



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on February 21, 2018.

Date of Meeting: July 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 5:32 p.m., on Wednesday, July 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 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 227, dated July 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 Members Scott and 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 228, dated July 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 provided 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 229, dated July 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. Outback Steakhouse #0312, Ward 2
4871 E. Grant Rd.
Applicant: Peter Henry Schelstraete
Series 12, City 30-17
Action must be taken by: June 23, 2017

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

2. The Dutch Eatery and Refuge, Ward 6
943 E. University Blvd. #171
Applicant: Marcus J. VanWinden
Series 12, City 33-17
Action must be taken by: July 6, 2017

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

3. Chipotle Mexican Grill #3043, Ward 1
1202 W. Irvington Rd.
Applicant: H. J. Lewkowitz
Series 12, City 36-17
Action must be taken by: July 13, 2017

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

4. Trident III, Ward 6
250 S. Craycroft Rd. #140
Applicant: Jason Matthew Machamer
Series 12, City 38-17
Action must be taken by: July 20, 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/Location Transfer(s)

5. Lou's Ft Lowell Pub, Ward 3
746 E. Fort Lowell Rd.
Applicant: Louie Castro Lazos
Series 6, City 34-17
Action must be taken by: July 6, 2017

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

6. MSA Annex/Westbound/Beaut Burger, Ward 1
267 S. Avenida del Convento
Applicant: Thomas Robert Aguilera
Series 6, City 35-17
Action must be taken by: July 13, 2017

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

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

Sampling Privileges

7. Wal-Mart Neighborhood Market #4490, Ward 5
2565 E. Commerce Center Pl.
Applicant: Clare Hollie Abel
Series 9S, City 37-17
Action must be taken by: July 16, 2017

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

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

c. Special Event(s)

1. Tucson Fringe Festival, Inc., Ward 6
160 S. Scott Ave.
Applicant: Maryann Green
City T60-17
Date of Event: July 29, 2017
(Fundraiser)

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

2. Marshall Foundation, Ward 6
802 & 820 E. University Blvd.
Applicant: Jane Gail McCollum
City T61-17
Date of Event: July 29, 2017
(Main Gate Square Community Promotion)

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

d. Agent Change/Acquisition of Control/Restructure

1. Walgreens #13822, Ward 1
550 N. Silverbell Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC11-17
Action must be taken by: July 8, 2017

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

2. Walgreens #3837, Ward 1
1550 W. Valencia Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC12-17
Action must be taken by: July 8, 2017

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

3. Walgreens #02910, Ward 2
8730 E. Broadway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC13-17
Action must be taken by: July 8, 2017

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

4. Walgreens #05750, Ward 2
10315 E. Broadway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC14-17
Action must be taken by: July 8, 2017

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

5. Walgreens #10879, Ward 2
7111 E. Golf Links Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC15-17
Action must be taken by: July 8, 2017

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

6. Walgreens #09953, Ward 2
7885 E. Speedway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC16-17
Action must be taken by: July 8, 2017

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

7. Walgreens #15502, Ward 2
8980 E. Tanque Verde Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC17-17
Action must be taken by: July 8, 2017

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

8. Walgreens #03249, Ward 3
4910 N. 1st Ave.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC18-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
9. Walgreens #06491, Ward 3
1351 W. Prince Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC19-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
10. Walgreens #05209, Ward 3
3180 N. Campbell Ave.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC20-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
11. Walgreens #06571, Ward 3
2180 W. Grant Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC21-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
12. Walgreens #02451, Ward 3
4220 N. Oracle Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC22-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
13. Walgreens #15030, Ward 3
730 E. Grant Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC23-17
Action must be taken by: July 8, 2017

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

14. Walgreens #07041, Ward 4
9184 E. Valencia Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC24-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
15. Walgreens #03856, Ward 4
5480 E. 22nd St.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC25-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
16. Walgreens #3007, Ward 4
9470 E. Golf Links Rd. #106
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC26-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
17. Walgreens #05892, Ward 5
3910 E. 22nd St.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC27-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
18. Walgreens #06766, Ward 5
1880 E. Irvington Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC28-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
19. Walgreens #04045, Ward 6
4685 E. Grant Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC29-17
Action must be taken by: July 8, 2017

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

20. Walgreens #06244, Ward 6
4700 E. Broadway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC30-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
21. Walgreens #04764, Ward 6
5455 E. Speedway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC31-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
22. Walgreens #4102, Ward 2
6767 E. Broadway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC32-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
23. Walgreens #1899, Ward 2
9495 E. Speedway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC33-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
24. Walgreens #3097, Ward 2
7115 E. Tanque Verde Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC34-17
Action must be taken by: July 8, 2017

Staff has indicated the applicant is in compliance with city requirements.
25. Walgreens #07104, Ward 2
1145 S. Harrison Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 10, City AC35-17
Action must be taken by: July 8, 2017

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

26. Walgreens #11183, Ward 6
3200 E. Speedway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC36-17
Action must be taken by: July 8, 2017

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

27. Pinnacle Peak Patio, Ward 2
6541 E. Tanque Verde Rd.
Applicant: Daniel Moore Bates
Series 12, City AC37-17
Action must be taken by: July 14, 2017

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

28. Pinnacle Peak Patio, Ward 2
6541 E. Tanque Verde Rd.
Applicant: Daniel Moore Bates
Series 7, City AC38-17
Action must be taken by: July 14, 2017

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

29. Bodega Blu, Ward 6
401 E. 5th St.
Applicant: Jared Michael Repinski
Series 12, City AC39-17
Action must be taken by: July 15, 2017

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

30. Bear Track U, Ward 6
943 E. University Blvd. #101
Applicant: Diego Daniel Rivera
Series 12, City AC40-17
Action must be taken by: July 17, 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 Vice Mayor Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b7, 5c1 and 5c2, and 5d1 through 5d30 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:

Al Wiruth
Clifford Story

Keith Van Heyningen

Bonnie Poulos

Mayor Rothschild asked the City Manager to follow up on Mr. Wiruth’s comments regarding replacement of a sidewalk along Old Vail Road, and include the Mayor and Council on the response.

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

7. CONSENT AGENDA – ITEMS A THROUGH J

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager JUL05-17-230 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of November 9, 2016
3. Mayor and Council Study Session Legal Action Report and Minutes of November 9, 2016

b. INTERGOVERNMENTAL AGREEMENT: WITH THE PIMA COUNTY RECORDER TO PROVIDE ELECTION RELATED SERVICES FOR THE CITY OF TUCSON 2017 PRIMARY ELECTION

1. Report from City Manager JUL05-17-240 CITY WIDE
2. Resolution No. 22775 relating to Elections; approving, and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County relating to support services provided by the Pima County Recorder for the 2017 City of Tucson Primary Election; and declaring an emergency.

c. FINANCIAL PARTICIPATION AGREEMENTS: WITH PIMA ASSOCIATION OF GOVERNMENTS, TUCSON CLEAN AND BEAUTIFUL, AND TUCSON-PIMA ARTS COUNCIL; AND AN INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR VICTIM SERVICES FOR FISCAL YEAR 2018

1. Report from City Manager JUL05-17-242 CITY WIDE
2. Resolution No. 22780 relating to Outside Agency Activities; authorizing and approving the Financial Participation Agreements between the City of Tucson and various outside agencies (Pima Association of Governments; Tucson Clean and Beautiful; and the Arts Foundation for Tucson and Southern Arizona) and an Intergovernmental Agreement between the City of Tucson and Pima County for the Victim Services Program; for Fiscal Year 2018; and declaring an emergency.

Suzanne Mesich, Assistant City Clerk, advised the Mayor and Council there was a correction to Exhibit D, Financial Participation Agreement with the Arts Foundation, Section 3, line 6. She said it should read, “to be paid in fiscal year 2019” not 2018.

d. PARKS AND RECREATION: AUTHORIZING AND APPROVING A USE AGREEMENT WITH THE CHURCH OF ST. MICHAEL AND ALL ANGELS FOR USE OF HAROLD BELL WRIGHT NEIGHBORHOOD PARK

1. Report from City Manager JUL05-17-232 WARD 2
2. Resolution No. 22781 relating to Parks and Recreation; authorizing and approving the Use Agreement between the Tucson Parks and Recreation Department and the Church of St. Michael and All Angels for use of Harold Bell Wright Neighborhood Park for a term of five (5) years; and declaring an emergency.

- e. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR DRUG CONTROL AND SYSTEM IMPROVEMENT FOR FISCAL YEAR 2018
 - 1. Report from City Manager JUL05-17-233 CITY WIDE
 - 2. Resolution No. 22776 relating to Grants; approving and authorizing execution of a Grant Agreement with the Arizona Criminal Justice Commission (ACJC) for Drug, Gang and Violent Crime Control for Fiscal Year 2018 (FY18); and declaring an emergency.

- f. AGREEMENT: WITH THE CATHOLIC DIOCESE TO PROVIDE HEATING AND COOLING SERVICES
 - 1. Report from City Manager JUL05-17-243 WARD 1
 - 2. Resolution No. 22784 relating to Environmental Services; authorizing and approving the execution of an Agreement to provide heating and cooling services to the Catholic Diocese from the City of Tucson's (City) Central Energy Plant; and declaring an emergency.

- g. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE CITY OF SOUTH TUCSON FOR SOLID WASTE COLLECTION SERVICES
 - 1. Report from City Manager JUL05-17-234 OUTSIDE CITY
 - 2. Resolution No. 22779 relating to Intergovernmental Agreements; authorizing and approving Amendment No. 1 to the Solid Waste Collection Services Intergovernmental Agreement between the City of South Tucson and the City of Tucson and declaring an emergency.

- h. BOARDS, COMMITTEES, AND COMMISSIONS: EXTENDING THE TERM OF SERVICE FOR THE PEDESTRIAN ADVISORY COMMITTEE
 - 1. Report from City Manager JUL05-17-244 CITY WIDE

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

- i. LICENSE AGREEMENT: WITH MOBILITIE, LLC FOR TELECOMMUNICATION EQUIPMENT IN RIGHT OF WAY
 - 1. Report from City Manager JUL05-17-241 CITY WIDE
 - 2. Resolution No. 22785 relating to Transportation and Information Technology; approving and authorizing execution of an Interim License Agreement with Mobilitie, LLC (Mobilitie) for Telecommunication Equipment in City of Tucson (City) Right of Way (ROW); and declaring an emergency.

j. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COMMUNITY COLLEGE FOR PUBLIC SAFETY TRAINING

1. Report from City Manager JUL05-17-247 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 22783 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the City of Tucson, acting through the Tucson Fire Department and Tucson Police Department, and the Pima County Community College District, for the provision of mutually beneficial educational and training services; and declaring an emergency.

Vice Mayor Romero asked if the extension to the Pedestrian Advisory Committee was just technical work that needed to be done or was it not ready.

Mayor Rothschild asked staff if they knew why Consent Agenda Item 7h was continued.

Michael J. Ortega, City Manager, replied that it was a technical issue, nothing ordinate.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – j, including the correction to Item c, and the exception of Item h, which was continued at the request of staff, be approved and adopted and proper action taken.

8. **ZONING: (C15-17-01) ESTABLISHING ORIGINAL CITY ZONING FOR THE JOHN AND DOROTHY JONES ANNEXATION DISTRICT, COUNTY CI-2 TO CITY I-2, ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager's communication number 235, dated July 5, 2017, was received into and made part of the record. He asked the City Clerk to read Ordinance 11474 by number and title only.

Ordinance No. 11474 relating to Zoning: establishing original City Zoning in the area located approximately 800 feet west of Kolb Road and 2,000 feet north of Valencia Road in Case C15-17-01, John and Dorothy Jones Annexation District, County CI-2 to City of Tucson I-2; and setting an effective date.

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 recommended by the Zoning Examiner and pass and adopt Ordinance 11474.

9. ZONING: (C9-17-04) RITA TECH PARK LOTS 2 THROUGH 9 - RITA ROAD, C-2 TO I-1, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 237, dated July 5, 2017, was received into and made part of the record. He said this was a request to rezone approximately 20.27 acres, from C-2 to I-1, located on the east side of Rita Road, north of Interstate 10. The Zoning Examiner and staff recommend approval of the rezoning subject to certain conditions. He asked if the applicant or representative of the applicant was present and agreeable to the proposed requirements.

Keri Silvyn, Lazarus, Silvyn & Bangs, P.C., answered on behalf of the owner, and stated they were in agreement with the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 11475 by number and title only.

Ordinance No. 11475 relating to Zoning: amending the conditions of Ordinance No. 10420 for Lots 2-9 of the Interstate Commerce Plat, and amending zoning district boundaries for Lot 8 of the Interstate Commerce Plat in the area located on the east side of Rita Road north of Interstate 10 in Case C9-17-04, Rita Tech Park Lots 2-9 - Rita Road, C-2 to I-1; and setting an effective date.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request for authorization and pass and adopt Ordinance 11475.

10. SURPLUS PROPERTY: DONATION OF FIVE HARLEY DAVIDSON MOTORCYCLES TO NOGALES, SONORA

Mayor Rothschild announced City Manager's communication number 236, dated July 5, 2017, was received into and made part of the record. He said that Comandante Rafael F. Rojas from Nogales Sonora, Mexico was present to answer any questions.

Vice Mayor Romero and Council Member Fimbres thanked Comandante Rojas for traveling from Nogales Sonora to be present.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to approve the donation request.

11. ELECTIONS: CALLING A CHARTER AMENDMENT ELECTION FOR NOVEMBER 7, 2017

Mayor Rothschild announced City Manager's communication number 245, dated July 5, 2017, was received into and made part of the record. He asked the City Clerk to read Ordinance 11477 by number and title only.

Ordinance No. 11477 relating to Elections: calling a Special Election on November 7, 2017, to submit the City's qualified electors, as recommended by the 2017 Citizen's Commission on Public Service and Compensation, two questions relating to: (1) amending Section 8 of Chapter V of the Tucson Charter to increase the Mayor's salary from \$3,500 per month to \$5,775 per month; and (2) amending Section 9 of Chapter V of the Tucson Charter to increase the Council Members' salary from \$2,000 per month to \$3,300 per month; and declaring an emergency.

Council Member Uhlich stated her appreciation of the Commission's work. She said the only thought she had was to strongly suggest that it move forward as one question as they serve the public as an elective body unless there was a compelling reason to separating it out. She said she did not understand the rationale for setting the Mayor's position apart in this matter.

Mayor Rothschild agreed with Council Member Uhlich, and stated they should show it as one question. He asked the City Attorney if he could make the determination if this should be one question.

Michael Rankin, City Attorney, replied that the form of the ballot was up to the Mayor and Council. He said this particular question was not clear because of the way the Charter provisions read. He commented that generally, the Mayor and Council had the control over the ballot questions placed in front of the electorate. He said the language specific to the Commission reads that the salary recommendations of the Commission shall be placed on the ballot, and the Commission recommended they be placed as two questions.

Mr. Rankin commented that the argument could be made that by putting it as one question, you were still putting their salary recommendations on the ballot. He said there was not a case he could point to about it or anything related to it, as it was a unique situation. He said clearly, if it was put forth as two questions, then there was no issue about whether the Mayor and Council was carrying out their ministerial function in terms of placing it on the ballot. He stated he thought he could defend the decision if it were to be placed on the ballot as on question.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Ordinance 11477, with the amendment of combining the two salary recommendation questions into one ballot question.

Council Member Kozachik asked for clarification from the City Attorney, that the Mayor and Council had the authority to designate the form as to how it would appear on the ballot and still comply with the Commission's recommendation.

Mr. Rankin confirmed that the Mayor and Council did not have the option to say no that they were not putting it on the ballot and that this was only about how it appeared on the ballot. He said if the motion was approved as made they would revise the

Ordinance to reflect it as a single question but with the same salary recommendation amendments imbedded within it.

Council Member Cunningham questioned why they had to vote on this if they had to put it on the ballot any way.

Mr. Rankin replied that the Charter provided that if the Commission made a recommendation, then it shall be placed on the ballot. He said it still required the act of calling the election and publishing an ordinance that called for the election, and was not discretionary in terms of placing it on the ballot.

Council Member Cunningham stated he did not feel comfortable putting this on the ballot and was going to vote no.

Ordinance 11477, with the amendment of combining the two salary recommendations into one ballot question was declared passed and adopted by a roll call vote of 6 to 1 (Council Member Cunningham dissenting).

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

Mayor Rothschild announced City Manager's communication number 238, dated July 5, 2017, was received into and made part of the record. He asked the City Clerk to read Ordinance 11476 by number and title only.

Ordinance No. 11476 relating to City Magistrates; appointing Geraldine S. Hale as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Vice Mayor Romero, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended and pass and adopt Ordinance 11476, appointing Geraldine S. Hale as City Magistrate.

13. BOARDS, COMMITTEES AND COMMISSIONS: APPOINTMENTS TO THE 2017 PUBLIC SAFETY TAX OVERSIGHT COMMISSION; AMENDING RESOLUTION NO. 22704, ADDING THE FIRE CHIEF AS A NON-VOTING, EX-OFFICIO MEMBER

Mayor Rothschild announced City Manager's communication number 246, dated July 5, 2017, was received into and made part of the record. He asked the City Clerk to read Resolution 22782 by number and title only.

Resolution No. 22782 relating to Finance; amending Resolution No. 22704 relating to the 2017 Public Safety Tax Oversight Commission to add the Fire Chief as a nonvoting, ex-officio member; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Resolution 22782.

Mayor Rothschild asked if the Mayor and Council would entertain a motion of a request to appoint a member of the bargaining unit from both the Police and Fire as non-voting, ex-officio members. He said those members would most likely be Josh Campbell and Jobby Dickinson.

It was moved by Council Member Fimbres, duly seconded, to add a member from each of the Police and Fire bargaining groups as non-voting, ex-officio members.

Vice Mayor Romero asked about the membership definition for the Committee.

Mayor Rothschild replied with the names of the appointees who had already been appointed from each ward: Margarita Bernal, Ward 1, Martha Durkin, Ward 3, Martin Escobar, Ward 4, Jeremy Lasher, Ward 6, and Andrew Townsend, Mayor. He said he understood Wards 2 and 5 were prepared to make their appointments that evening. He said overall, the Mayor and Council each had one appointment and the City Manager had four for a total of eleven voting members and four ex-officio members, the Police and Fire Chiefs and one member each from the Police and Fire bargaining units.

Mayor Rothschild asked Council Member Uhlich if she accepted the amendment and she replied that she did accept the motion with the amendment.

Resolution 22782, with the amendment to add a member from each of the Police and Fire bargaining groups as non-voting, ex-officio members was passed and adopted by a roll call vote of 7 to 0.

Council Member Fimbres announced his personal appointment of Sam Burns to the 2017 Public Safety Tax Oversight Committee.

Council Member Cunningham said that he would provide his appointee's name at a later date to the City Clerk.

14. BOARDS, COMMITTEES AND COMMISSIONS: APPOINTMENTS TO THE CIVIL SERVICE COMMISSION

Mayor Rothschild announced City Manager's communication number 239, dated July 5, 2017, was received into and made part of the record. He asked the City Clerk to read Resolution 22777 by number and title only.

Resolution No. 22777 relating to the Civil Service Commission; appointing _____ as a Civil Service Commissioner, to fill the vacancy created by the resignation of David Flaughner, and to serve the remainder of the term that commenced on July 8, 2014 and will expire on July 9, 2020; fixing annual compensation; and declaring an emergency.

It was moved by Vice Mayor Romero, duly seconded and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22777, appointing Diana Jimenez-Young as a Civil Service Commissioner.

Mayor Rothschild asked the City Clerk to read Resolution 22778 by number and title only.

Resolution No. 22778 relating to the Civil Service Commission; appointing _____ as a Civil Service Commissioner, for a term commencing on July 5, 2017 and expiring July 5, 2023; fixing annual compensation; and declaring an emergency.

It was moved by Vice Mayor Romero, duly seconded and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22778, appointing Paul Fimbres as a Civil Service Commissioner.

15. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 231, dated July 5, 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 Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment(s) of Karen Costello to the Barrio Histórico Historic Zone Advisory Board (BHHZAB).

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

There were none.

16. EXECUTIVE SESSION – SANFORD V. CITY OF TUCSON, ET AL., PIMA COUNTY SUPERIOR COURT CASE NO. C20163922

Mayor Rothschild announced City Manager's communication number 248, dated July 5, 2017, was received into and made part of the record.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to enter into Executive Session for Item 16 as noted in the agenda.

RECESS: 6:21 p.m.

RECONVENE: 6:37 p.m.

Mayor Rothschild called the meeting back to order. All members were present as they were at the beginning of the meeting.

17. MAYOR AND COUNCIL DIRECTION REGARDING EXECUTIVE SESSION – SANFORD V. CITY OF TUCSON, ET AL., PIMA COUNTY SUPERIOR COURT CASE NO. C20163922

Mayor Rothschild announced City Manager's communication number 249, dated July 5, 2017, was received into and made part of the record.

Michael Rankin, City Attorney, asked for a motion authorizing and directing the City Attorney to proceed as discussed in executive session to settle the case for the amount of one hundred and fifty thousand dollars.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to proceed as discussed in Executive Session, and settle the case for the amount of \$150,000.

18. ADJOURNMENT: 6:38 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on August 8, 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 5th day of July 2017, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:rg:jg