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# Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on December 5, 2017.

Date of Meeting: April 5, 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 5:42 p.m., on Wednesday, April 5, 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  
Paul Cunningham  
Karin Uhlich  
Shirley C. Scott  
Richard G. Fimbres  
Steve Kozachik  
Jonathan Rothschild

Vice Mayor, Council Member Ward 1  
Council Member Ward 2  
Council Member Ward 3  
Council Member Ward 4  
Council Member Ward 5  
Council Member Ward 6  
Mayor

Absent/Excused:

None

Staff Members Present:

Michael J. Ortega  
Michael Rankin  
Suzanne Mesich

City Manager  
City Attorney  
Assistant City Clerk

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Debby Counsellor, City Clerk’s Office, 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 96, dated April 5, 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 and 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 97, dated April 5, 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.

Current Event report was given by Michael J. Ortega. 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 98, dated April 5, 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. GoBooze, Ward 5  
1665 E. 18th St. #104  
Applicant: Nicholas Carl Gutilla  
Series 10, City 11-17  
Action must be taken by: March 30, 2017

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

2. Fire N Smoke, Ward 2  
6502 E. Tanque Verde Rd.  
Applicant: John Jay Healy  
Series 10, City 13-17  
Action must be taken by: April 9, 2017

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

3. Exo Roast Co., Ward 6  
403 N. 6th Ave. #101 & 107  
Applicant: William Douglas Smith  
Series 12, City 14-17  
Action must be taken by: April 9, 2017

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

4. Bodega BLU, Ward 6  
401 E. 5th St.  
Applicant: Rhonda Dianna Carillo  
Series 12, City 16-17  
Action must be taken by: April 17, 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)

Person Transfer(s)

5. Buffet Bar, Ward 6  
538 E. 9th St.  
Applicant: Robin Bair Dutt  
Series 6, City 15-17  
Action must be taken by: April 10, 2017

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)

Location Transfer(s)

6. Nancy's Boondocks, Ward 3  
3306 N. 1st Ave.  
Applicant: Nancy Ellen Kuhlmann  
Series 6, City 12-17  
Action must be taken by: April 7, 2017

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

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. Southern Arizona AIDS Foundation, Ward 6  
7th St. between 3rd & 4th Ave.  
Applicant: Lindsey Heyward Jones  
City T34-17  
Date of Event: May 6, 2017  
(30<sup>th</sup> Annual Reno Gannon Jell-O Wrestling)

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

2. Tucson Girls Chorus, Ward 3  
3800 E. River Rd.  
Applicant: Marcela Molina  
City T35-17  
Date of Event: April 9, 2017  
(Fundraiser)

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

3. Arizona Craft Brewers Guild, Inc., Ward 3  
4502 N. 1st Ave.  
Applicant: Robert James Fullmer  
City T36-17  
Date of Event: April 22, 2017  
(Baja Beer Festival)

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

4. Tucson Police Officers Charitable Foundation Inc., Ward 6  
213 N. 4th Ave.  
Applicant: Roland R. Gutierrez  
City T38-17  
Date of Event: May 5, 2017  
(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 Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b6, 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:

Estella di Rossi	Maritza Samoya Flores	Rev. Steve Springer
Keith Van Heyningen	Clark Knobel	Misty Tea

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 APR05-17-99 CITY WIDE

2. Mayor and Council Regular Meeting Minutes of September 20, 2016
  3. Mayor and Council Study Session Legal Action Report and Summary Minutes of September 20, 2016
- b. **BOARDS, COMMITTEES AND COMMISSIONS: AMENDING RESOLUTION 14435 REGARDING THE TUCSON CONVENTION CENTER COMMISSION**
1. Report from City Manager APR05-17-100 CITY WIDE
  2. Resolution No. 22726 relating to Boards, Committees, and Commissions; amending Resolution No. 14435 (adopted May 16, 1988), which created the City Convention Center Commission (now commonly known as the Tucson Convention Center Commission), to: (1) more specifically define the Commission's functions and purposes, with a focus on financial oversight; (2) formally rename the Commission to correspond to the name it now commonly goes by; and (3) update and streamline certain other original language; and declaring an emergency.
- c. **PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH THE OWNERS OF MILLERS PUESTO PARCELS FOR WATER SERVICE**
1. Report from City Manager APR05-17-101 WARD 1 AND OUTSIDE CITY
  2. Resolution No. 22727 relating to Pre-Annexation and Development Agreements; authorizing and approving execution of a Pre-Annexation and Development Agreement between the City of Tucson and Stewart Title & Trust TR 3626, with Tracy Hardy as the managing member, owners of Parcel Nos. 103-10-0560, 0570, 0580, 0590, 0600, 0610, and 0620.
- d. **BOARDS, COMMITTEES AND COMMISSIONS: AMENDING RESOLUTION 20632, EXTENDING THE TERM OF SERVICE FOR THE GRANT ROAD CORRIDOR PLANNING TASK FORCE**
1. Report from City Manager APR05-17-103 WARDS 2, 3 AND 6
  2. Resolution No. 22728 relating to Boards and Commissions; amending Section 5 of Resolution No. 20632 (adopted April 10, 2007, and previously amended by Resolution No. 21713 on April 12, 2011, by Resolution No. 21872 on April 3, 2012, by Resolution No. 22055 on May 21, 2013, and by Resolution No. 22401 on May 19, 2015) to extend the Grant Road Corridor Planning Task Force's term of service to April 10, 2019; and declaring an emergency.

e. FINAL PLAT: (S16-081) MOUNTAIN VAIL RESERVE, LOTS 1 THROUGH 77, COMMON AREAS "A", "B", AND "C"

1. Report from City Manager APR05-17-110 WARD 4
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.

Mayor Rothschild asked staff if Council Member Uhlich's questions had been answered.

Michael Rankin, City Attorney, stated in response to the question asked during the Study Session, the language of the agreement put the City in control to determine when to annex. He said by signing the agreement, the owners were committed to signing the petition when it was presented and at the time of the City's choosing, after which the annexation process would proceed as normal.

Council Member Uhlich expressed concern that needed to be done in a timely manner. She asked the City Manager to ensure staff had direction to present the document immediately after the approvals were obtained by the County and the owner notify the City.

Council Member Cunningham inquired if there was a well on the property and if not were the owners going to build one.

Mike Czechowski, Annexation Project Manager said there was no well on the property. He advised one would not be built.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – e, be approved and/or adopted and proper action taken.

**8. PUBLIC HEARING: CONVERSION OF THE SUMMERGO YOUTH PASS AND ANNUAL PASS INTO PERMANENT FARES**

Mayor Rothschild announced City Manager's communication number 104, dated April 5, 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 proposal to make two promotional Sun Tran passes (the SummerGo Youth Pass and the public Annual Pass) permanent passes. He stated that the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Suzanne Schafer spoke in support of the conversion of the SummerGo youth pass and annual pass into permanent fares.

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 announced that approval of the permanent fare policy was scheduled for the Mayor and Council meeting of April 19, 2017.

Council Member Cunningham requested clarification and thought the cost of the SummerGo pass was fixed at forty-five dollars and that nothing in the material indicated it would be tied to the base fare.

Mayor Rothschild asked if that it was correct that it was tied to the base fare.

Sam Credio, Transportation Department Transit Administrator, advised that it would be tied to the base fare multiplier, which was included on the first page of the communication.

Council Member Cunningham stated the SummerGo pass was not included in the fare vote, the pass was left out and should not be tied to the summer base fare and was not the direction of the Mayor and Council.

Michael J. Ortega, City Manager, stated there was time before this item came back to the Mayor and Council for final approval and he would ensure that the spirit and intent of what the Mayor and Council envisioned would be presented.

Council Member Cunningham advised the discount was good enough and that if the Mayor and Council had to raise it in a few years they could. He said the fare from the SummerGo pass was responsible for the pool revenue the City received and it should not be tied to the base fare multiplier.

Vice Mayor Romero questioned if there was a possibility of removing the pass from the base fare, however, leave it open for consideration at a later time, so that it could be moved forward without being tied to the base fare.

Mr. Ortega advised that was his intent and when it came back to the Mayor and Council for final consideration that it will be fixed.

Vice Mayor Romero asked Council Member Cunningham if it would be best to bring the item back without it being tied to the base fare or the multiplier.

Council Member Cunningham asked if it was tied to the base fare, did the Mayor and Council have to adopt the base fare or could it be lowered.

Mr. Ortega suggested they may not want to do that and there was enough other conversation around the base fare. He said he would rather take Council Member Cunningham's direction and bring it back to the Mayor and Council for consideration.

Council Member Kozachik added that when the investigation was done, these were intended to be promotional fares and they were not tied to any increment increase.

Mr. Ortega said he understood the issue was the Title 6 fare equity analysis and the impact it had.

Council Member Kozachik replied it would also be the timing and the timing of the implementation of this was unfortunately tied to the increase in the base fare.

Mr. Ortega stated it was a coincidence, but he understood the direction now and it would be brought back as requested.

Mayor Rothschild said his recollection was the same as Council Member Cunningham's when the equity analysis was reviewed. He recommended going back to see if it was not tied into the base fare.

Council Member Cunningham reminded everyone that part of this fare went to the pools and was a twenty-two thousand dollar revenue collection for the pools.

**9. PUBLIC HEARING: (C8-16-10) AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE RELATING TO PERMITTED USES IN INDUSTRIAL ZONES**

Mayor Rothschild announced City Manager's communication number 109, dated April 5, 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 proposed amendments to the Unified Development Code to allow for specific permitted uses in industrial zones. He stated 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 were any speakers 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 7 to 0, to close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance 11446 by number and title only.

Ordinance No. 11446 relating to Planning and Zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Section 4.8.7; and setting an effective date.

Mayor Rothschild asked if there was a further discussion in this matter.

Council Member Fimbres requested to be reminded on the emphasis of the discussion from the item.

Albert Elias, Assistant City Manager, replied there was several people in the development community who pointed out some inconsistencies with regard to uses that were allowed in commercial zones, which were not allowed in industrial zones. That was contrary to the general notion that industrial zoning was more permissive than commercial zoning. He said staff conducted an analysis of the differences and identified specific uses which this amendment allowed for in industrial zones.

Council Member Fimbres questioned if the initiative would make it more flexible for businesses to go into I-1 or I-2 zoning.

Mr. Elias stated that was the intent.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as presented, and pass and adopt Ordinance 11446.

**10. CITY ADMINISTRATION: APPROVING THE APPOINTMENT OF MANJEET RANU AS THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT DIRECTOR, AND THE APPOINTMENT OF CARLOS DE LA TORRE AS THE ENVIRONMENTAL AND GENERAL SERVICES DEPARTMENT DIRECTOR**

Mayor Rothschild announced City Manager's communication number 111, dated April 5, 2017, was received into and made part of the record. He asked the City Clerk to read Ordinance 11447 by number and title only.

Ordinance No. 11447 relating to Environmental and General Services Department; approving the appointment of Carlos De La Torre as the Director of the department; fixing compensation; 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 11447.

Mayor Rothschild asked the City Clerk to read Ordinance 11448 by number and title only.

Ordinance No. 11448 relating to Planning and Development Services Department; approving the appointment of Manjeet Ranu as the Director of the City of Tucson Planning and Development Services Department; fixing compensation; 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 11448.

**11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Rothschild announced City Manager's communication number 102, dated April 5, 2017, was received into and made part of the record. He asked if there were any personal appointments to be made.

There were none.

**12. ADJOURNMENT: 6:27 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, April 19, 2017, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

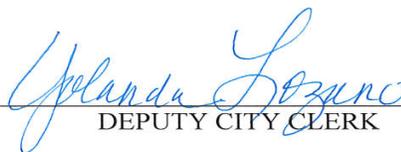
ATTEST:

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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 April, 2017, and do hereby certify that it is an accurate transcription.

  
DEPUTY CITY CLERK

RWR: km:agj