



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on September 7, 2016.

Date of Meeting: January 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 5:33 p.m., on Tuesday, January 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	Vice Mayor, Council Member Ward 3
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

Shirley C. Scott	Council Member Ward 4
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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 Tom Sende, Restoration Community Worship Center, after which the Pledge of Allegiance was led by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 1, dated January 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, 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.

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

Mayor Rothschild announced City Manager’s communication number 2, dated January 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 3, dated January 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. Starbucks Coffee #6920, Ward 6
3025 E. Speedway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 12, City 87-15
Action must be taken by: December 5, 2015

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

2. Arizona Best Gas, Ward 3
1570 W. Grant Rd.
Applicant: Sirvan Najeeb Rayes
Series 10, City 97-15
Action must be taken by: January 8, 2016

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

3. The Carriage House, Ward 6
146 E. Broadway Blvd.
Applicant: Thomas Robert Aguilera
Series 12, City 99-15
Action must be taken by: January 10, 2016

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

4. Fired Pie, Ward 6
2645 E. Speedway Blvd.
Applicant: Lori Ann Cuomo
Series 12, City 100-15
Action must be taken by: January 15, 2016

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

5. Perfecto's Mexican Restaurant, Ward 1
5404 S. 12th Ave.
Applicant: Perfecto Leon
Series 12, City 101-15
Action must be taken by: January 15, 2016

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

6. Bear Track U, Ward 6
943 E. University Blvd. #101
Applicant: Ricky Lynn Riddle
Series 13, City 103-15
Action must be taken by: January 18, 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)

7. 191 Toole, Ward 6
191 E. Toole Ave.
Applicant: Thomas Cass Collins
Series 7, City 102-15
Action must be taken by: January 18, 2016

(Note: In the Greater Downtown Entertainment District)

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. Satori, Inc., Ward 3
3727 N. 1st Ave.
Applicant: Joanna Horton Honea
City T149-15
Date of Event: April 23, 2016
(Annual Auction Fundraiser)

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

2. Many Mouths One Stomach, Ward 1
Parcel 116-20-6330 east of 100 S. Avenida del Convento
Applicant: Paul J. Weir
City T151-15
Date of Event: January 13, 2016 - January 15, 2016
(All Souls Procession Fundraiser with Zoppe Family Circus)

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

3. St. Augustine Catholic High School, Ward 2
8800 E. 22nd St.
Applicant: Sarah Doreen Alderete
City T153-15
Date of Event: February 20, 2016
(6th Annual Fundraiser)

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

4. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Mary Ann Confrey
City T155-15
Date of Event: February 6, 2016
(Savor Fundraiser)

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

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to forward liquor license applications 5b1 through 5b7, and 5c1 through 5c4, 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:

Mary Kelso	Phillip Benoit	Richard Franz-Ünder
Robert Reus	Janet Valencia	Keith Van Heyningen
Sheldon Gutman	Jerry GeBell	

Council Member Cunningham asked the City Manager to follow up with Mr. Franz-Ünder’s concerns regarding the Ft. Lowell Soccer Shootout.

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 E

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 JAN05-16-4 CITY WIDE

2. Mayor and Council Regular Meeting Minutes of June 9, 2015
 3. Mayor and Council Special Meeting Minutes of June 9, 2015
 4. Mayor and Council Study Session Legal Action Report and Summary Minutes of June 9, 2015
- b. **BOARDS, COMMITTEES AND COMMISSIONS: AMENDING TUCSON CODE (CHAPTER 8) RELATING TO MEMBERSHIP OF THE MAGISTRATE MERIT SELECTION COMMISSION**
1. Report from City Manager JAN05-16-12 CITY WIDE
 2. Ordinance No. 11335 relating to Boards and Commissions; amending Tucson Code Section 8-2.1 to allow the Mayor and Council as a body to appoint the Magistrate Merit Selection Commission's five non-attorney members, while requiring that not more than three of those non-attorney members shall be of the same political party; and declaring an emergency.
- c. **LICENSE AGREEMENT: WITH SPRINT COMMUNICATIONS COMPANY, L.P., FOR TELECOMMUNICATIONS SYSTEM IN CITY RIGHT OF WAY**
1. Report from City Manager JAN05-16-5 CITY WIDE
 2. Resolution No. 22514 relating to Transportation and Information Technology: approving and authorizing execution of a License Agreement with Sprint Communication Company, L.P. (Sprint) for installation, operation and maintenance a of Telecommunications System in City of Tucson (City) Right of Way (ROW); and declaring an emergency.
- (This item was continued at the request of staff.)
- d. **INTERGOVERNMENTAL AGREEMENT: WITH THE CITY OF SOUTH TUCSON TO PROVIDE WASTE AND RECYCLING SERVICES**
1. Report from City Manager JAN05-16-6 CITY WIDE
- (This item was continued to the meeting of January 20, 2016, as requested by staff).
- e. **REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY AT 7901 EAST SCARLETT STREET**
1. Report from City Manager JAN05-16-7 WARD 2

2. Ordinance No. 11334 relating to Real Property; declaring City-owned property located at 7901 East Scarlett Street to be surplus property; authorizing the sale thereof to ATOGY, LLC; and declaring an emergency.

It was moved by Vice Mayor Uhlich, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), that Consent Agenda Items a – e, with the exception of Items c and d, which were continued, be passed and adopted and the proper action taken.

8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 3) SIGN CODE, RELATING TO SCENIC CORRIDOR ZONE DISTRICT AMENDMENTS, EXTENDING THE SUNSET DATE OF ORDINANCE NO. 11032 TO JANUARY 31, 2019

Mayor Rothschild announced City Manager's communication number 8, dated January 5, 2016, was received into and made part of the record. He said this was the time and place legally advertised for a public hearing on a proposed amendment to the Scenic Corridor Zone District to extend the January 31, 2016 sunset date to January 31, 2019.

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 there was anyone in the audience that wished to be heard.

There were none.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance 11333 by number and title only.

Ordinance No. 11333 relating to Sign Code; amending Ordinance No. 11032 relating to amending the Tucson Code extending the effective date thereof; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 6 to 0 (Council member Scott absent/excused), to pass and adopt Ordinance 11333.

9. ECONOMIC DEVELOPMENT: APPROVAL OF SITE SPECIFIC SALES TAX DEVELOPMENT AGREEMENT WITH MAIN GATE PARTNERS, LLC

Mayor Rothschild announced City Manager's communication number 9, dated January 5, 2015, was received into and made part of the record. He asked the City Clerk to read Resolution 22516 by number and title only.

Resolution No. 22516 relating to Development and Real Property; authorizing and approving the Retail Tax Incentive Development Agreement between the City of Tucson (City) and Main Gate Partners, LLC (Main Gate) for construction of a Marriott Residence Inn Hotel on the southeast corner of Tyndall Avenue and east Second Street (Project).

Council Member Kozachik asked who the City liaison would be and when they would be assigned to the project.

Camila Bekat, Economic Development Specialist, said the Planning and Development Services Department would assign the liaison for the project as soon as the developer submitted their site plan. She said in the past it was Patricia Gehlen.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Resolution 22516.

10. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH MICHAEL DIMARIA, OWNER OF PARCEL NO. 205-35-078B

Mayor Rothschild announced City Manager's communication number 10, dated January 5, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22513 by number and title only.

Resolution No. 22513 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 Michael DiMaria, owner of Parcel No. 205-35-078B.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Resolution 22513.

11. WATER: COMMEMORATIVE NAMING OF THE CENTRAL AVRA VALLEY STORAGE AND RECOVERY PROJECT (CAVSARP) SOLAR ARRAY

Mayor Rothschild announced City Manager's communication number 13, dated January 5, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22515 by number and title only.

Resolution No. 22515 relating to Tucson Water; Commemorative naming of the Central Avra Valley Storage and Recovery Project (CAVSARP) solar array for former Councilmember Steve Leal; and declaring an emergency.

Mayor Rothschild asked staff to clarify a question he had regarding requirement number three of the memo which read, "The management department facilitates public

notification and forums for public feedback.” He asked if the water department had done anything to follow the procedures required by item number three.

Sandy Elder, Tucson Water Deputy Director, responded they had not.

Mayor Rothschild asked how quickly it could be done.

Mr. Elder replied, “weeks” and said by the time it was scheduled, collected and schedule for a Mayor and Council meeting.

Mayor Rothschild responded that all that was required was to facilitate public notification and allow for public feedback and that should be about a month.

Council Member Uhlich stated that she appreciated the Mayor and Council wanting to follow due process, and be consistent and fair. She explained why she co-authored the request stating she was on the Council when Mr. Leal proposed a vision for a large scale solar array in Avra Valley. She commended him for his efforts.

Council Member Fimbres thanked Mr. Leal’s for his accomplishments and service to the City of Tucson and his leadership on the City Council.

Andrew Greenhill, Management Coordinator, stated that they had received the request from Mayor and Council to pursue the project. He said it had been discussed internally and was a feasible thing to do. He said he understood the processes defined in the AD which called for some degree of public input process. He said with the Mayor and Council’s direction, they were happy to do that and come as soon as possible and come back with the results for Mayor and Council consideration.

Mayor Rothschild stated he thought staff could come back with feedback as soon as the first meeting in February 2016, since it only involved some type of public notification and feedback.

It was moved by Vice Mayor Uhlich, duly seconded, to continue the item with the understanding that the final feedback would come back to the Mayor and Council the first week in February and barring some contradictory information it would go forward.

Council Member Romero thanked former Council Member Steve Leal for his 20 years of service to the City of Tucson and to Ward 5.

Mayor Rothschild clarified that the motion was to continue the item to the February 9th meeting for passage of the resolution after public input had been sought.

Vice Mayor Uhlich said she agreed and added the sentiment that barring any contradictory information, passage of the Resolution was anticipated.

Steve Leal, Former Council Member, thanked the Mayor and Council and staff. He explained how he came up with the idea for a large scale solar facility.

The motion to continue the item to the February 9, 2016 Mayor and Council meeting was carried by a voice vote of 6 to 0. (Council Member Scott absent/excused).

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 11, dated January 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 Kozachik, duly seconded and carried by a voice vote of 6 to 0, (Council Member Scott absent/excused) to approve the appointment of Frank Szalay to the City Magistrate Merit Selection Commission (CMMSC), Deena Stewart-Hitzke to the Pima County/Tucson Women's Commission (PCTWC) and the reappointment of Terry Byron to the Veterans' Affairs Committee (VAC).

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

There were none.

13. ADJOURNMENT: 6:32 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held Wednesday, January 20, 2016, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

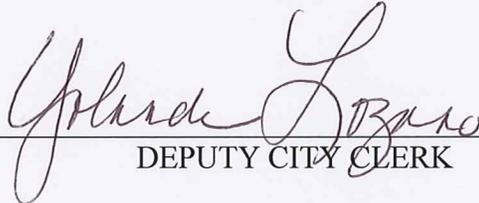
MAYOR

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 January 2016, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR: drl:yl