



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on November 21, 2017.

Date of Meeting: March 7, 2017

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 5:36 p.m., on Tuesday, March 7, 2017, 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	Vice Mayor, Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	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 Pastor Jim Cords, of Desert Hope Lutheran Church, 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 63, dated March 7, 2017, 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 Vice Mayor Romero, Council Members Cunningham and Fimbres, 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 64, dated March 7, 2017, 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.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager’s communication number 65, dated March 7, 2017, 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. Twigs Bistro and Martini Bar, Ward 3
150 W. Wetmore Rd.
Applicant: Danny Roy Thomas
Series 12, City 4-17
Action must be taken by: March 11, 2017

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

2. T Town Market, Ward 2
7889 E. 22nd St.
Applicant: Bashir S. Hamdi
Series 10, City 6-17
Action must be taken by: March 13, 2017

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

3. Abuela's Cocina Mexicana, Ward 6
60 N. Alvernon Way
Applicant: Jorge Alvarez Jr.
Series 12, City 8-17
Action must be taken by: March 19, 2017

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)

Location Transfer(s)

4. The Blind Tiger Restaurant & Bar, Ward 6
628 N. 4th Ave.
Applicant: Michael Conrad Kramkowski
Series 6, City 7-17
Action must be taken by: March 17, 2017

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

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

NOTE: State law provides that for a location transfer Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203; Rule R19-1-102)

c. Special Event(s)

1. Satori, Inc., Ward 3
3727 N. 1st Ave.
Applicant: Joanna Horton Honea
City T11-17
Date of Event: April 22, 2017
(Annual Auction Fundraiser)

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

2. Desert Diamond Distillery, Ward 6
4th Ave. & 7th St.
Applicant: John W. Patt
City T12-17
Date of Event: March 24, 2017 - March 26, 2017
(4th Avenue Street Fair)

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

3. Humane Society of Southern Arizona, Ward 3
2702 N. Flowing Wells Rd.
Applicant: Steff Beate Hunter
City T14-17
Date of Event: May 12, 2017 - May 13, 2017
(Fundraiser)

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

4. St. Cyril of Alexandria Roman Catholic Parish, Ward 6
4725 E. Pima St.
Applicant: Ann Causey Zeches
City T16-17
Date of Event: March 25, 2017
(Fundraiser)

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

5. Tucson St. Patrick's Day Parade & Festival, Ward 6
220 S. 5th Ave.
Applicant: John Murphy
City T17-17
Date of Event: March 17, 2017
(Celebration of Irish Culture & Heritage)

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

6. San Miguel of Tucson Corporation, Ward 1
6601 S. San Fernando Rd.
Applicant: Travis Steven Craddock
City T18-17
Date of Event: April 6, 2017
(Open House Fundraising Event)

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

7. Community Food Bank, Ward 6
146 E. Broadway Blvd.
Applicant: Michael Owen McDonald
City T19-17
Date of Event: March 18, 2017
(Farm to Table Event)

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

8. Coyote TaskForce, Inc., Ward 6
66 E. Pennington St.
Applicant: Joanna Keyl
City T21-17
Date of Event: April 1, 2017
(Open House Fundraiser)

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

9. Tucson Breakfast Lions Club, Ward 5
4823 S. 6th Ave.
Applicant: Wayne Francis Locke
City T23-17
Date of Event: March 31, 2017 - April 1, 2017
("Tournament of Destruction" Fundraiser)

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

10. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Mary Ann Confrey
City T24-17
Date of Event: March 24, 2017
(Frida Friday Fundraiser)

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

11. Tucson's January 8th Memorial Foundation, Ward 1
165 W. Alameda St.
Applicant: Crystal Kasnoff
City T25-17
Date of Event: April 8, 2017
(Sneak Preview Celebration Fundraiser)

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 Fimbres, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Scott absent/excused), to forward liquor license applications 5b1 through 5b3 and 5c1 through 5c11 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

- b. Location Transfer(s)

4. The Blind Tiger Restaurant & Bar, Ward 6
628 N. 4th Ave.
Applicant: Michael Conrad Kramkowski
Series 6, City 7-17
Action must be taken by: March 17, 2017

Public Opinion: Written Arguments Opposed Filed

Roger W. Randolph announced this item was being considered separately at the request of Council Member Kozachik.

Council Member Kozachik said he appreciated the applicant meeting up for a walkthrough of the property. He advised there was a mistake related to the zoning, classifying the property as a restaurant, which would have required a Series 12 liquor license instead of a Series 6. He said he wanted to be sure that, if the application was continued, the interests and rights of the applicant were preserved through the process and any questions or concerns they had were on record so the City knew what needed to be worked on before the next meeting. He stated he understood that the liquor license was for the front of the facility and not for the patio.

Michael Kramkowski, Applicant, advised that was correct.

Council Member Kozachik inquired that the area in question was toward the front of the property; with an estimated seating capacity of twenty-five and plans for a patio would not come until later in the year.

Mr. Kramkowski stated that was also correct and that there was nothing on file about a patio being utilized.

Council Member Kozachik said his concerns were if this was continued there was a meter running on the application for the liquor license and the Mayor and Council could not let that expire as a result of the City having made a mistake in its analysis. He stated there was also a question on parking as it relates to a restaurant versus a bar and whether or not a variance is granted, and what the process for granting the variance was. He asked if the applicant was willing to commit to fifty percent plus one in liquor sales, was the Mayor and Council able to move forward with a Series 6 license for approval. He then asked the applicant about his concerns.

Mr. Kramkowski said his concern was that if the liquor license was approved, it had the potential of reverting back to the State for being in non-use for over three years. He said he had the State extend the application while involved in a lawsuit. He advised that when the application was first filed with the City, no variance was needed, and he could push it through and file it with the State. He said he received the news earlier that day that a variance was needed.

Mayor Rothschild asked the City Attorney to address these questions especially with the time constraints. Additionally, he asked what the applicant could do given the circumstances to stop the clock or should the applicant withdraw and start over.

Council Member Kozachik added he would also like to know about the fifty percent plus one, to know whether or not the Mayor and Council could go forward with the Series 6 license.

Michael Rankin, City Attorney, advised he did not think that continuing the license for two weeks to allow additional review by the Planning and Development Services Department (PDS) would compromise the applicant's rights as long as the schedule was kept to the next meeting. He said he did not know the specifics of the reversion issue, but assured he would keep in communication with the applicant so nothing would be jeopardized. He said he was not aware of the PDS issues and whether there was a need for a variance with respect to parking due to restaurant use, so a walkthrough would need to be done with PDS and the applicant to better understand the timeline. He said he was not sure he understood the second part of the question.

Council Member Kozachik said if the property was a bar and defined as fifty percent plus one of the facility's revenue coming from alcohol, then was that the use on the site that controlled before moving forward with a Series 6 without needing a parking variance.

Mr. Rankin responded he did not think the issue was which series of liquor license was being applied for; he said the issue was from a zoning perspective whether it would be a restaurant for the purpose of the zoning code. He stated some restaurants could have a Series 6 or Series 12; however it was the actual use and the revenues.

Council Member Kozachik said there were two questions embedded with that; one being the fifty percent plus one because if that addressed the zoning issue then there was no need for a variance discussion. He said the second question was that a Series 12 license allowed the property to operate as a 24/7 restaurant, but a bar shuts down at 2:00 a.m. He asked if the zoning question could be handled by a commitment from the applicant that the property was going to be a bar and over fifty percent of the sales would be generated from alcohol, and then the zoning issue went away.

Mr. Rankin replied that he needed more facts in terms of what the uses were and what the application had been.

Mayor Rothschild inquired if they waited two weeks, would everyone have a better understanding on where the application stood.

Council Member Kozachik replied yes, however, time cannot just run out while the City was trying to figure out what they would do and let the application expire.

Mayor Rothschild asked the PDSO Director, if the item was to come back to the Mayor and Council in two weeks, would all of their questions be answered in order to make the appropriate decision.

Manjeet Ranu, Planning and Development Services Department Director, responded in the affirmative.

Council Member Kozachik strongly advised that the City needed to have the answers for the variance, use, parking, Series 6 versus Series 12 liquor license. He said what could not happen in two weeks was to come back and tell the applicant they had a sixty-day process they needed to go through to achieve the parking issue.

Michael J. Ortega, City Manager, advised it would be taken care of within the two weeks.

Mayor Rothschild informed Mr. Ranu, given the circumstances where you might normally tell someone this was typically a sixty day process, the City was going to have to have the answer in two weeks since there was a separate process that was running against the applicant.

Mr. Ranu said that would be possible in two weeks.

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 continue Item 5b4 for two weeks until the Mayor and Council meeting of March 21, 2017.

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:

Peter Bollander	Ruth Beeker	Linda Schaub
Hanson Fotherby	Julie Lauterbach-Colby	Karen Robison
Keith Van Heyningen	Stephan Rankus	Ernie Orantec

Mayor Rothschild requested staff to get in contact with Mr. Fotherby to see how the City can help with his concerns.

Mayor Rothschild requested Park Tucson staff look into Ms. Robison’s comments regarding parking at the Martin Luther King apartments.

Vice Mayor Romero requested that staff give consideration to the input from residents of the Martin Luther King apartments regarding a proposed development on adjacent property and that residents be provided a phone number, email address, or contact person at the Rio Nuevo Board to provide input to.

Council Member Kozachik requested staff to provide the Mayor and Council with information on the proposed development.

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 F

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 MAR07-17-66 CITY WIDE
 - 2. Mayor and Council Regular Meeting Minutes of June 7, 2016
 - 3. Mayor and Council Special Meeting Minutes of June 7, 2016
 - 4. Mayor and Council Study Session Legal Action Report and Summary Minutes of June 7, 2016

- b. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR STRATEGIC SECTOR PROJECT - HEALTHCARE PARTNERSHIP FOR WORKFORCE DEVELOPMENT SERVICES
 - 1. Report from City Manager MAR07-17-67 CITY WIDE
 - 2. Resolution No. 22715 relating to Intergovernmental Agreements; approving, and authorizing execution of, an Intergovernmental Agreement between Pima County and the City of Tucson relating to the Strategy Sector Project-Healthcare Partnership for workforce development services; and declaring an emergency.

(This item was considered separately at the request of Council Member Uhlich.)

- c. FINAL PLAT: (S16-023) WILLIAMS ACRES, LOTS 1 AND 2
 - 1. Report from City Manager MAR07-17-68 WARD 2
 - 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.

- d. FINAL PLAT: (S16-071) MARTIN AVENUE HOMES, LOTS 1 THROUGH 4
 - 1. Report from City Manager MAR07-17-69 WARD 3
 - 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.

- e. MEMORANDUM OF UNDERSTANDING: WITH MARICOPA COUNTY FOR SHARING LAW ENFORCEMENT INFORMATION THROUGH AZLINK DATABASE
 - 1. Report from City Manager MAR07-17-74 CITY WIDE

2. Resolution No. 22716 relating to Law Enforcement; approving and authorizing a Memorandum of Understanding between Maricopa County on behalf of the Maricopa County Sheriff's Office and the City of Tucson on behalf of the Tucson Police Department for sharing Law Enforcement Information through the AZLink Database; and declaring an emergency.
- f. EXECUTIVE DEFERRED COMPENSATION PLAN AND TRUST:
AMENDING EMPLOYMENT AGREEMENTS OF THE CITY'S EXECUTIVE OFFICIALS
1. Report from City Manager MAR07-17-73 CITY WIDE
 2. Ordinance No. 11440 authorizing and approving the City of Tucson Executive Deferred Compensation Plan and Trust and declaring an emergency.
 3. Ordinance No. 11441 relating to Employment Agreements with the City Manager, the City Clerk and the City Attorney; authorizing and approving Amendment No. 2 to the Employment Agreement with the City Manager; authorizing and approving Amendment No. 1 to the Employment Agreement with the City Attorney; authorizing and approving Amendment No. 1 to the Employment Agreement with the City Clerk; and declaring an emergency.

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

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), that Consent Agenda Items a - f, with the exception of items b, which was considered separately and Item f, which was continued, be passed and adopted and proper action taken.

7. CONSENT AGENDA – ITEM B

- b. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR STRATEGIC SECTOR PROJECT - HEALTHCARE PARTNERSHIP FOR WORKFORCE DEVELOPMENT SERVICES
1. Report from City Manager MAR07-17-67 CITY WIDE
 2. Resolution No. 22715 relating to Intergovernmental Agreements; approving, and authorizing execution of, an Intergovernmental Agreement between Pima County and the City of Tucson relating to the Strategy Sector Project-Healthcare Partnership for workforce development services; and declaring an emergency.

Council Member Uhlich recused herself due to a conflict of interest.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 5 to 0 (Council Member Scott absent/excused and Council Member Uhlich recused due to conflict of interest), that Consent Agenda Item b, be passed and adopted and the proper action taken.

8. PUBLIC HEARING: ZONING (C9-11-12) TOWN WEST – FIRST AVENUE, R-2 TO O-2 AND C-1, REACTIVATION, TIME EXTENSION, CHANGE OF CONDITIONS, DIRECT ORDINANCE ADOPTION, AMENDING ORDINANCE 10960 (CONTINUED FROM THE MEETING OF FEBRUARY 7, 2017)

Mayor Rothschild announced City Manager's communication number 70, dated March 7, 2017, 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 the reactivation and five-year time extension for property located at the southwest corner of First Avenue and Limberlost Drive. He said that the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Mayor Rothschild asked if there was a representative for the owner of the property present.

Raul Reyes, Applicant's Agent, stated he was present.

Lee Harper and Bonnie Poulos spoke in support of the proposed plans for this space.

Mayor Rothschild called upon Mr. Reyes to describe what his immediate plans were for the property and why he needed the five-year extension.

Mr. Reyes explained that it had been a slow process to develop the property because they had been working with the neighborhood trying to find the right fit for them. He said they had a lot of interests and inquiries, but unfortunately, quite of few of them had either one or two conditions that were not conducive to the neighborhood. He noted that market conditions had changed a little and they recently had more interest. He said they wanted the extra time to work with the neighborhood in finding the right solution for everyone.

Mayor Rothschild inquired what the zoning was on the property.

Mr. Reyes replied the zoning was O-2 and C-1.

It was moved by Council Member Fimbres, 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 11434 by number and title only.

Ordinance No. 11434 relating to Zoning: amending Ordinance 10960 adopted January 24, 2012 and amending Zoning District Boundaries located at the southwest corner of First Avenue and Limberlost Drive in Case C9-11-12 Town West – First Avenue, R-2 to O-2 and C-1; and setting an effective date.

Council Member Uhlich thanked the neighbors for their statements and asked for clarification from staff on steps and processes that allowed neighbors to provide input.

Michael Rankin, City Attorney, replied that the conditions were embedded in the materials.

Council Member Uhlich said she hoped the plan would come to fruition and that the property would capture interest in investment in the near future.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Ordinance 11434.

9. PUBLIC HEARING: ZONING (C9-11-14) INTRON, INC. - TYNDALL AVENUE, R-2 TO C-3, TIME EXTENSION, CHANGE OF CONDITIONS, DIRECT ORDINANCE ADOPTION, AMENDING ORDINANCE 11060 (CONTINUED FROM THE MEETING OF FEBRUARY 7, 2017)

Mayor Rothschild announced City Manager's communication number 71, dated March 7, 2017, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing for a five-year extension and change of conditions for property located on the east side of Tyndall Avenue, south of 23rd Street, west of South Park Avenue.

Mayor Rothschild said that 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 wishing to speak on the item.

There were no speakers.

Mayor Rothschild asked if the representative or the owner was present.

Roger Mull, the owner, came forward.

It was moved by Council Member Fimbres, 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 11435 by number and title only.

Ordinance No. 11435 relating to Zoning: Amending Ordinance 11060, adopted March 27, 2013 and amending zoning boundaries in the area located on the east side of Tyndall Avenue, approximately 150 feet south of 23rd Street and 200 feet west of South Park Avenue in Case C9-11-14 Intron, Inc - Tyndall Avenue, R-2 to C-3; and setting an effective date.

Council Member Fimbres asked Mr. Mull what his plans were if they were to approve the second five-year extension request. He also noted that Mr. Mull had informed his office that he would move on this within two years.

Mr. Mull replied that he built in 2009, rezoned in 2011, and had spent the last three years doing an e-commerce building and putting a lot of time towards that. He stated he had a large inventory he was focusing on. He advised his son was graduating from Northern Arizona University (NAU) in May and he wished for him to experience building in Tucson.

Council Member Fimbres reiterated that Mr. Mull's son graduating in May, and at that time he would be moving forward with the building.

Mr. Mull advised this coming summer they would be hiring an architect and would begin moving forward on a development plan, involving the property he built in 2009 which was meant to extend on to this property.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to approve the request as presented, and pass and adopt Ordinance 11435.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 72, dated March 7, 2017, 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 Vice Mayor Romero, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to approve the appointments of: Ana Urquijo to the Tucson Fire/Police Public Safety Personnel Retirement System Board (TFSPRSB/TPSPRSB), Jan Mulder to the Tucson-Pima County Historical Commission (TPCHC), Nicola Hartmann to the Metropolitan Education Commission (MEC), and the reappointment of Kristin Ginter to the Environmental Services Advisory Committee (ESAC).

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

There were none.

11. ADJOURNMENT: 6:44 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on March 21, 2017, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

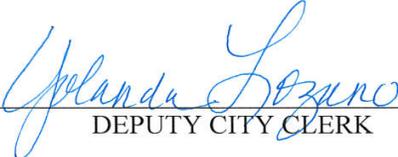
MAYOR

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 7th day of March, 2017, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR: jmg:km