



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 19, 2016.

Date of Meeting: February 23, 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 5:30 p.m., on Tuesday, February 23, 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
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 Chaplin Steve Martinez, Pima County Adult Detention 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 51, dated February 23, 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, Scott, Fimbres, and Kozachik. 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 52, dated February 23, 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 53, dated February 23, 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. MOD Pizza, Ward 3
4386 N. Oracle Rd. #150
Applicant: Andrea Dahlman Lewkowitz
Series 12, City 108-15
Action must be taken by: February 25, 2016

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

2. Batch Cafe & Bar, Ward 6
118 E. Congress St.
Applicant: Thomas Robert Aguilera
Series 12, City 2-16
Action must be taken by: February 27, 2016

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

3. Four Seasons Restaurant, Ward 3
1423 W. Miracle Mile
Applicant: Wiroch Uttiyasau
Series 12, City 5-16
Action must be taken by: March 6, 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 Transfer(s)

4. Alferrado's Mexican Restaurant, Ward 4
2545 S. Craycroft Rd.
Applicant: Fernando Eliseo Ferrel
Series 6, City 3-16
Action must be taken by: February 28, 2016

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

5. Batch Cafe & Bar, Ward 6
118 E. Congress St.
Applicant: Thomas Robert Aguilera
Series 7, City 4-16
Action must be taken by: March 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)

Sampling Privileges

6. Safeway #255, Ward 1
1551 W. Saint Marys Rd.
Applicant: Nicholas Carl Guttilla
Series 9S, City 1-16
Action must be taken by: February 25, 2016

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

NOTE: State law allows an unlimited number of sampling events for licensees of liquor store (series 9) and beer and wine store (series 10) establishments. The review and approval by Mayor and Council are conducted under the same procedure for the issuance of a spirituous liquor license. (A.R.S. 4-206.01)

c. Special Event(s)

1. Tucson Screammers Inc., Ward 3
1102 W. Grant Rd.
Applicant: Bobby G. Sutton
City T6-16
Date of Event: April 30, 2016
(Concert)

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

2. Climbing Association of Southern Arizona, Ward 6
215 N. Hoff Ave.
Applicant: Eric M.N. Sophia
City T7-16
Date of Event: March 26, 2016
(Music & Fundraiser)

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

3. Tucson Girls Chorus, Ward 3
3800 E. River Rd.
Applicant: Marcela Molina
City T8-16
Date of Event: March 13, 2016
(Fundraiser)

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

4. Artifact Dance Project Inc., Ward 6
160 S. Scott Ave.
Applicant: Ashley Shea Bowman
City T9-16
Date of Event: March 18, 2016 - March 20, 2016
(Dance Performance)

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

5. COAH Tucson, Ward 6
191 E. Toole Ave.
Applicant: Thomas Cass Collins
City T11-16
Date of Event: February 26, 2016 - February 27, 2016
(Fundraiser with Live Music)

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

6. COAH Tucson, Ward 6
191 E. Toole Ave.
Applicant: Thomas Cass Collins
City T12-16
Date of Event: March 11, 2016
(Fundraiser with Live Music)

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 Scott, duly seconded.

Vice Mayor Uhlich wanted to note that item 5c1, Tucson Screammers, aka Slaughterhouse, might run another request through the Manager's process for a special event. She said there were typically a number of noise complaints causing some concerns in that area and if the request was granted through a 2:00 a.m. time, the event could cause some concerns/problems. She said she wanted to give staff a heads up on the request.

It was moved by Council Member Scott, duly seconded, and carried by a roll call vote of 7 to 0, to forward liquor license applications 5b1 through 5b6 and 5c1 through 5c6, 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:

Patrick Rine	Robert Reus	Fred Yamashito
Mark Brown	JD Garcia	Joe Miller
Ken Scoville	Les Pierce	Oscar Gandy
Sam Raciappo	Janet Valencia	Margo Garcia

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. APPROVAL OF MINUTES
 - 1. Report from City Manager FEB23-16-54 CITY WIDE
 - 2. Mayor and Council Regular Meeting Minutes of July 7, 2015
- b. CITY VEHICLES: ANNUAL APPROVAL OF EXEMPTION OF CERTAIN CITY VEHICLES FROM BEARING IDENTIFYING MARKINGS
 - 1. Report from City Manager FEB23-16-55 CITY WIDE
 - 2. Resolution No. 22534 relating to City vehicles; Pursuant to A.R.S. Section 38-538.03(B), exempting certain City motor vehicles from the requirement that they bear markings identifying them as City vehicles; making this exemption effective from February 28, 2016 through and including February 27, 2017, and declaring an emergency.
- c. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE CITY OF SOUTH TUCSON TO LEASE ENVIRONMENTAL SERVICES EQUIPMENT FOR EMERGENCY SOLID WASTE SERVICES
 - 1. Report from City Manager FEB23-16-63 CITY WIDE

2. Resolution No. 22537 relating to Environmental Services; authorizing and approving Amendment No. 1 to the Emergency Solid Waste Services Intergovernmental Agreement (IGA) between the City of South Tucson (South Tucson) and the City of Tucson (City); declaring an emergency; and setting an effective date.
- d. FINANCE: REFUNDING OF WATER SYSTEM REVENUE BONDS, SERIES 2016
1. Report from City Manager FEB23-16-58 CITY WIDE
 2. Ordinance No. 11343 an Ordinance relating to Finance; authorizing the issuance and sale of (I) City of Tucson, Arizona, Water System Revenue Refunding Bonds, Series 2016-A, as Tax-Exempt Bonds, in a principal amount not to exceed \$85,000,000 and (II) City of Tucson, Arizona Water System Revenue Refunding Bonds, Series 2016-B, as Taxable and/or Tax-Exempt Bonds, in a principal amount not to exceed \$35,000,000 (collectively, the "Series 2016 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 2016 Refunding Bonds; authorizing the execution and delivery of Depository Trust Agreements and appointing a Depository Trustee with respect to the bonds to be refunded; authorizing the execution and delivery of Purchase Agreements and a Continuing Disclosure Undertakings with regard to the Series 2016 Refunding Bonds, if necessary; appointing a Bond Registrar, Transfer Agent and Payment Agent for the Series 2016 Refunding Bonds, if necessary; authorizing the preparation and delivery of an Official Statement with respect to the Series 2016 Refunding Bonds; and declaring an emergency.
- e. FINANCE: AUTHORIZING AN EQUIPMENT LEASE-PURCHASE AGREEMENT FOR IMPLEMENTATION OF THE LED LIGHTING PROJECT
1. Report from City Manager FEB23-16-64 CITY WIDE
 2. Resolution No. 22538 a Resolution of the Mayor and Council of the City of Tucson, Arizona, authorizing and approving the execution and delivery of an Equipment Lease-Purchase Agreement; approving negotiations with the purchaser of the Equipment Lease-Purchase Agreement; fixing the maximum aggregate principal amount and the maximum term of the lease payments to be made pursuant to the Equipment Lease-Purchase Agreement; and declaring an emergency.
- f. FINAL PLAT: (S15-038) 2699 E. VALENCIA ROAD, LOTS 1 AND 2
1. Report from City Manager FEB23-16-56 WARD 5

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 the time of actual application.
- g. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH FRANCISCO AND SONIA FIERRO, DBA: SOCCER PLANET, LLC, FOR 2227 EAST BROADWAY BOULEVARD
1. Report from City Manager FEB23-16-61 WARD 6
 2. Ordinance No. 11344 relating to Real Property; approving and authorizing the Lease Agreement with Francisco and Sonia Fierro, dba Soccer Planet, LLC, for short-term occupancy of 2227 East Broadway Boulevard; and declaring an emergency.
- h. INTERGOVERNMENTAL AGREEMENT: WITH NORTHWEST FIRE DISTRICT AND GOLDER RANCH FIRE DISTRICT FOR PARTICIPATION IN THE REGIONAL TRANSPORTATION DATA NETWORK COMMUNICATION SYSTEM
1. Report from City Manager FEB23-16-59 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 22535 relating to Intergovernmental Agreements (IGAs); approving and authorizing the execution of an IGA among the City of Tucson (City) Northwest Fire District (NW Fire) and Golder Ranch Fire District (Golder Ranch) for participation in the Regional Transportation Data Network (RTDN) Communication System; and declaring an emergency.
- i. TRANSPORTATION: APPROVING A PILOT PROGRAM FOR MURAL ARTWORK ON TRAFFIC SIGNAL CONTROL CABINETS
1. Report from City Manager FEB23-16-65 CITY WIDE
 2. Resolution No. 22536 relating to Public Rights of Way and Graffiti Abatement; authorizing and approving a Pilot Program to sponsor Mural Artwork on Traffic Signal Control Cabinets in Tucson Rights of Way; and declaring an emergency.
- j. RESOLUTION: AUTHORIZING EXPENDITURES BY THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR A NEW GREYHOUND BUS TERMINAL
1. Report from City Manager FEB23-16-68 WARD 5

2. Resolution No. 22539 relating to Intergovernmental Agreements; approving and authorizing expenditures by the Rio Nuevo Multipurpose Facilities District for the establishment of a new Greyhound Bus terminal; and declaring an emergency.

(This item has been continued at the request of staff.)

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 – j, with the exception of Item j, which was continued, be passed and adopted and the proper action taken.

8. PUBLIC HEARING: (C8-15-03) AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE RELATING TO MEDICAL MARIJUANA ZONING

Mayor Rothschild announced City Manager's communication number 60, dated February 23, 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 proposed text amendments to the *Unified Development Code (UDC)* relating to medical marijuana zoning.

Mayor Rothschild announced 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 regarding indoor/outdoor cultivation, caregivers, and dispensary expansion to sensitive uses

Patrick Ryan

Les Pierce

Jean-Paul Genet

Mayor Rothschild said did not believe the Ordinance had anything to do with caregivers and asked the City Attorney for clarification.

Michael Rankin, City Attorney, stated the Mayor was correct. He said it was regarding cultivation sites, both indoor and outdoor and not caregivers.

Council Member Kozachik stated the only outdoor element of the Ordinance was that it allowed for outdoor cultivation in I-1 and I-2 zones. He said it did not affect caregiver status.

Nicole Ewing-Gavin, Planning and Development Services Department Interim Director, stated staff was comfortable with the request to add the additional verbiage into the Ordinance regarding sensitive uses.

Vice Mayor Uhlich asked if it was understood when there was an expansion, the 500 ft. setback was still in effect or would it be waived with an expansion. She also asked if the setback itself changed whether or not it was amended.

Ms. Ewing-Gavin said the 500 ft. expansion was still in place and would not change whether it was amended or not.

Mayor Rothschild asked what the definition of sensitive use was.

Caroline Laurie, Planning and Development Services Department, replied sensitive uses were considered to be schools, child care centers, any kind of medical abuse location, parks and libraries.

Council Member Kozachik asked if the expansion was allowed, by right, under the zoning. He wanted to know what other examples could be given where some sort of notification was required when a business was expanding, by right, under their own underlying zoning and how the process flowed from that notification, if the expansion was happening by right.

Ms. Laurie replied it was something new in the *Code* and explained that it was more of a courtesy to ensure the neighborhoods knew and realized the expansion was happening. She said the intent of the process was to open up discussion, between the sensitive use and the applicant, on the changes.

Mayor Rothschild asked if that had to happen even though the person had that as a matter of right.

Ms. Laurie replied that was correct.

Mayor Rothschild stated the item had been noticed as a public hearing on the Ordinance as presented. He said he was not comfortable saying they would change the Ordinance during the meeting and suggested staff return with a revised Ordinance. He although the change might be good, he wanted to contemplate it as opposed to hearing it that evening and approving it right then and there.

Council Member Kozachik responded he agreed with the Mayor. He said he felt they were setting a precedent for businesses to expand their operation, any time they wanted, because they had the right to do so under the existing underlying zoning.

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 11346 by number and title only.

Ordinance No. 11346 relating to Planning and Zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Section 4.9.9; 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 11346.

9. ZONING: (C9-13-16) FRIENDS OF THE LIBRARY – BRAY ROAD, R-2 TO C-1, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 67, dated February 23, 2016, was received into and made part of the record. He asked the City Clerk to read Ordinance 11347 by number and title only.

Ordinance No. 11347 relating to Zoning: amending zoning district boundaries located Southeast of the intersection of Grant Road and Country Club Road, approximately 147 feet east of Country Club and Bray Road in Case C9-13-16, Friends of the Library, R-2 to C-1; and setting an effective date

Council Member Kozachik stated a letter of protest was received from Barry Baume. He asked if Mr. Baume was present and explained the protest said the proposed five foot wall was too small. He said, in the development plan, Keynote #20, stated the existing wall was to remain. He asked if the proposed wall Mr. Baume was referring to was the existing wall, not new construction. He said what Mr. Baume was effectively asking the Friends of the Library to build him a new wall twice the size of the existing wall.

Mayor Rothschild said in staff's memo, it stated that the applicant indicated the protests had been addressed through design and privacy enhancements along the wall area.

Jim Mazzocco, Zoning Examiner, replied that was a standard landscaping buffer yard that was along the wall area; a five foot wall with vegetation, when fully grown, would provide greater screening than just the five foot wall.

Council Member Kozachik said, effectively, what the protest was asking for was that the Library build him a new wall. He said he felt that was not a reasonable request and that the Applicant addressed the spirit of the protest with the enhanced landscaping.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Ordinance 11347.

Vice Mayor Uhlich said she wanted to acknowledge several constituents from her ward including Tori Stipula and Lori Manella and also thanked the Friends of the Library.

Ordinance 11347 passed and adopted by a roll call vote of 7 to 0.

10. ZONING: (SE-14-89) AT&T – 1ST AVENUE, C-1 ZONE, WIRELESS COMMUNICATIONS FACILITY, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 57, dated February 23, 2016, was received into and made part of the record. He said this was a special exception land use request for property located approximately 500 feet east of 1st Avenue and 500 feet north of Limberlost Drive. He said the Zoning Examiner and staff recommend approval of the special exception land use with conditions and asked if the applicant or representative were present and agreeable to the proposed requirements.

Garett Jonilonis, Pinnacle Consulting, on behalf of AT&T Mobility, affirmed that his clients agreed to the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 11342 by number and title only.

Ordinance No. 11342 relating to Zoning: a special exception land use - wireless communications facility - SE-14-89 AT&T - 1st Avenue located 500 feet east of 1st Avenue and 500 feet north of Limberlost Drive; approving with conditions the construction of a wireless communication tower with nine (9) antenna panels, 67 feet in height, within an approximately 800 square foot lease area in the C-1 zone; and setting an effective date.

It was moved by Vice Mayor Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as presented and pass and adopt Ordinance 11342.

11. CITY ADMINISTRATION: APPROVING THE APPOINTMENT OF TIMOTHY THOMURE AS THE CITY OF TUCSON DIRECTOR OF WATER AND APPROVING THE REAPPOINTMENT OF DEPARTMENT DIRECTORS AS REQUIRED BY PROPOSITION 404

Mayor Rothschild announced City Manager's communication number 62, dated February 23, 2016, was received into and made part of the record. He asked the City Clerk to read Ordinance 11345 by number and title only.

Ordinance No. 11345 relating to City Administration; approving the appointment of Timothy Thomure as the City of Tucson Director of Water; approving the reappointment of Directors of the Departments of Transportation, Fire, Information Technology, Procurement, Environmental Service, and Housing and Community Development; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11345.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 66, dated February 23, 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 7 to 0, to approve the appointments of Peter Warren to the Landscape Advisory Committee (LAC), James Sell, Linda Ellinor and Ben Champion to the Climate Change Committee (CCC) and the reappointments of Hee Ju, Carl Bedford, Arthea Tate and Margaret Higgins to the Pima County/Tucson Commission on Addiction, Prevention, and Treatment (CAPT).

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

There were none.

13. ADJOURNMENT: 6:45 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 8, 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 23rd day of February 2016, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR: drl:yl