



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 20, 2018.

Date of Meeting: September 19, 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 5:34 p.m., on Tuesday, September 19, 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, PLEDGE OF ALLEGIANCE AND APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

a. INVOCATION

The invocation was given by Pastor Alan Field, New Spirit Lutheran Church, after which the Pledge of Allegiance was presented by the entire assembly.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. PRESENTATIONS:

1. Council Member Scott presented Certificates of Appreciation to supporters of the Ward 4 Back to School Bash.
2. Mayor Rothschild proclaimed September 25 through October 1, 2017 to be American Indian Awareness Days.
3. Mayor Rothschild proclaimed September 30, 2017 to be Black Women's Task Force Day. Members of the Task Force accepted the proclamation.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 315, dated September 19, 2017, was received into and made part of the record. He asked for a motion to approve the appointment 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 of Dan Barden to the Pima County-City of Tucson Commission on Addiction, Prevention, and Treatment (CAPT).

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 306, dated September 19, 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 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 305 dated September 19, 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 316, dated September 19, 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. Wings over Broadway, Ward 2
8838 E. Broadway Blvd.
Applicant: Ignacio Esquibel III
Series 12, City 56-17
Action must be taken by: October 5, 2017

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

City Clerk's office has indicated the applicant is not in compliance with city requirements, due to non-payment of the application processing fee.

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. Tucson Celtic Festival Association, Ward 3
4502 N. 1st Ave.
Applicant: Erin Renee Haugen
City T82-17
Date of Event: November 3, 2017 - November 5, 2017
(Fundraiser)

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 T83-17
Date of Event: October 7, 2017
(Fall Exhibition Opening)

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

3. Museum of Contemporary Art, Ward 6
265 S. Church Ave.
Applicant: Alexis Page Smith
City T84-17
Date of Event: October 19, 2017
(MOCA Third Thursday-Yappy Hour)

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

4. Tucson Lesbian and Gay Alliance/Tucson Pride, Ward 6
900 S. Randolph Way
Applicant: Jimmy West
City T85-17
Date of Event: September 30, 2017
(LGBT Celebrating Diversity)

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

5. Museum of Contemporary Art, Ward 6
265 S. Church Ave.
Applicant: Alexis Page Smith
City T86-17
Date of Event: November 16, 2017
(MOCA Third Thursday-Vox Urbana)

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

6. Museum of Contemporary Art, Ward 6
265 S. Church Ave.
Applicant: Alexis Page Smith
City T87-17
Date of Event: December 21, 2017
(MOCA Third Thursday-Kitschmas Special)

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

7. Cystic Fibrosis Foundation, Ward 6
814 E. University Blvd.
Applicant: MeMe Aguila
City T88-17
Date of Event: October 22, 2017
(Fundraiser)

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

8. Tucson Firefighters Benevolent Association, Ward 6
900 S. Randolph Way
Applicant: Michael James Wintrode
City T89-17
Date of Event: November 4, 2017
(Chili Cook Off)

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

9. Rotary Club of Tucson Foundation, Ward 2
3231 N. Craycroft Rd.
Applicant: Wayne L. Meyer
City T90-17
Date of Event: October 20, 2017 - October 21, 2017
(Classic Car Show #11)

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

10. Handi-Dogs, Inc., Ward 2
3231 N. Craycroft Rd.
Applicant: Jo Ann Turnbull
City T91-17
Date of Event: November 5, 2017
(Fundraiser)

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

11. Southern Arizona Blues Heritage Foundation, Inc., Ward 3
4502 N. 1st Ave.
Applicant: Christopher Jay Wilt
City T92-17
Date of Event: October 15, 2017
(Tucson Blues Festival)

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

12. TEDX Tucson, Ward 6
125 S. Arizona Ave.
Applicant: Mary C. Reed
City T94-17
Date of Event: October 1, 2017
(12th GUT Block Party)

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

13. Sister Jose Women's Center, Ward 2
8800 E. 22nd St.
Applicant: Jean R. Fedigan
City T95-17
Date of Event: October 21, 2017
(Fundraiser)

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

14. Rillito Race Foundation, Ward 3
4502 N. 1st Ave.
Applicant: Jaye H. Wells
City T96-17
Date of Event: October 6, 2017 - October 7, 2017
(Dusk Music Festival)

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

15. YWCA of Southern Arizona, Ward 1
525 N. Bonita Ave.
Applicant: Jon Wirtis
City T97-17
Date of Event: October 1, 2017
(Fundraiser)

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

16. University of Arizona-Student Union Concessions, Ward 6
1721 E. Enke
Applicant: Joel Scott Hauff
City T100-17
Date of Event: September 22, 2017
(Wildcat Club Tailgate)

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

This item was considered separately at the request of Council Member Kozachik.

17. University of Arizona-Student Union Concessions, Ward 6
1721 E. Enke
Applicant: Joel Scott Hauff
City T101-17
Date of Event: October 14, 2017
(Wildcat Club Tailgate)

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

This item was considered separately at the request of Council Member Kozachik.

d. Agent Change/Acquisition of Control

1. Villa Peru Modern Peruvian Cuisine, Ward 3
1745 E. River Rd. #165
Applicant: Frida Hortencia Hunt
Series 12, City AC42-17
Action must be taken by: October 2, 2017

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

2. Wings over Broadway, Ward 6
5004 E. Broadway Blvd.
Applicant: Ignacio Esquibel III
Series 7, City AC43-17
Action must be taken by: October 5, 2017

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

City Clerk's office has indicated the applicant is not in compliance with city requirements, due to non-payment of the application processing fee.

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)

Roger W. Randolph, City Clerk, indicated that the applicant for items 5b1 and 5d1 had paid the application processing fees and were in compliance with city requirements.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to forward items 5b1 and 5c1 through 5c15, and 5d1 through 5d2, to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event(s)

16. University of Arizona-Student Union Concessions, Ward 6
1721 E. Enke
Applicant: Joel Scott Hauff
City T100-17
Date of Event: September 22, 2017
(Wildcat Club Tailgate)

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

17. University of Arizona-Student Union Concessions, Ward 6
1721 E. Enke
Applicant: Joel Scott Hauff
City T101-17
Date of Event: October 14, 2017
(Wildcat Club Tailgate)

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

Items 5c16 and 5c17 were being considered separately due to Council Member Kozachik declaring a conflict of interest..

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Kozachik recused due to a conflict of interest), to forward items 5c16 and 5c17 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:

Ken Scoville
Mike Pigford

Robert Reus
Diana Lett

Edward Cizek
Bill DuPont

Council Member Cunningham directed the City Manager to look into the painting of the Tucson Museum of Arts building.

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 P

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 SEP19-17-310 CITY WIDE
- 2. Mayor and Council Regular Meeting Minutes of January 10, 2017
- 3. Mayor and Council Study Session Legal Action Report and Minutes of January 10, 2017

b. TUCSON CODE: AMENDING (CHAPTER 19) APPLICATION FEES FOR WINE FESTIVAL LICENSES AND CRAFT DISTILLERY FESTIVAL LICENSES

- 1. Report from City Manager SEP19-17-312 CITY WIDE

2. Ordinance No. 11492 relating to Liquor License Applications; amending the Tucson Code, Chapter 19, Licenses and Privilege Taxes, Article I, Occupational License Tax, Division 4, Liquor and Vending Machine License Tax, Sec. 19-53, Application; setting an effective date; and declaring an emergency.
- c. ELECTIONS: INTERGOVERNMENTAL AGREEMENTS WITH PIMA COUNTY FOR CONDUCTING THE NOVEMBER 7, 2017 CITY OF TUCSON GENERAL AND SPECIAL ELECTION
1. Report from City Manager SEP19-17-325 CITY WIDE
 2. Resolution No. 22819 relating to Elections; approving and authorizing execution of two (2) Intergovernmental Agreements between the City of Tucson and Pima County relating to election services to be provided by the Pima County Recorder and the Pima County Elections Division for the November 7, 2017 City of Tucson General and Special Elections; and declaring an emergency.
- d. INTERGOVERNMENTAL AGREEMENT: WITH THE PASCUA YAQUI TRIBE FOR PROVISION OF FIXED ROUTE TRANSIT SERVICE FOR DESIGNATED AREAS OF PIMA COUNTY
1. Report from City Manager SEP19-17-313 OUTSIDE CITY
 2. Resolution No 22813 relating to Transportation; approving and authorizing execution of an Intergovernmental Agreement (IGA) between the City of Tucson (City) and the Pascua Yaqui Tribe for provision of fixed route transit service (Sun Tran) for designated areas of Pima County for Fiscal Year 2018 (FY18); and declaring an emergency.
- e. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE PROVISION OF FIXED ROUTE TRANSIT SERVICES FOR DESIGNATED AREAS OF PIMA COUNTY, THE TOWN OF MARANA, AND THE CITY OF SOUTH TUCSON
1. Report from City Manager SEP19-17-314 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 22816 relating to Intergovernmental Agreements (IGA) and Transportation; authorizing and approving an IGA between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for provision of Fixed Route Transit Services (Sun Tran) for designated areas of Pima County, Town of Marana, and City of South Tucson for Fiscal Year 2018 (FY18); and declaring an emergency.

- f. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE ARCADIA AND TIMROD BIKE BOULEVARD IMPROVEMENTS PROJECT
1. Report from City Manager SEP19-17-317 WARD 6
 2. Resolution No. 22815 relating to Intergovernmental Agreements (IGA) and Transportation; authorizing and approving an IGA between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Arcadia Avenue and the Timrod Street Bike Boulevard Improvements Projects; and declaring an emergency.
- g. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR REGIONAL TRANSIT SERVICE IMPROVEMENTS FOR FISCAL YEAR 2018
1. Report from City Manager SEP19-17-318 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 22814 relating to Intergovernmental Agreements (IGA) and Transportation; authorizing and approving an IGA between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for Regional Transit Service Improvements for Fiscal Year 2018 (FY18); and declaring an emergency.
- h. TRANSPORTATION: UPDATING ORDINANCES 9823 AND 10953 TO REVISE THE TRANSPORTATION ACCESS MANAGEMENT GUIDELINES (CONTINUED FROM THE MEETING OF AUGUST 8, 2017)
1. Report from City Manager SEP19-17-319 CITY WIDE
 2. Ordinance No. 11480 relating to Transportation: approving and authorizing an update to Ordinance 9823 and Ordinance 10953, revising the *Transportation Access Management Guidelines for the City of Tucson*; and declaring an emergency.
- i. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY LOCATED AT 356-368 EAST GRANT ROAD
1. Report from City Manager SEP19-17-307 WARD 3
 2. Ordinance No. 11489 relating to Real Property; declaring property located at 356-368 East Grant Road to be surplus City-owned property; authorizing the sale thereof to Chi Ying Tsang and Bao Ge Chen and/or assigns; and declaring an emergency.

j. REAL PROPERTY: VACATION AND SALE OF A SURPLUS OF 5TH STREET AND BENTLEY AVENUE RIGHT OF WAY

1. Report from City Manager SEP19-17-308 WARD 6
2. Ordinance No. 11491 relating to Real Property and Transportation; vacating, declaring as surplus, and authorizing the sale of approximately 4,500 sq. ft. of 5th Street and Bentley Avenue Right of Way (ROW) west of Country Club Road (Sale Property) to A.F. Baker - Sam Hughes LLC (Baker/Hughes); and declaring an emergency.

k. INTERGOVERNMENTAL AGREEMENT: WITH RIO NUEVO MULTI-PURPOSE FACILITIES DISTRICT AND THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR BROADWAY BOULEVARD SURPLUS REAL PROPERTY ASSET TRANSFER AND REDEVELOPMENT

1. Report from City Manager SEP19-17-323 WARDS 5 AND 6
2. Resolution No. 22817 relating to Intergovernmental Agreements (IGA) and Transportation; approving and authorizing the execution of an IGA between the City of Tucson (City), the Regional Transportation Authority of Pima County (RTA), and the Rio Nuevo Multipurpose Facilities District (District) for Broadway Boulevard surplus real property asset transfer and redevelopment; and declaring an emergency.

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

l. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH AMOT LEASING LLC, OWNERS OF PARCELS 132-23-1900, 132-23-1910, 132-23-1920 AND 132-23-1930, FOR WATER SERVICE

1. Report from City Manager SEP19-17-303 WARD 5 AND OUTSIDE CITY
1. Resolution No. 22811 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 Amot Leasing LLC, owners of Parcels 132-23-1900, 132-23-1910, 132-23-1920, and 132-23-1930.

- m. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH SEGURSON LAND LLC, OWNERS OF PARCEL 141-06-009H, FOR WATER SERVICE
 - 1. Report from City Manager SEP19-17-304 WARD 4 AND OUTSIDE CITY
 - 2. Resolution No. 22812 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 Segurson Land, LLC, owners of Parcel No. 141-06-009H.

- n. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH TUCSON UNIFIED SCHOOL DISTRICT FOR DESIGN, CONSTRUCTION AND JOINT USE OF LIGHTING FACILITIES AND PARK IMPROVEMENTS AT TOWNSEND MIDDLE SCHOOL
 - 1. Report from City Manager SEP19-17-324 WARD 2
 - 2. Resolution No. 22820 relating to Intergovernmental Agreements (IGA) and Parks and Recreation; authorizing and approving Amendment 1 to IGA between the City of Tucson (City) and Tucson Unified School District (TUSD) for the design, construction and joint use of lighting facilities at Townsend Middle School (Townsend), and declaring an emergency.

- o. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION (AHCCCS) FOR THE ACCESS TO PROFESSIONAL SERVICES INITIATIVE PROGRAM
 - 1. Report from City Manager SEP19-17-322 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22821 relating to Intergovernmental Agreements (IGA's); approving an IGA between Arizona Health Care Cost Containment System Administration (AHCCCS) and the City of Tucson (City) to allow the City to provide funding to secure federal matching funds for Access to Professional Services Initiative Program ("APSI") at Tucson Medical Center (TMC); and declaring an emergency.

- p. HOUSING AND COMMUNITY DEVELOPMENT: TERMINATION OF THE DEVELOPMENT AND PURCHASE AGREEMENT FOR THE SILVERBELL SUBDIVISION
 - 1. Report from City Manager SEP19-17-321 WARD 3

2. Resolution No. 22818 relating to Real Estate and Housing and Community Development; authorizing and approving the "Termination Agreement" terminating the Development and Purchase Agreement for Silverbell Subdivision; and declaring and emergency.

It was moved by Vice Mayor Romero, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – p, with the exception of Item k, which was continued, be passed and adopted and the proper action taken.

8. **ZONING: (C9-17-06) WILDCAT REALTY INVESTMENTS – 5TH AVENUE NR-1 TO C-1, CITY MANAGER'S REPORT**

Mayor Rothschild announced City Manager's communication number 309, dated September 19, 2017, was received into and made part of the record. He said this was a request to rezone approximately 1.03 acres from NR-1 to C-1 zoning, located on the northwest corner of Speedway Boulevard and 5th Avenue on the eastern half of the property site. He said the Zoning Examiner and staff recommend approval subject to certain conditions.

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

Rory Juneman, Lazarus, Silvyn & Bangs, P.C., responded on behalf of the applicant and stated they were in agreement with the proposed requirements.

Council Member Kozachik asked the City Attorney to clarify a concern he had with the item regarding the conditions and wording of the terms of conditions.

Michael Rankin, City Attorney, responded that if the Mayor and Council approved the authorization as presented, it was specifically with the corrected, recommended conditions that were distributed to them. He noted this was the authorization stage only and when the item returned at a later date for ordinance adoption, the conditions would be referenced in the ordinance.

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

9. **ZONING: (C9-16-10) CHAMBERLAIN – TUCSON BOULEVARD R-1 TO I-1, ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager's communication number 320, dated September 19, 2017, was received into and made part of the record. He asked the City Clerk to read Ordinance 11490 by number and title only.

Ordinance No. 11490 relating to Zoning: amending zoning district boundaries in the area located on the northeast corner of Tucson Boulevard and Bilby Road, approximately 1400 feet east of Tucson Boulevard right-of-way in case C9-16-10 Chamberlain – Tucson Boulevard, R-1 to I-1; and setting an effective date.

Council Member Fimbres recognized John Summers, Director of Technical Support for the Chamberlain Group and thanked him for being at the meeting.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to approve the request and pass and adopt Ordinance 11490.

10. ADJOURNMENT: 6:18 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on October 10, 2017, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

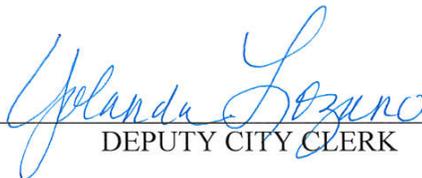
MAYOR

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 19th day of September, 2017, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR: jg:ms