



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 20, 2018.

Date of Meeting: September 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 5:38 p.m., on Wednesday, September 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	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
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE AND APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

a. INVOCATION

The invocation was given by Reverend Paul Cho, First United Methodist Church.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly

c. PRESENTATIONS:

1. Mayor Rothschild proclaimed the month of September 2017 to be Childhood Cancer Awareness Month.
2. Mayor Rothschild proclaimed the week of September 17 through 23 to be Safe Use and Disposal of Medications Awareness Week. Dan Quintanar, Tucson Water Project Manager, accepted the proclamation.
3. Mayor Rothschild proclaimed September 6th to be “Youth Peace Day”. Micah Paul Sherman, Pima Community College Student Senator, accepted the proclamation.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager’s communication number 291, dated September 6, 2017, was received into and made part of the record. He asked for a motion to approve the appointment(s) in the report.

It was moved by Vice Mayor Romero, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Mikaela Jones and Rani Olson to the Commission on Food Security, Heritage, and Economy (CFSHE).

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

There were none.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 288, dated September 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 Mayor Rothschild, Vice Mayor Romero, and Council Members Cunningham 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 289, dated September 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.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 297, dated September 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. Lodge on the Desert, Ward 6
306 N. Alvernon Way
Applicant: Amy S. Nations
Series 11, City 51-17
Action must be taken by: September 2, 2017

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

2. New China Super Buffet, Ward 2
1160 N. Wilmot Rd.
Applicant: Tong Zhong Lu
Series 12, City 53-17
Action must be taken by: September 3, 2017

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

3. Hops Sports Grill, Ward 2
120 S. Houghton Rd. #174
Applicant: Kevin Arnold Kramber
Series 12, City 54-17
Action must be taken by: September 3, 2017

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

4. Boca Tacos y Tequila, Ward 6
533 N. 4th Ave.
Applicant: Maria Jose Mazon
Series 12, City 55-17
Action must be taken by: September 8, 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. The Royal Room, Ward 6
450 N. 6th Ave.
Applicant: Ian James Stupar
Series 7, City 52-17
Action must be taken by: September 3, 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)

c. Special Event(s)

1. El Grupo Youth Cycling, Ward 1
610 N. 9th Ave.
Applicant: Daniela Natale Diamente
City T66-17
Date of Event: October 15, 2017
(Fundraiser)

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

2. Our Lady Queen of All Saints, Ward 5
2915 E. 36th St.
Applicant: Darlene M. Dooley
City T67-17
Date of Event: October 7, 2017 - October 8, 2017
(Fundraiser)

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

3. Jewish History Museum, Ward 6
564 S. Stone Ave.
Applicant: Hedy S. Feuer
City T68-17
Date of Event: October 7, 2017
(Fundraiser)

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

4. The Mini Time Machine, Inc., Ward 3
4455 E. Camp Lowell Dr.
Applicant: Megan E. Anderson
City T69-17
Date of Event: September 30, 2017
(Fundraiser)

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

5. Children's Museum Tucson, Ward 6
200 S. 6th Ave.
Applicant: Michael Joseph Luria
City T70-17
Date of Event: October 7, 2017
(Evening of Play, 2017)

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

6. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Mary Ann Confrey
City T71-17
Date of Event: October 8, 2017
(Butterfly Gala Fundraiser)

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

7. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Mary Ann Confrey
City T72-17
Date of Event: October 28, 2017
(Feast with the Dearly Departed Fundraiser)

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

8. Our Mother of Sorrows Church, Ward 2
1800 S. Kolb Rd.
Applicant: Argelia Saavedra
City T73-17
Date of Event: September 29, 2017 - October 1, 2017
(Church Festival)

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

9. Arizona Theatre Company, Ward 6
330 S. Scott Ave.
Applicant: Herb Ridley Stratford IV
City T74-17
Date of Event: September 23, 2017
(Fundraiser)

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

10. Bootstraps to Share of Tucson, Inc. dba BICAS, Ward 3
2001 N. 7th Ave.
Applicant: Matthew Justin Harmon
City T75-17
Date of Event: September 16, 2017
(Grand Opening)

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

11. The Arts Foundation for Tucson and Southern Arizona, Ward 6
900 S. Randolph Way
Applicant: Ernestine Deborah Chess
City T76-17
Date of Event: September 28, 2017
(The Lumies)

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

12. El Rio Health Center Foundation, Ward 6
160 S. Scott Ave.
Applicant: Brenda Goldsmith
City T77-17
Date of Event: September 30, 2017
(Bow-Tie Block Party)

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

13. Southern Arizona Eventing Association, Ward 4
9801 E. Millmar Rd.
Applicant: Jana Richelle Easter Flagler
City T78-17
Date of Event: September 23, 2017
(Fundraiser)

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

14. St. Augustine Cathedral, Ward 6
192 S. Stone Ave.
Applicant: Gonzalo Villegas
City T79-17
Date of Event: October 7, 2017
(Noche de Gala Dinner & Dance)

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

15. Ronald McDonald House Charities of Southern Arizona, Inc., Ward 3
2155 E. Allen Rd.
Applicant: Scott Andrew Matlick
City T80-17
Date of Event: October 6, 2017
("House Party" Fundraiser)

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

16. St. Margaret Mary Alacoque Parish, Ward 1
801 N. Grande Ave.
Applicant: Rev. Fr. Abran R. Tadeo
City T81-17
Date of Event: September 23, 2017 - September 24, 2017
(Parish Fiesta)

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 Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b5, and 5c1 through 5c16 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.”

Mayor Rothschild announced that Items 3 and 6 on the evening’s agenda would remain open until the end of the meeting.

Comments were made by:

Ruth Beeker	Beryl Baker	Keith Van Heyningen
Bonnie Poulos	Edward Cizek	Lani Johnson
Caraleen Fawcett	Daniel Porzio	

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 SEP06-17-292 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of December 20, 2016
3. Mayor and Council Study Session Legal Action Report and Minutes of December 20, 2016

b. GRANT AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE FOR THE VICTIMS' RIGHTS PROGRAM

1. Report from City Manager SEP06-17-290 CITY WIDE

2. Resolution No. 22807 relating to Victims' Rights; approving and authorizing execution of an Award Agreement with the Arizona Attorney General's Office for the FY 2018 Victims' Rights Program; and declaring an emergency.
- c. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH JAMES C. AND NORMA I. SMITH, OWNERS OF PARCEL 114-02-010B, FOR WATER SERVICE
1. Report from City Manager SEP06-17-295 WARD 2 AND OUTSIDE CITY
 2. Resolution No. 22809 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and James C. Smith and Norma I Smith, owners of Parcel No. 114-02-010B.
- d. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT AGE FOR RICHARD KAYE
1. Report from City Manager SEP06-17-296 CITY WIDE
- e. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) FOR FUNDING OF AN INTELLIGENCE ANALYST SUPPORTING THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREA
1. Report from City Manager SEP06-17-302 CITY WIDE
 2. Resolution No. 22808 relating to Intergovernmental Agreements (IGA); approving an IGA between Arizona Health Care Cost Containment System Administration (AHCCCS) and the City of Tucson (City) for funding of an Intelligence Analyst supporting the southwest border High Intensity Drug Trafficking Area (SWB HIDTA); and declaring an emergency.
- f. TUCSON CODE: AMENDING (CHAPTER 2) REPEALING SECTION 2-142 RELATING TO UNCLAIMED OR FORFEITED FIREARMS (CITY WIDE)
1. Report from City Manager SEP06-17-293 CITY WIDE
 2. Ordinance No. 11488 relating to unclaimed or forfeited firearms; repealing Tucson Code Section 2-142.

(Note: Council Member Kozachik departed at 6:29 p.m.)

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

8. ZONING: (C9-17-05) NORTH CAMPBELL, LLC – GLENN STREET, R-2 TO C-1, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 300, dated September 6, 2017 was received into and made part of the record. This is a request to rezone property located on the north side of Glenn Street west to Campbell Avenue, from R-2 to C-1 zoning. Mayor Rothschild stated the Zoning Examiner and Staff recommended approval subject to certain conditions.

(NOTE: Council Member Kozachik returned at 6:31 p.m.)

Mayor Rothschild asked him if the applicant or representative was present and agreeable to the proposed requirements.

John Wood, Presidio Engineering representing the owner, stated they were agreeable to the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 11486 by number and title only.

Ordinance No. 11486 relating to Zoning: amending zoning district boundaries in the area located on the north side of Glenn Street, approximately 200 feet west of Campbell Avenue in Case C9-17-05, North Campbell, LLC - Glenn Street, R-2 to C-1; and setting an effective date.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11486.

9. ZONING: (C9-13-06) MOUNTAIN VAIL ESTATES II – OLD VAIL CONNECTION ROAD, SH TO R-1, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 299, dated September 6, 2017, was received into and made part of the record. He asked the City Clerk to read Ordinance 11487 by number and title only

Ordinance No. 11487 relating to Zoning: amending zoning district boundaries in the area located on the south side of Old Vail Connection Road alignment, approximately 1,800 feet south of Mary Ann Cleveland Way and 1.4 miles east of Houghton Road in Case C9-13-06, Mountain Vail Estates II - Old Vail Connection Road, SH to R-1; and setting an effective date.

Roger W. Randolph, City Clerk, announced the City Attorney had a correction to be read into the record for the item.

Michael Rankin, City Attorney, stated there was a correction to the conditions of the rezoning (Exhibit A of the Ordinance). He said Condition 21.f. read, “The trail shall exclude any type of lighting...” and it should say, “The trail shall not include any” He said he would have his staff change that wording.

Mr. Rankin also said one of the conditions, which was the filing of Proposition 207 waiver, which was a standard condition, had not yet been satisfied. He recommended the Mayor and Council could adopt the item with a one-week deadline be added to the condition, so that the filing of the waiver be completed by September 13, 2017.

Council Member Kozachik asked what would happen if the Proposition 207 waiver was not filed.

Mr. Rankin responded that the conditions of the rezoning would not be satisfied and the rezoning would not go into effect.

Mayor Rothschild asked if the item could be continued for two weeks with a notice to the applicant. He asked if there was anyone present to speak on behalf of the item.

There was no one.

Council Member Scott stated she believed, from the information she had been given to date, that the item was ready to move forward.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11487, as amended and read into the record by the City Attorney and the additional requirement that the Proposition 207 waiver be filed by September 13, 2017.

10. ELECTIONS: CANVASSING OF THE RETURNS AND DECLARING THE RESULTS OF THE CITY'S PRIMARY ELECTION HELD AUGUST 29, 2017 (CONTINUED FROM THE MEETING OF SEPTEMBER 4, 2017)

Mayor Rothschild announced City Manager's communication number 298, dated September 06, 2017, was received into and made part of the record. He asked the City Clerk to read Resolution 22810 by number and title only.

Resolution No. 22810 relating to Elections: canvassing the returns and declaring the results of the Primary Election held in the City of Tucson, Arizona on August 29, 2017.

It was moved by Vice Mayor Romero, duly seconded, and carried by a voice vote of 7 to 0, to pass and adopt Resolution 22810.

11. ADJOURNMENT: 6:36 p.m.

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

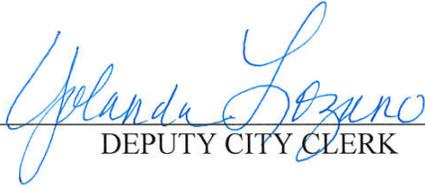
MAYOR

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


DEPUTY CITY CLERK

RWR:ec:agj