2016.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to no more than five-minute presentations. He asked if the applicant was present and agreeable to the proposed requirements.

Frank Lietzau, Pottery and Wine Owner, stated he understood and agreed to the proposed requirements.

Council Member Kozachik advised the reason this was a ten and a half month time extension, was because this case involved a violation notice and was designed to motivate the applicant to come into compliance with the underlying zoning issues within the next year. He stated the timing issue with this location was with the timing of the Grant Road Realignment Project and required the applicant to obtain another extension next year, timing it with the project's scheduled completion.

Mr. Lietzau advised he understood it should be completed in 2018.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to approve the time extension as recommended by staff.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 371, dated October 8, 2015, 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 Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Linda Ellinor to the Climate Change Committee (CCC)

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

There were none.

12. **ADJOURNMENT:** 6:47 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on October 20, 2015, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

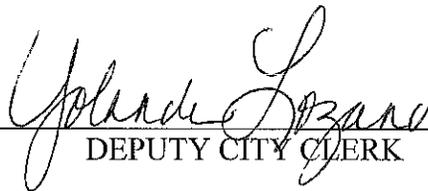
MAYOR

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 8th day of October 2015, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR: drl;jdw