



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on April 19, 2017.

Date of Meeting: December 6, 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 5:32 p.m., on Tuesday, December 6, 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:

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:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Steve Kozachik	Vice Mayor, Council Member Ward 6

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 Larry Munguia, the S.O.B.E.R. Project, after which the Pledge of Allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 419, dated December 6, 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 report was given by Council Member 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 420, dated December 6, 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 421, dated December 6, 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. U Like Oriental Buffet, Ward 3
5101 N. Oracle Rd.
Applicant: Qunying Xie
Series 12, City 82-16
Action must be taken by: December 9, 2016

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

2. El Coronado Restaurant, Ward 4
7385 S. Houghton Rd. #127
Applicant: Della Maria Coronado
Series 12, City 83-16
Action must be taken by: December 9, 2016

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

3. Bangkok Cafe, Ward 6
2511 E. Speedway Blvd.
Applicant: Robert Barry Morris
Series 12, City 85-16
Action must be taken by: December 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 Transfer(s)

4. Mario's Pizza, Ward 3
3157 N. 1st Ave.
Applicant: Chayvanchhib Svay
Series 7, City 86-16
Action must be taken by: December 17, 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. Jazz in January dba Tucson Jazz Festival, Ward 6
300 E. Congress St.
Applicant: Paul Alan Wheeler II
City T152-16
Date of Event: January 16, 2017
(Tucson Jazz Festival)

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

2. Tucson Rodeo Committee, Inc., Ward 5
4823 S. 6th Ave.
Applicant: Gary G. Williams
City T153-16
Date of Event: February 18, 2017 - February 26, 2017
(La Fiesta de Los Vaqueros)

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

3. The Foothills Club of Tucson, Ward 5
840 E. 17th St.
Applicant: Kirsten Lena Peregrina
City T154-16
Date of Event: February 11, 2017
(Fundraiser)

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

4. Local First Arizona Foundation, Ward 6
485 S. Stone Ave.
Applicant: Erika Kirsten Mitnik-White
City T155-16
Date of Event: December 17, 2016
(Fundraiser Viewing for Parade of Lights)

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

5. St Demetrios Greek Orthodox Church, Ward 3
1145 E. Fort Lowell Rd.
Applicant: James Zaferis
City T156-16
Date of Event: January 6, 2017
(Fundraiser)

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

6. The University of Arizona Athletic Department, Ward 6
1 National Championship Dr.
Applicant: Jaime Leigh Odom
City T157-16
Date of Event: January 5, 2017
(Basketball Pregame Donor Reception)

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

7. The University of Arizona Athletic Department, Ward 6
1 National Championship Dr.
Applicant: Jaime Leigh Odom
City T158-16
Date of Event: January 7, 2017
(Basketball Pregame Donor Reception)

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

8. Wings for Women, Ward 6
134 S. 5th Ave.
Applicant: Nadia Valle
City T166-16
Date of Event: December 16, 2016
(Fundraiser)

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

d. Agent Change/Acquisition of Control/Restructure

1. Market Friendly, Ward 3
3701 E. Grant Rd.
Applicant: Hussain A. Saleh
Series 10, City AC29-16
Action must be taken by: December 9, 2016

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

2. Pancho Villa Mexican Cuisine & Cantina, Ward 6
401 E. 5th St.
Applicant: Martha Alicia Quinonez
Series 12, City AC30-16
Action must be taken by: December 9, 2016

Tucson Police Department has indicated the applicant is in compliance with city requirements.

Revenue Division-Investigations and City Clerk's office have indicated the applicant is not in compliance with city requirements.

This item was considered separately.

3. Rancho Rustico Family Mexican Restaurant, Ward 4
8270 S. Houghton Rd. #140
Applicant: Adan Arceo Verbera
Series 12, City AC31-16
Action must be taken by: December 15, 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 Fimbres, duly seconded, and carried by a voice vote of 4 to 0, (Council Members Romero, Cunningham and Vice Mayor Kozachik absent/excused) to forward liquor license applications 5b1 through 5b4, 5c1 through 5c8, 5d1 and 5d3 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

d. Agent Change/Acquisition of Control/Restructure

2. Pancho Villa Mexican Cuisine & Cantina, Ward 6
401 E. 5th St.
Applicant: Martha Alicia Quinonez
Series 12, City AC30-16
Action must be taken by: December 9, 2016

Tucson Police Department has indicated the applicant is in compliance with city requirements.

Revenue Division-Investigations and City Clerk's office have indicated the applicant is not in compliance with city requirements.

Mayor Rothschild asked since the applicant was not in compliance with paying the requisite fees was there a special motion that needed to be made.

Roger W. Randolph, City Clerk, stated the motion the Mayor and Council should make, was to deny the application.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 4 to 0 (Council Members Romero, Cunningham and Vice Mayor Kozachik absent/excused), to forward liquor license application 5d2 to the Arizona State Liquor Board with a recommendation for denial.

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:

Paul Parisi
Rev. Glenn Davis

Scott Swanson

Brent Davis

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 M

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 DEC06-16-425 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of April 5, 2016
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of April 5, 2016

b. HUMAN RESOURCES: AMENDMENT AND RESTATEMENT OF THE CITY OF TUCSON'S SECTION 125 PLAN TO COMPLY WITH THE INTERNAL REVENUE CODE

1. Report from City Manager DEC06-16-433 CITY WIDE
2. Resolution No. 22678 relating to Group Insurance; providing for the amendment and restatement of the City of Tucson's Section 125 Plan, to ensure Plan compliance with applicable revisions and amendments to Section 125 of the Internal Revenue Code of 1986; the Family Medical Leave Act; the Health Insurance Portability and Accountability Act; and the Patient Protection Affordable Care Act; and declaring an emergency.

- c. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR CUSTOMER RELATIONS MANAGEMENT TOOL SOFTWARE
 - 1. Report from City Manager DEC06-16-422 CITY WIDE
 - 2. Resolution No. 22681 relating to Intergovernmental Agreements (IGA); authorizing and approving the execution of an IGA between the City of Tucson (City) and Pima County to purchase and maintain customer relations management (CRM) Tool Software; and declaring an emergency.

- d. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH HECTOR J. AND SOCORRO VARELA, OWNERS OF PARCEL NO. 214-23-240B, FOR WATER SERVICE
 - 1. Report from City Manager DEC06-16-423 WARD 3 AND OUTSIDE CITY
 - 2. Resolution No. 22679 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 Hector J. and Socorro Varela, owners of Parcel No. 214-23-240B.

- e. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH MACKAY K. LOCKE, OWNER OF PARCEL NO. 109-17-0280, FOR WATER SERVICE
 - 1. Report from City Manager DEC06-16-424 WARD 3 AND OUTSIDE CITY
 - 2. Resolution No. 22680 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 Mackay K. Locke, Owner of Parcel No. 109-17-0280.

- f. FINAL PLAT: (S16-024) MORDASINI VILLAS, LOTS 1 THROUGH 11 AND COMMON AREAS 'A' AND 'B'
 - 1. Report from City Manager DEC06-16-427 WARD 6
 - 2. Staff recommends that the Mayor and Council approve the 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. TRANSPORTATION: ACQUISITION AGREEMENT WITH PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT FOR PERMANENT DRAINAGE EASEMENT OVER CITY OWNED PROPERTY
 - 1. Report from City Manager DEC06-16-429 WARD 3
 - 2. Ordinance No. 11416 relating to Transportation; authorizing the Mayor to enter into an Acquisition Agreement with the Pima County Regional Flood Control District (RFCD) to grant a permanent drainage easement over city owned Real Property; and declaring an emergency.

- h. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY SOUTHEAST OF KINO PARKWAY AND 22ND STREET TO EL RIO SANTA CRUZ COMMUNITY HEALTH CENTERS, INC.
 - 1. Report from City Manager DEC06-16-426 WARD 5
 - 2. Ordinance No. 11418 relating to Real Property; declaring property located near the southeast corner of Kino Parkway and 22nd Street to be vacant surplus property; authorizing the sale thereof to El Rio Santa Cruz Neighborhood Health Center, Inc.; and declaring an emergency.

- i. REAL PROPERTY: ACQUISITION OF RIGHT OF WAY FOR THE BROADWAY BOULEVARD - CAMINO SECO TO HOUGHTON ROAD IMPROVEMENT PROJECT
 - 1. Report from City Manager DEC06-16-428 WARD 2
 - 2. Resolution No. 22676 relating to Transportation and Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain rights of way and easements necessary for the Broadway Boulevard - Camino Seco to Houghton Road Improvement Project; and declaring an emergency.

- j. TUCSON CODE: AMENDING (CHAPTER 7) TO ADJUST THE DATE OF OBSERVANCE OF CÉSAR E. CHÁVEZ HOLIDAY
 - 1. Report from City Manager DEC06-16-417 CITY WIDE
 - 2. Ordinance No. 11415 relating to Leave and Other Benefits: amending Article V, Section 22-91(a)(6) of the Tucson Code to adjust the date of observance of the César E. Chávez Holiday; and declaring an emergency.

- k. LICENSE AGREEMENT: WITH COX COMMUNICATIONS ARIZONA, LLC FOR STRAND MOUNT MICROCELL WIRELESS TELECOMMUNICATION EQUIPMENT IN RIGHT OF WAY
 - 1. Report from City Manager DEC06-16-436 CITY WIDE
 - 2. Resolution No. 22683 relating to Transportation and Information Technology; approving and authorizing execution of a License Agreement with Cox Communications Arizona, LLC (COX) for Strand-Mount Microcell Facilities in City of Tucson (City) Right of Way (ROW); and declaring an emergency.

- l. LICENSE AGREEMENT: WITH COX COMMUNICATIONS ARIZONA, LLC FOR SMALL CELL WIRELESS TELECOMMUNICATION FACILITIES IN RIGHT OF WAY
 - 1. Report from City Manager DEC06-16-435 CITY WIDE
 - 2. Resolution No. 22682 relating to Transportation and Information Technology; approving and authorizing execution of a License Agreement with Cox Communications Arizona, LLC, (COX) for Small Cell Wireless Telecommunications Facilities in City of Tucson (City) Right of Way (ROW); and declaring an emergency.

- m. MAYOR AND COUNCIL: AMENDING THE 2017 MAYOR AND COUNCIL MEETING SCHEDULE
 - 1. Report from City Manager DEC06-16-438 CITY WIDE
 - 2. Ordinance No. 11411 relating to Administration; amending the Mayor and Council's 2017 meeting schedule to schedule a new regular meeting for Tuesday, January 10, 2017 and move the currently scheduled Wednesday, January 18, 2017 regular meeting to Tuesday, January 24, 2017; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 4 to 0, (Council Members Romero, Cunningham and Vice Mayor Kozachik absent/excused), that Consent Agenda Items a – m be passed and adopted and the proper action taken.

8. PUBLIC HEARING: PROPOSED MAY 2017 BALLOT QUESTION RELATING TO INCREASING THE CITY’S TRANSACTION PRIVILEGE TAX RATE TO ADDRESS ROAD REPAIR AND CAPITAL REINVESTMENT NEEDS

Mayor Rothschild announced City Manager’s communication number 434, dated December 6, 2016, was received into and part of the record. He also announced this was

the time and place legally advertised for a public hearing on a proposed May 2017 ballot measure to approve a sales tax increase for capital reinvestment needs related to roads and public safety.

Mayor Rothschild announced 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 wishing to be heard on the item.

There was no one.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 4 to 0, (Council Members Romero, Cunningham and Vice Mayor Kozachik absent/excused), to close the public hearing.

9. ECONOMIC DEVELOPMENT: APPROVAL OF PRIMARY JOBS INCENTIVE DEVELOPMENT AGREEMENT WITH MODULAR MINING SYSTEMS, INC.

Mayor Rothschild announced City Manager's communication number 437, dated December 6, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22684 by number and title only.

Resolution No. 22684 relating to Economic Development Incentives; authorizing and approving the Primary Jobs Incentive Development Agreement between the City of Tucson (City) and Modular Mining Systems, Inc. for expansion of their manufacturing facility located at 3285 East Hemisphere Loop (Project).

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 4 to 0, (Council Members Romero, Cunningham and Vice Mayor Kozachik absent/excused) to pass and adopt Resolution 22684.

Council Member Fimbres commented that Modular Mining Systems, Inc., had already fulfilled the job creation aspect of the Primary Job Incentive, creating over fifty-four jobs paying approximately fifty-two thousand, four hundred dollars. He said the average salary was seventy-five thousand dollars.

10. ZONING: (C9-16-09) SAGUARO TRAILS PAD – HOUGHTON ROAD, SR TO PAD-30, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 431, dated December 6, 2016, was received into and made part of the record. He said this was a request to rezone approximately 319 acres from SR to Planned Area Development zoning. He said the site was located south of Irvington Road at 5800 South Houghton Road and the Zoning Examiner and staff recommend approval of PAD zoning.

Mayor Rothschild asked the City Clerk to read Ordinance 11417 by number and title only.

Ordinance No. 11417 relating to Zoning; amending zoning district boundaries located on the west side of Houghton Road, approximately half a mile south of Irvington Road (5800 S. Houghton Road) in case C9-16-09, Saguaro Trails PAD - Houghton Road, SR to PAD-30; and setting an effective date.

Council Member Scott commented it was such a great project, and commended those who put the project together. She said it embraced the areas called Fantasy Island, the Southeast Houghton Area Recharge Project (SHARP); and were going to market the entire housing project with that in mind, and it would be bicycle friendly and outdoors park kind of atmosphere.

A representative for Mattamy Homes thanked staff from the various City departments who worked on the project, as well as, the Ward 4 Council Office.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 4 to 0, (Council Members Romero, Cunningham and Vice Mayor Kozachik absent/excused), to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11417.

11. HOUSING AND COMMUNITY DEVELOPMENT: APPOINTMENT OF A RESIDENT TO THE PUBLIC HOUSING AUTHORITY BOARD OF COMMISSIONERS

Mayor Rothschild announced City Manager's communication number 430, dated December 6, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22677 by number and title only.

Resolution No. 22677 relating to Housing and Community Development Department; appointing a Resident Commissioner for the Public Housing Authority Board of Commissioners; and setting and effective date.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 4 to 0, (Council Members Romero, Cunningham and Vice Mayor Kozachik absent/excused) to pass and adopt Resolution 22677, naming Sufyan Mohamed to serve as the Resident Commission on the Public Housing Authority Board of Commissioners.

12. MAYOR AND COUNCIL: SELECTION OF VICE MAYOR

Mayor Rothschild announced City Manager's communication number 418, dated December 6, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22675 by number and title only.

Resolution No. 22675 relating to the Vice Mayor of the Mayor and Council; selecting a Vice Mayor.

Council Members Scott and Fimbres thanked Vice Mayor Kozachik for his term serving as the Vice Mayor of the City of Tucson.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 4 to 0, (Council Members Romero, Cunningham and Vice Mayor Kozachik absent/excused) to pass and adopt Resolution 22675, naming Regina Romero as Vice Mayor.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 432, dated December 6, 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 Fimbres, duly seconded, and carried by a voice vote of 4 to 0, (Council Members Romero, Cunningham and Vice Mayor Kozachik absent/excused) to approve the appointment of Darci Hazelbaker to the West University Historic Zone Advisory Board (WUHZAB).

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

Council Member Fimbres announced his personal appointment of Yolanda Herrera to the Environmental Services Advisory Committee (ESAC).

Council Member Scott announced her personal appointment of Danielle Lynette Corbett to the Environmental Services Advisory Committee (ESAC).

14. ADJOURNMENT: 6:02 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, December 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 6th day of December 2016, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:rg:ds