



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 21, 2017.

Date of Meeting: October 5, 2016

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 5:31 p.m., on Wednesday, October 5, 2016, 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	Council Member Ward 5
Jonathan Rothschild	Mayor

Absent/Excused:

Steve Kozachik	Vice Mayor, Council Member Ward 6
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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 Pastor Edwin R. Donaldson Jr., Prince Chapel AME Church, after which the Pledge of Allegiance was led by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed November 11, 2016 to be “YMCA Community Military Ball Day.” Representatives from the YMCA accepted the proclamation.
- b. Mayor Rothschild presented awards to the Tucson Water Department for their hard work and outstanding service. Jeff Biggs, Tucson Water Administrator, and Fernando Molina, Tucson Water Public Information Officer, accepted the awards.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 333, dated October 5, 2016, 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, Uhlich, Scott and 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 334, dated October 5, 2016, 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.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager’s communication number 335, dated October 5, 2016, 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. Yoshimatsu Japanese Eatery, Ward 3
2741 N. Campbell Ave.
Applicant: Hirotsune Tashima
Series 12, City 59-16
Action must be taken by: August 21, 2016

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

Public Opinion: Written Argument in Support Filed

2. Tucson Marriott University Park, Ward 6
880 E. 2nd St.
Applicant: Christopher Scott Pawelko
Series 11, City 69-16
Action must be taken by: September 16, 2016

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)

3. V’s Barbershop, Ward 3
1805 E. River Rd. #141
Applicant: Elson Leon Revak
Series 7, City 66-16
Action must be taken by: October 7, 2016

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. University of Arizona Alumni Association, Ward 6
1200 E. University Blvd.
Applicant: Melinda Burke
City T112-16
Date of Event: October 27, 2016
(50 Year Reunion Reception)

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

2. The University of Arizona Alumni Association, Ward 6
1303 E. University Blvd.
Applicant: Melinda Burke
City T113-16
Date of Event: October 29, 2016
(2016 Homecoming)

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

3. University of Arizona College of Humanities, Ward 5
610 S. Park Ave.
Applicant: Helen Bernard
City T114-16
Date of Event: October 28, 2016
(Homecoming Alumni Reception)

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

4. University of Arizona Athletic Department, Ward 6
1 National Championship Dr.
Applicant: Jaime Leigh Odom
City T115-16
Date of Event: November 4, 2016
(Volleyball Reunion Reception)

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

5. Sister Jose Women's Center, Ward 6
33 S. 5th Ave.
Applicant: Jean R. Fedigan
City T116-16
Date of Event: November 5, 2016
(AC Hotel Tucson Topping Out Celebration)

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

6. Living Streets Alliance, Ward 6
311 E. 7th St.
Applicant: Kylie Walzak
City T117-16
Date of Event: November 13, 2016
(Fundraiser for Living Streets Alliance)

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

7. Southern Arizona Arts and Cultural Alliance (SAACA), Ward 6
1501 N. Campbell Ave.
Applicant: Jonas Wes Hunter
City T118-16
Date of Event: October 28, 2016
(2016 UAHS Homecoming Reception)

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

8. Living Streets Alliance, Ward 6
2150 N. Alvernon Way
Applicant: Kylie Walzak
City T119-16
Date of Event: October 30, 2016
(Fundraiser for Living Streets Alliance)

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

Public Opinion: Written Argument in Support Filed

9. Living Streets Alliance, Ward 6
3330 E. Speedway Blvd.
Applicant: Kylie Walzak
City T120-16
Date of Event: October 30, 2016
(Fundraiser for Living Streets Alliance)

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

10. Fox Tucson Theatre Foundation, Ward 1
115 N. Church Ave.
Applicant: Neil Jonathan Holstad
City T122-16
Date of Event: October 27, 2016
(Fundraiser)

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

11. Startup Tucson, Ward 6
17 E. Pennington St.
Applicant: Courtney G. Fey
City T123-16
Date of Event: October 24, 2016 - October 26, 2016
(Economic Development)

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

12. Blitz Home Builders, Inc., Ward 6
949 E.2nd St.
Applicant: Roy A. Zaborowski
City T126-16
Date of Event: October 26, 2016
(Annual Organization Dinner)

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

13. BRDG, Inc. (Bridge Rescue for Dogs, Inc.), Ward 6
5620 E. Pima St.
Applicant: Maria Jo Coxon-Smith
City T131-16
Date of Event: October 22, 2016
(Fundraiser)

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

d. Agent Change/Acquisition of Control/Restructure

1. Obon Sushi + Bar + Ramen, Ward 6
350 E. Congress St. #120
Applicant: Kevin Arnold Kramber
Series 12, City AC11-16
Action must be taken by: October 10, 2016

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

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Kozachik absent/excused), to forward liquor license applications 5b1 through 5b3, 5c1 through 5c13, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers.

However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

Comments were made by:

Kenny Langone
Margot Garcia
Stephen Pompea

Mary DeCamp
Richard DeBernardis
Nancy Regens

Paul Parisi
Bill DuPont

Mayor Rothschild asked staff to follow up on Mr. Langone’s request for focused enforcement of traffic laws in the vicinity of 4th Avenue and University Boulevard.

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

7. CONSENT AGENDA – ITEMS A THROUGH I

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

a. APPROVAL OF MINUTES

1. Report from City Manager OCT05-16-336 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of February 9, 2016
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of February 9, 2016

b. AGREEMENT OUTLINE: WITH PEACH PROPERTIES HM, INC. FOR THE RONSTADT TRANSIT CENTER JOINT DEVELOPMENT PROJECT

1. Report from City Manager OCT05-16-345 WARD 6
2. Resolution No. 22648 relating to Real Property; authorizing and approving the Execution of a Pre-Development Agreement Outline with Peach Properties HM, Inc. relating to the Ronstadt Transit Joint Development Project; and declaring an emergency.

(This item was considered separately.)

c. PARKS AND RECREATION: FACILITY DEVELOPMENT AGREEMENT WITH HORTICULTURE UNLIMITED, INC. FOR RIO VISTA PARK IMPROVEMENTS

1. Report from City Manager OCT05-16-346 WARD 3

2. Resolution No. 22649 relating to Parks & Recreation; authorizing and approving a Facility Development Agreement between the City of Tucson and Horticulture Unlimited, INC., and Arizona Non-Profit Corporation, to install a Meditation Garden at Rio Vista Park, 3974 N. Tucson Blvd.; and declaring an emergency.
- d. PARKS AND RECREATION: APROOVING THE TUCSON PARKS AND RECREATION SYSTEM MASTER PLAN
1. Report from City Manager OCT05-16-342 CITY WIDE
 2. Resolution No. 22644 relating to Parks and Recreation; approving the City of Tucson Parks and Recreation System Master Plan; and declaring an emergency.
- e. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR MENLO PARK EXERCISE STATIONS
1. Report from City Manager OCT05-16-338 WARD 1
 2. Resolution No. 22618 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of an IGA between the City of Tucson (City) and Pima County for the Menlo Park Exercise Stations Installation Project; and declaring an emergency.
- f. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE ST. JOHN’S/SUNSET VILLA PARK RESTROOM INSTALLATION
1. Report from City Manager OCT05-16-339 WARD 1
 2. Resolution No. 22641 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of an IGA between the City of Tucson (City) and Pima County for the St. John’s/Sunset Villa Park Restroom Installation Project; and declaring an emergency.
- g. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE SUNNYSIDE AIRPORT WASH MULTI-USE PATH INSTALLATION
1. Report from City Manager OCT05-16-340 WARD 1
 2. Resolution No. 22643 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of an IGA between the City of Tucson (City) and Pima County for the Sunnyside Airport Wash Multi-Use Path Installation Project; and declaring an emergency.

- h. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE BARRIO SANTA ROSA/VIEJO BASKETBALL COURT RESURFACING AND CANOPY INSTALLATION
 - 1. Report from City Manager OCT05-16-341 WARD 1
 - 2. Resolution No. 22642 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of an IGA between the City of Tucson (City) and Pima County for the Barrio Santa Rosa/Viejo Basketball Court Resurface and Canopy Installation Improvements Project; and declaring an emergency.

- i. WARD REDISTRICTING: CREATION OF THE 2016 REDISTRICTING ADVISORY COMMITTEE
 - 1. Report from City Manager OCT05-16-344 CITY WIDE
 - 2. Resolution No. 22646 relating to the Redistricting of Wards; creating the Redistricting Advisory Committee, pursuant to Tucson Charter Chapter XVI, Section 8.1 and Tucson Code Sections 10A-42 through 10A-44; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Kozachik absent/excused), that Consent Agenda Items a – i, with the exception of item b, which was considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM B

- b. AGREEMENT OUTLINE: WITH PEACH PROPERTIES HM, INC. FOR THE RONSTADT TRANSIT CENTER JOINT DEVELOPMENT PROJECT
 - 1. Report from City Manager OCT05-16-345 WARD 6
 - 2. Resolution No. 22648 relating to Real Property; authorizing and approving the Execution of a Pre-Development Agreement Outline with Peach Properties HM, Inc. relating to the Ronstadt Transit Joint Development Project; and declaring an emergency.

Council Member Uhlich advised that as a follow-up to their Executive Session discussion, she wanted to make a motion.

It was moved by Council Member, duly seconded, to pass and adopt Resolution 22648, with additional direction to staff to return to the Mayor and Council, not later than the second council meeting in January, 2017, so at that time, the Mayor and Council could either consider and approve a negotiated development agreement with Peach

Properties that was consistent with the outline being approved as Exhibit A to Resolution 22648, or consider alternative direction for the development of the project that was consistent with the goals and objectives of the Request for Proposals.

Council Member Uhlich added she was confident the Mayor and Council would come to a negotiated agreement. She said she knew they all shared a sense of urgency in terms of getting something in front of the Federal Transit Authority, so they could move forward together and meet with success in having a good agreement to review in January 2017.

Resolution 22648, with the additional direction to staff, was passed and adopted and the proper action taken, by a roll call vote of 6 to 0 (Vice Mayor Kozachik absent/excused).

8. AGREEMENT: WITH THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR THE SALE OF CITY-OWNED PROPERTY FOR THE CATERPILLAR MINING AND TECHNOLOGY PROJECT

Mayor Rothschild announced City Manager's communication number 347, dated October 5, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22647 by number and title only.

Resolution No. 22647 relating to Real Property; authorizing and approving the Execution of a Purchase and Sale Agreement with Rio Nuevo Multipurpose Facilities District for sale of City-owned property for the Caterpillar Mining and Technology Relocation Project; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, to pass and adopt Resolution 22647.

Council Member Romero said she had a question with regards to page two of the Mayor and Council Communication where it talked about the City's payment of the restructured garage balance. She asked if staff could further explain that portion of the Communication.

Michael Rankin, City Attorney, said as part of the transaction and sale agreement with Rio Nuevo, it provided for a reduction in the balance of outstanding payments the City owed to Rio Neuvo from a settlement agreement a couple of years ago. He also said, one aspect was that the City would enjoy an additional credit against the garage balance based on future development of the property immediately above the underground garage at the Depot site; to the extent that development at that location generated Tax Increment Financing (TIF) revenue to the Rio Nuevo District, then the City would receive one hundred percent credit against any future garage balance payments that were otherwise owed.

Council Member Romero spoke in support of the work done by the City Manager, City Attorney, and the Rio Nuevo Board. She said it was a wonderful opportunity for the west side of Downtown.

Council Member Fimbres applauded all of the efforts by the City and those involved in this project.

Mayor Rothschild reminded everyone of some of the financial terms of the settlements the City reached with Rio Nuevo in February of 2013:

- Investment of \$6 million in the Tucson Convention Center repairs and maintenance upgrades,
- \$1.1 million in the Mission Gardens,
- \$750,000 in Downtown streetscapes, and
- \$2.2 million in bond payments owed to the City.

Mayor Rothschild stated while most of the settlement involved the Rio Nuevo District making payments to the City, the exception was the Depot Garage which was financed by Rio Nuevo. The proposed sale of the City-owned land to the Rio Nuevo District not only helped bring Caterpillar to Tucson, it also reduced the amount the City owed on the Depot Garage by \$7.2 million. He said in addition, it restructured the City's payments for the Depot Garage with the first payment not due until October 2021 and removed the four percent annual inflator included in the original settlement.

Furthermore, Mayor Rothschild said, as the City Attorney noted, the TIF funds from the development of the Depot Garage site was credited to the City's remaining balance due. He said the TIF funds were state shared sales tax shared from the site. He said lastly, there was the economic impact of Caterpillar bringing its Surface Mining and Technology Division to Tucson estimated at \$652 million and the creation of six hundred thirty-five well-paying jobs.

Mayor Rothschild also thanked the City Attorney, City Manager and the Rio Nuevo District for all their work and the resolution that was being voted upon that evening.

Resolution 22647 was passed and adopted by a roll call vote 6 to 0 (Vice Mayor Kozachik absent/excused).

Mr. Rankin said the legal description, once finalized, would be added to the agreement and provided to the Mayor and Council. He further stated some small adjustments to the boundary lines that were shown on the map would be made and what was in the map was a preliminary boundary survey, and as the survey results were finalized there would be some very slight adjustments and would be reflected in the legal description.

9. WATER; AUTHORIZING MODIFICATIONS TO THE PEPPERTREE AND DOVE MOUNTAIN CONTRACTED SERVICE AREAS

(This item was continued at the request of staff.)

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager’s communication number 337, dated October 5, 2016, 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 6 to 0 (Vice Mayor Kozachik absent/excused), to appoint Melvin Morgan to the Veteran Affairs Committee (VAC) in the category of Vietnam Veterans of America, Chapter 106.

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

Council Member Fimbres announced his personal appointment of Gael Sladky to the Tucson Commission on Gay, Lesbian, Bisexual, and Transgender Issues (GLBT), and Dina Scalone to the Pima County/Tucson Women’s Commission (PCTWC).

11. ADJOURNMENT: 6:35 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on October 19, 2016, 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 5th day of October 2016, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR:ds:rg