



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 23, 2018.

Date of Meeting: June 6, 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 5:40 p.m., on Tuesday, June 6, 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
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Ken Blondeaux, First Southern Baptist 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 179, dated June 6, 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, 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 180, dated June 6, 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, 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 181, dated June 6, 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. Restaurant El Quino, Ward 5
4075 S. 6th Ave.
Applicant: Laura G. Anaya
Series 12, City 28-17
Action must be taken by: June 19, 2017

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

2. Lindy's Diner, Ward 6
500 N. 4th Ave. #11
Applicant: Thomas Robert Aguilera
Series 12, City 29-17
Action must be taken by: June 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)

Person Transfer(s)

NOTE: There are no application(s) for person transfers scheduled for this meeting.

c. Special Event(s)

1. Museum of Contemporary Art, Ward 6
265 S. Church Ave.
Applicant: Alexis Page Smith
City T54-17
Date of Event: June 17, 2017
(Exhibition Opening)

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

2. Museum of Contemporary Art, Ward 6
265 S. Church Ave.
Applicant: Alexis Page Smith
City T55-17
Date of Event: July 29, 2017
(MOCA Birthday Celebration)

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

d. Agent Change/Acquisition of Control

1. Residence Inn Tucson Airport, Ward 5
2660 E. Medina Rd.
Applicant: Marvin John Green
Series 7, City AC6-17
Action must be taken by: June 15, 2017

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 6 to 0, to forward liquor license application 5b1 through 5b2, 5c1 through 5c2, and 5d1 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:

Edward Cizek	Keith Van Heyningen	Anthony Potter
Jim Parks	Barbara Crummitt	Linda Schaub
Evan Mendelson	Billy Peard	Michael Varney
Richard Estrada	Tom Dunn	Robin Reineke
Roger Score	Paul Stapleton-Smith	Ivy Schwartz
David Archuleta	Ana Karina Rodriquez	

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

(Note: Council Member Kozachik departed at 6:24)

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 JUN06-17-182 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of October 19, 2016
3. Mayor and Council Study Session Legal Action Report and Minutes from October 19, 2016

b. TUCSON CODE: AMENDING (CHAPTER 10) FISCAL YEAR 2018
COMPENSATION PLAN SCHEDULES

1. Report from City Manager JUN06-17-196 CITY WIDE
2. Ordinance No. 11464 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service -- Human Resources, Article II, Compensation Plan, Section 10-31, adopting salary schedules for Fiscal Year 2018; implementing Section 10-31; ratifying, reaffirming and reenacting Section 10-31(7), Providing percentages for calculation of compensation from salary schedules for employees in specified assignment positions; Section 10-31(8), Payment for uniform maintenance; Section 10-33, Language Communication Compensation; Section 10-33.1, Proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish; Section 10-34.1, Assignment and incentive pay for maintaining paramedic certification and working as paramedics; Section 10-35, Fire Battalion Chief call back shift pay; Section 10-47, recruiting referral compensation for commissioned personnel; Section 10-49, Holiday and BOI pay for Commissioned Officers of the Tucson Police Department for the position of Lieutenant and assignment positions of Captain and Assistant Chief; Section 10-52, Longevity Compensation Plan; Section 10-53, Pipeline Protection Program; compensation; Section 10-53.1, Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance; Section 10-53.2, Maintenance Management Program, assignment and incentive pay compensation; Section 10-53.3, Career Enhancement Program (CEP) incentive pay for commissioned Police personnel through rank of Captain; Section 10-53.4, Additional compensation for certain public safety command staff; Section 10-53.5, Honor Guard assignment pay for the Fire Commissioned personnel; Section 10-53.7, Certified crane operator assignment and incentive pay program; and Section 10-53.8, certified compressed natural gas inspector assignment and incentive pay program; all as part of implementation of the Annual Compensation Plan for Fiscal Year 2018; and declaring an emergency.

c. FINAL PLAT: (S17-013) TUCSON SOUTH LOTS 11-1 AND 11-2 AND
COMMON AREA "A"

1. Report from City Manager JUN06-17-187 WARD 1
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: (S17-019) RIO NUEVO - CATERPILLAR, BLOCK 1
 - 1. Report from City Manager JUN06-17-186 WARD 1
 - 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. FINAL PLAT: (S17-005) MOUNTAIN VAIL ESTATES - PART I, LOTS 1 THROUGH 55, COMMON AREAS "A", "B", "C", AND "D"
 - 1. Report from City Manager JUN06-17-185 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.

- f. FINAL PLAT: (S17-006) MOUNTAIN VAIL ESTATES - PART B, LOTS 1 THROUGH 21, COMMON AREA "A"
 - 1. Report from City Manager JUN06-17-184 WARD 4
 - 2. Staff recommends that the Mayor and Council approve the plat as presented. The applicant is advised that the building/ occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- g. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY SULLIVAN JACKSON EMPLOYMENT CENTER FOR EMERGENCY SOLUTIONS GRANT - HOMELESS MANAGEMENT INFORMATION SYSTEM
 - 1. Report from City Manager JUN06-17-188 CITY WIDE
 - 2. Resolution No. 22761 relating to Intergovernmental Agreements (IGA); authorizing and approving the execution of an IGA between the City of Tucson (City) and Pima County Community Resources Employment and Training (CSET) - Sullivan Jackson Employment Center Homeless Management Information System (HMIS), contract #18293 (contract); and declaring an emergency.

- h. GRANT AGREEMENT: WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION MULTIMODAL PLANNING DIVISION FOR FEDERAL TRANSIT ADMINISTRATION SECTION 5310 OPERATING FUNDING
 - 1. Report from City Manager JUN06-17-190 CITY WIDE
 - 2. Resolution No. 22762 relating to Transportation; authorizing and approving the Grant Agreement between the City of Tucson (City) and the Arizona Department of Transportation (ADOT) Multimodal Planning Division, acting for and on behalf of the State of Arizona, for Federal Transit Administration (FTA) Federal Fiscal Year (FY) 2017 Section 5310 Operating Funding; and declaring an emergency.

- i. FINANCE: ALLOCATION OF FUNDS FROM THE WARD 4 BUDGET FOR NEW PARKS EQUIPMENT AND MAINTENANCE AT LAKESIDE PARK
 - 1. Report from City Manager JUN06-17-191 WARD 4
 - 2. Resolution No. 22764 relating to Park Improvement: approving the expenditure of budgeted Ward 4 funds for new parks equipment and maintenance at Lakeside Park; and declaring an emergency.

- j. FINANCE: ALLOCATION OF FUNDS FROM THE WARD 6 BUDGET FOR SUPPLEMENT WATER LINE WARRANTY FUNDS
 - 1. Report from City Manager JUN06-17-198 WARD 6
 - 2. Resolution No. 22765 relating to Park Improvement: approving the expenditure of budgeted Ward 6 funds to supplement Line Warranty funds for parks in Ward 6; and declaring an emergency.

It was moved by Vice Mayor Romero, duly seconded, and passed by a roll call vote of 6 to 0, (Council Member Kozaschik absent/excused) that Consent Agenda Items a – j be passed and adopted and the proper action taken.

8. PUBLIC HEARING: 2018 BUDGET AS TENTATIVELY ADOPTED ON MAY 23, 2017

(NOTE: This item was taken out of order and considered after Item 9.)

9. RESOLUTION: DECLARING AN OFFICIAL POSITION AGAINST ADDITIONAL CONSTRUCTION OF A BORDER WALL

(This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 194, dated June 6, 2017, was received into and made part of the record. He asked the City Clerk to read Resolution 22763 by number and title only.

Resolution No. 22763 relating to President Trump's Executive Order 13767: declaring Mayor and Council's opposition to the proposed construction of a border wall along the U.S. - Mexico border; and declaring an emergency.

Vice Mayor Romero requested that comments in support of the Resolution be heard from Randy Serraglio, Southwest Conservation Advocate, Center for Biological Diversity and Alison Harrington, Southside Presbyterian Church Pastor. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

Vice Mayor Romero said that a press conference was held earlier in the day with members of the Mayor and Council, the Pima County Board of Supervisors Chairman, the Vice Chairman of the Tohono O'odham Nation and the Vice Chair of the Pascua Yaqui Tribe. She said she believed one of the most important things the City could do was send a message in terms of this resolution showing a unified front of the jurisdictions of Southern Arizona representing the people. She stated the message would be heard in Washington, DC, the Trump Administration and our Congressional Delegation, and they would know exactly that the people of Southern Arizona stood solidly against further construction and militarization of the border wall.

Vice Mayor Romero requested that the Mayor and Council stay with the language in the Resolution, especially Section 4. She said tax payer funds of the residents of Tucson could not be used to condone any further irreplaceable damage to the border wall.

It was moved by Vice Mayor Romero, duly seconded, to pass and adopt Resolution 22763.

Mayor Rothschild said he wanted to start with the fact that Congress had not appropriated additional funds for the wall construction and continuing with the budget it did not appear there was any appetite for it, however there was an old saying in Washington, DC that for those who do this business "the President proposes and the Congress disposes" and the President can say what he wants, but Congress made the decisions.

Mayor Rothschild stated the efforts needed to be continuous in speaking with our congressional representatives and senators who were the key players and key decision makers. He indicated he agreed they were seeing more of the grass roots on local

sentiment expressed on these issues particularly in Southern Arizona as it came to this border wall issue. He said that being the case, given there had been no border wall appropriation passed, this Resolution was just that, it was a statement of intent that a border wall was not good policy and a waste of tax dollars and everything that was in the recitals, the economy and the environment.

Mayor Rothschild said he understood there were already plans for securing the border, without a wall, using current technologies. He said the original plan which was passed by the Senate about two years ago and not allowed onto the floor by the House was in conjunction with comprehensive immigration reform which was what everyone was aiming for and would take care of the issue.

Mayor Rothschild asked the City Attorney to read the changes into the record that were made in the agreed upon language that went out in the public documents and what they were substituted for.

Michael Rankin, City Attorney, read the following changes to the record, which were discussed at the Mayor and Council Study Session. He said recital fourteen of the Resolution would be modified to read that, "City residents deserve to know how the City's public funds are being spent and whether they are supporting companies involved in the construction or operation of the border wall." He said companies replaced the prior language that read, "individuals or entities".

Mr. Rankin identified under recital fifteen would be revised to read, "the City of Tucson does not wish to condone any company that participates in the design, construction, or financing of the border wall in any way" instead of the prior language about, "being associated with".

Mr. Rankin specified under section four, page four of the Resolution, would be revised to read, "the Mayor and Council hereby expresses its intent to identify all companies involved with the design in building or financing of the border wall and its intent to divest as soon as practicable and as allowed by law". He said that was the additional language from those companies.

Mayor Rothschild clarified "as allowed by law" and asked if that was correct.

Mr. Rankin responded affirmatively.

Mayor Rothschild indicated he wanted to make sure the public understood because the chatter as it filtered down was not always exactly accurate. He asked if under current United States law, Federal law, that the current Resolution could not necessarily affect the City's procurement policy.

Mr. Rankin responded that the Resolution did not have the effect of amending the City's *Procurement Code* and it only expressed the Mayor and Council intent to divest. He commented, if approved as read into record, it would certainly have the effect of

having staff put together investment policies for future Mayor and Council consideration relating to the prohibition of investing City funds into the security stocks, etc., of the identified companies. He said the City had considerable authority in choosing where its investments went.

Mr. Rankin said he thought what the Mayor and Council were referencing and what had been discussed in other contexts, was that the City's authority to condition the award of future contracts for the procurement process was more limited under the law, which there were a number of cases that were at play. He said given the expression of intent that was incorporated into the Resolution and the effect it had would be to direct the City Attorney to continue to communicate and coordinate with the attorneys, staff in other jurisdictions that would be considering similar measures, some that had been adopted or some that were still in the pipeline, to monitor the development of the law with respect to that issue, which was certainly possible out of the local enactments. He said there could very well be more decisions about the scope of local authority in the divestment thereof and was committed to providing that information to Mayor and Council to be able to make their policy decisions.

Mayor Rothschild stated he had a concern with the language and was not sure if they came up with some language. He said a few years ago with the stimulus act the Mariposa Port of Entry was built and it was an incredible benefit to the people of Mexico and the United States. He said he knew there was some security element to the construction project and thought it was the hope of many people that the Ports be expanded in Douglas and Yuma. He stated he did not want to do something that would affect projects like that and everyone should be in favor of the benefit of the goods and services to get across the border more efficiently. He asked Mr. Rankin how the City would deal with something like that.

Mr. Rankin indicated if the motion maker was comfortable with including that as part of the change, although it did not have to be part of the Resolution, just part of the additional direction of the Mayor and Council. He said the intent was not intended to oppose the projects referenced.

Vice Mayor Romeo stated she was comfortable with the addition. She said she just wanted to make sure that Section 4 of the Resolution was clear and the Mayor and Council had a much bigger leeway in terms of investment and divestment of tax payer funds and this particular piece kept a big leeway for the Mayor and Council to decide and choose as they moved forward the investment strategies of the City of Tucson tax payer funds.

Mayor Rothschild he said the understood the motion in regards to future investment. He said in regards to future investment in public company stock, which the City could invest in, especially with the City's pension system, the direction would be that the City could choose which companies to invest in.

Mr. Rankin stated yes to both comments.

Council Member Scott stated she wanted to point out, in addition to all the local dignitaries and organizations which unified to speak publically with one voice against the wall, they were all joining Arizona congressional representatives who had made very public statements themselves questioning the reasoning for building the wall or expending federal tax dollars to build the wall. She said she thought the entire community from the congressional level down to everyone who represented any form of government to this Mayor and Council there was one voice.

Resolution No. 22763, with the understanding read into the record, was passed and adopted by a roll call vote of 6 to 0 (Council Member Kozachik absent/excused).

RECESS: 7:09 p.m.

RECONVENE: 7:14 p.m.

Mayor Rothschild called the meeting back to order. All members were present with the exception of Vice Mayor Romero and Council Member Kozachik (absent/excused).

8. PUBLIC HEARING: 2018 BUDGET AS TENTATIVELY ADOPTED ON MAY 23, 2017

(NOTE: This item was taken out of order and Vice Mayor Romero arrived at 7:19 p.m.)

Mayor Rothschild announced City Manager's communication number 197, dated June 6, 2017, was received into and made part of the record. He stated this was the time and place legally advertised for the public hearing on the Budget as tentatively adopted May 23, 2017. He said the public hearing was scheduled to last no more than one hour. He stated speakers were limited to 5 minute presentations.

Bret Davis, Southern Arizona Lodging and Resort Association, stated the Mayor and Council knew the formula that they were trying to work on as it related to RV Parks surcharge. He said they had worked closely with the City Manager on this issue.

Mayor Rothschild asked the City Manager to comment on Mr. Davis' question/concerns.

Michael J. Ortega, City Manager, mentioned that in his notes to the Mayor and Council he planned to bring back an old ordinance for reconsideration at the next meeting to remove the RV Park owners from the surcharge.

Mayor Rothschild asked if there was anyone else wishing to be heard on the budget.

There was no one.

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

Mayor Rothschild announced the Mayor and Council would recess the regular meeting and convene a special meeting for the purpose of adopting the budget.

RECESS: 7:19 p.m.

RECONVENE: 7:23 p.m.

(NOTE: See minutes for the Special Mayor and Council Meeting of June 6, 2017 regarding the Final Budget Adoption for Fiscal Year 2018).

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
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Jonathan Rothschild	Mayor

Absent/Excused:

Steve Kozachik	Council Member Ward 6
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Staff Members Present:

Michael J. Ortega	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

9. RESOLUTION: DECLARING AN OFFICIAL POSITION AGAINST ADDITIONAL CONSTRUCTION OF A BORDER WALL

(NOTE: This item was taken out of order and considered after item 7.)

10. CITY MAGISTRATE: APPOINTMENT OF CITY MAGISTRATE AND FIXING COMPENSATION

Mayor Rothschild announced City Manager's communication number 192, dated June 6, 2017, was received into and made part of the record. He asked the City Clerk to read Ordinance 11463 by number and title only.

Ordinance No. 11463; relating to City Magistrates; appointing Wendy Million as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote 6 to 0, (Council Member Kozachik absent/excused), to pass and adopt Ordinance 11463 and the proper action taken.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager’s communication number 183, dated June 6, 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 Kozachik absent/excused), to approve the appointment of Isadora Abernathy to the Veterans Affairs Committee (VAC).

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

Council Member Uhlich announced her personal appointment of Martha Durkin to the 2017 Public Safety Tax Oversight Commission (PSTOC).

Council Member Fimbres announced his personal appointments of Anthony ‘Tony’ Higuera to the Bicycle Advisory Committee (BAC), Jeovanna MacKean to the Pima County Tucson Women’s Commission (PCTWC), and David Lee Middleton to the Transit Task Force (TTF).

12. ADJOURNMENT: 7:26 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, June 20, 2017, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

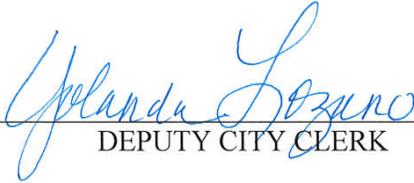
MAYOR

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 6th day of June 2017, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR: agj:tg