



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on July 6, 2016.

Date of Meeting: December 15, 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 5:33 p.m., on Tuesday, December 15, 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 J. Ortega	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by David Stertzbach, Bethel Baptist Church, after which the Pledge of Allegiance was led by the entire assembly.

Presentations:

- a. Mayor Rothschild and Council Member Cunningham presented Employee Recognition Certificates to employees from City Court, the City Prosecutor’s Office, and the Public Defender’s Office.
- b. Council Member Romero and Council Member Fimbres presented Certificates of Appreciation to Students from Sunnyside High School for their creation of a school video based on “Why Serious Global Issues Still Remain.”
- c. Mayor Rothschild and Council Member Fimbres presented Roger Tamietti, Tucson Fire Department, a Retirement Certificate and a Medallion of Hope and thanked him for all of his years of service to the City.

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS

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

Mayor Rothschild announced City Manager’s communication number 470, dated December 15, 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 J. 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.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

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

Mayor Rothschild announced City Manager’s communication number 469; dated December 15, 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, Scott, Fimbres, Kozachik, Vice Mayor Uhlich and Mayor Rothschild. 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 471, dated December 15, 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. Littlest Pub, Ward 1
657 W. Saint Mary's Rd. #C-12
Applicant: Kevin Arnold Kramber
Series 3, City 90-15
Action must be taken by: December 18, 2015

(Note: In the Greater Downtown Entertainment District)

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

This item was considered separately.

2. Hotel Tucson City Center, Ward 1
475 N. Granada Ave.
Applicant: Kevin Arnold Kramber
Series 11, City 91-15
Action must be taken by: December 20, 2015

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

3. Wingstop, Ward 2
7942 E. Broadway Blvd.
Applicant: Thomas Robert Aguilera
Series 12, City 92-15
Action must be taken by: December 20, 2015

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

4. Sky Dragon, Ward 3
3607 N. Campbell Ave.
Applicant: Lili Huang
Series 12, City 93-15
Action must be taken by: December 20, 2015

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

5. Doubletree By Hilton, Ward 6
5335 E. Broadway Blvd.
Applicant: Kevin Arnold Kramber
Series 11, City 94-15
Action must be taken by: December 20, 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 Transfer(s)

6. ~~Sagebrush Cantina~~ The Loudhouse, Ward 3
915 W. Prince Rd.
Applicant: Kevin Arnold Kramber
Series 6, City 95-15
Action must be taken by: December 27, 2015

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

7. 7-Eleven #20196C, Ward 1
1595 W. Saint Mary's Rd.
Applicant: Prem Hari Khatri
Series 9, City 96-15
Action must be taken by: January 3, 2016

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

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

c. Special Event(s)

1. Congregation Anshei Israel, Ward 6
5550 E. 5th St.
Applicant: Nicole Patrice Zuckerman-Morris
City T148-15
Date of Event: January 23, 2016
(Fundraiser)

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

2. Museum of Contemporary Art, Ward 6
265 S. Church Ave.
Applicant: Samuel Ireland
City T150-15
Date of Event: January 12, 2016
(Thinktank @ MOCA)

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

3. 2nd Saturdays, Inc., Ward 6
55 N. 5th Ave.
Applicant: Michael S. Keith
City T152-15
Date of Event: December 28, 2015
(AZ Bowl)

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

4. Arizona Sports and Entertainment Commission, Ward 6
1768 E. University Blvd.
Applicant: Alan J. Young
City T154-15
Date of Event: December 29, 2015
(Pre-Game Party for AZ Bowl Game)

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.

Roger W. Randolph, City Clerk, announced that on item 5b6, the applicant had filed an amendment to their application changing the name from Sagebrush Cantina to The Loudhouse.

It was moved by Council Member Romero, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2 through 5b7, and 5c1 through 5c4 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

- b. Liquor License Application(s)

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Action must be taken by: December 18, 2015

(Note: In the Greater Downtown Entertainment District)

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

Roger W. Randolph, City Clerk announced the item being considered separately was 5b1, Littlest Pub, located in the Downtown Entertainment District. He said the reason this item was being considered separately was because a liquor license could not be located within the 300 foot limit of a school.

Council Member Romero asked if the City Clerk's Office had received any protests from the neighborhoods or schools surrounding the Littlest Pub.

Mr. Randolph replied they had not.

Council Member Romero asked if a representative for the applicant was present. She said the pub was located in front of Davis Elementary, a park, and Oury Recreation Center that was a widely used area by students, parents and the community in general. She said she wanted to make sure that it was recognized by the owner.

Kevin Arnold Kramber, Agent for the Applicant, spoke on behalf of the liquor license stating that they were willing and looking forward to being a good neighbor and partner in the community.

It was moved by Council Member Romero, and duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 to the Arizona State Liquor Board with a recommendation for approval.

Michael Rankin, City Attorney, stated that for this particular type of license, located within the Entertainment District, it would include a finding by the Mayor and Council that it was appropriate for the issuance of the license despite the proximity of the school.

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:

John Seck	Michael McGrath	Christopher Gates
Sandra Schuldman Clark	Judy McDermott	Tom McGovern
Michael Coiro	Sharon Rock	Margaret Downey

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 G

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 DEC15-15-462 CITY WIDE
2. Mayor and Council Regular Session Minutes of May 19, 2015
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of May 19, 2015

b. INTERGOVERNMENTAL AGREEMENT: WITH SANTA CRUZ COUNTY FOR THE INCARCERATION OF CITY PRISONERS

1. Report from City Manager DEC15-15-463 CITY WIDE
2. Resolution No. 22510 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of an IGA between the City of Tucson (City) and Santa Cruz County for the incarceration of City Prisoners for FY 2016; and declaring an emergency.

c. FINANCE: WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE

1. Report from City Manager DEC15-15-464 CITY WIDE
2. Resolution No. 22511 relating to Finance; authorizing the write-off of certain uncollectable accounts; and declaring an emergency.

d. TUCSON CODE: AMENDING (CHAPTER 10) FISCAL YEAR 2016 COMPENSATION SCHEDULES AND ORDINANCE NO. 11273

1. Report from City Manager DEC15-15-465 CITY WIDE

2. Ordinance No. 11330 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service - Human Resources, Article II, Compensation Plan, Section 10-31, amending Ordinance No. 11273 to approve revised Compensation Schedules, establishing two new pay grades, 850 and 851, to replace pay grades 324, 423, 719, and 820-823; new pay grade 851 created for Executive Leadership Team employees, Director level or above, except for City Manager, City Attorney and City Clerk; new pay grade 850 created for Interim Executive Leadership team employees, Director level or above; otherwise reaffirming the provisions of Ordinance No. 11273; setting an effective date; and declaring an emergency.

(This item was continued.)

- e. RETIREMENT: PROVIDING A RETIREMENT INCENTIVE FOR CONTRIBUTING EMPLOYEE MEMBERS OF THE TUCSON SUPPLEMENTAL RETIREMENT SYSTEM
 1. Report from City Manager DEC15-15-472 CITY WIDE
 2. Resolution No. 22512 relating to Retirement; providing for a Retirement Incentive Payment for contributing employee members of the Tucson Supplemental Retirement System (TSRS) to retire on a date certain; and declaring an emergency.
- f. FINAL PLAT: (S15-020) RIO VERDE VILLAGE, BLOCKS 1 THROUGH 9
 1. Report from City Manager DEC15-15-473 WARD 2
 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 subject to the availability of water/sewer capacity at the time of actual application.
- g. MEMORIAL: URGING THE ARIZONA LEGISLATURE TO CONSIDER A “DEATH WITH DIGNITY” OR “AID IN DYING” ACT
 1. Mayor and Council Communication DEC15-15-474 CITY WIDE AND OUTSIDE CITY
 2. A Memorial relating to State Legislation; urging the Arizona State Legislature to consider a “Death with Dignity” or “Aid in Dying” Act.

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

8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 3) SIGN CODE, RELATING TO HISTORIC LANDMARK SIGNS, EXTENDING THE SUNSET DATE OF ORDINANCE NO. 10903 TO DECEMBER 31, 2018

Mayor Rothschild announced City Manager's communication number 467, dated December 15, 2015, was received into and made part of the record. He also announced this was the time and place legally advertised on a proposed amendment to Ordinance No. 10903 extending the December 31, 2015 sunset date for the ordinance.

Mayor Rothschild said the public hearing was to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience that wished to speak on the item.

There were no speakers.

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 11329 by number and title only.

Ordinance No. 11329 relating to Sign Code; amending Ordinance No. 10903, which was previously amended by Ordinance No. 11131 relating to amending the Tucson Code extending the effective date thereof; and declaring an emergency.

It was moved by Vice Mayor Uhlich, duly seconded and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11329.

9. PUBLIC HEARING: AMENDING THE TUCSON CITY GOLF RATE STRUCTURE

Mayor Rothschild announced City Manager's communication number 468, dated December 15, 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 on proposed changes to the Tucson City Golf rates structure.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

The following people spoke in support of changing the fees for golf: Judy McDermott, Cecelia Cruz and Bob (Bobcat) Kinich.

The following people spoke in opposition to changing the fees for golf: JT Grossmith, Ross Molberg, Ron Gagner and Rick Williams.

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 No. 11332 by number and title only.

Roger W. Randolph, City Clerk announced a correction to the Ordinance. He said the title should read "...relating to Parks and Recreation..." instead of "...relating to Economic Initiatives..."

Ordinance No. 11332 relating to Parks and Recreation: amending the Tucson City Golf rate structure allowing OB Sports the ability to be flexible with rates and maximize revenue when opportunities exist, and to recognize Davis Monthan Air Force Base (DMAFB) employees, their families and retirees as City residents as it relates to golf fees; and setting an effective date.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 11332, as corrected and with additional direction to the City Manager to review the contract with OB Sports as part of the budget process to determine if the incentive provisions need revisions to carry out the policy direction given by the Mayor and Council.

Council Member Kozachik said earlier in the afternoon he raised some issues and wanted to speak to OB Sports Staff. He asked about the concept of a 20% surcharge to members that made reservations more than seven days in advance. He said he thought it made more sense to charge someone a cancellation fee of a long term reservation.

Mark Woodward, OB Sports Senior Vice President and C.A. Roberts, OB Sports President, responded it gave them the flexibility to make more T-times available and make more revenue. He mentioned the numerous programs that were offered to golfers that went above and beyond the fee structure being discussed. He said included was a City Card Program, where if someone bought a card, they would get the best available rate every time they played. He also said there was a Mega Pass Card that gave preferential consideration as well as T-times, discounts on merchandise, loyalty programs and bonus point programs.

Mayor Rothschild asked OB Sports to answer the question asked by Council Member Kozachik which was why there a 20% surcharge for reservations made seven days in advance.

Mr. Roberts responded that it allowed booking a premium T-time stating that a cancellation fee alienated a customer more than a surcharge.

Council Member Kozachik stated that he did not want to sound critical; OB Sports was doing a great job managing the courses. He said the Mayor and Council, on this item, were focusing on the green fees. He said an incentive to Davis Monthan Airforce Base employees was being offered. He spoke about the Mexican/American Golf Association that left Tucson and had gone on to other places. He said he wondered

if the marketing strategy toward the “Snowbirds” was working, he stated that they were what drove the tourism dollars. He also spoke about lowering the fees versus making them higher. He said he did not feel that making them higher would do any good.

Council Member Kozachik responded that raising the rates would not be good business. These were not private clubs but municipal courses and needed to stay affordable to the community and for that reason he was concerned about the proposal.

Vice Mayor Uhlich also agreed that these were Municipal Golf Courses they were talking about. She said she too had heard very good feedback regarding OB Sports Management of the courses. She agreed with Council Member Romero’s incentive amendment and said the incentives should be to the very best for the City and the Community.

Council Member Cunningham stated that he appreciated all of the input from the Mayor and Council. He stated he had played golf all of his life and prices were always higher on a Saturday at 10 a.m. He said Tucson, in January, was prime time because there were no places elsewhere in the country that you could play at that time of the year. He said he supported the six dollar increase.

Council Member Cunningham added that at golf courses around the country, fees increased or decreased depending on the usage and the time of the year. He stated there were many ways to save on golf using the incentives already in place. The conversation about marketing and management of the City’s municipal courses should continue in the future but to address the item in front of them, he said he wanted the public to be aware of three things the Mayor and Council did. They were: 1) gave direction to staff during the budget process in relation to golf; 2) understood the importance of protecting the golf assets and 3) supported golf by supporting the management team who, by all accounts, were meeting the standards of excellence on the City’s municipal golf courses. He said OB Sports were the experts and he thought the increase should be approved to give them the tools and the flexibility they required to continue their management plan.

Council Member Kozachik said they were trying to attract a new audience. He stated based on the demographic, if golf was going to survive ten or fifteen years from now it would be the lower income kids. He said Golf needed to be affordable for people that were struggling to make ends meet in the community.

Council Member Romero commented on the wonderful service and management of the golf courses by OB Sports. She said the golf course had been running in the red for the past ten years. She stated her fiscal responsibility was to make golf pay for itself and not tell them how to run their business or what fees should be paid. She said her only direction was to the City Manager to ensure it (golf) worked. She added she supported giving OB Sports the flexibility to move rates around depending on the usage, especially since there had not been any rate increases since 2009.

Council Member Fimbres asked staff what types of offer was being made to the Davis Monthan Community, their families and retirees. He also asked if that also applied to the other branches of service.

Greg Jackson, Management Coordinator, responded that OB Sports specifically looked at Davis Monthan because that was who they had been working with, but will do what the Mayor and Council wanted.

Ordinance 11332 was carried by a voice vote of 6 to 1 (Council Member Kozachik dissenting).

Michael Rankin, City Attorney, reiterated the scrivener's error correction to the title of the Ordinance so that it read "...relating to Parks and Recreation..." instead of "...relating to Economic Initiatives..." He also commented that, in looking at the *Tucson Code* provisions in Chapter 21, he saw there was a fair amount of outdated rates. He advised that at some point they might bring back an ordinance to clean up the old information from the *Code*.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 466, dated December 15, 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 Scott, duly seconded and carried by a voice vote of 7 to 0, to reappoint Mark Crum and Phyllis Factor to the Armory Park Historic Zone Advisory Board (APHZAB) and Regina Romero and James Cook to the Metropolitan Education commission (MEC).

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

There were none.

11. **ADJOURNMENT:** 8:05 p.m.

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

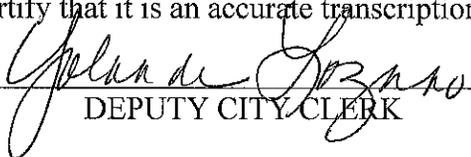
MAYOR

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 15th day of December 2015, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR:drl:yl