



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on April 17, 2018.

Date of Meeting: October 24, 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 5:31 p.m., on Tuesday, October 24, 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 (arrived at 5:46 p.m.) |
| 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 Owen Chandler, Saguario Christian Church.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. PRESENTATIONS:

1. Mayor Rothschild presented a plaque to Lillian Lopez Grant recognizing her for her dedication and contributions to the Tucson community. Her daughter Lisa accepted the plaque.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 349, dated October 24, 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 Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Kozachik absent/excused), to approve the appointments of Don LaVetter and Henry Johnson to the Veterans' Affairs Committee (VAC).

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

Council Member Cunningham announced his personal appointment of Edward Cizek to the Tucson Greens Committee (TGC).

Vice Mayor Romero announced her personal appointment of Margarita Bernal to the 2017 Public Safety Tax Oversight Commission (PSTOC), David Archuleta to the Citizen Police Advisory Review Board (CPARB) and Tom Goodrich to the Tucson Commission on Gay, Lesbian, Bisexual, and Transgender Issues (GBLT).

Mayor Rothschild announced that under the Consent Agenda, there was an item to approve the establishment of the Commission on Climate, Energy and Sustainability. He said he was keeping Item 2d open for the purpose of appointing members to the Commission.

3. MAYOR AND COUNCIL / CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 345, dated October 24, 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 and the City Manager to report on current events and asked if there were any reports.

(Note: Council Member Kozachik arrived at 5:46 p.m.)

Current event reports were provided by Vice Mayor Romero, Council Members Cunningham, Fimbres, and Kozachik.

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.

4. BOARDS, COMMITTEES AND COMMISSIONS: REPORTS TO MAYOR AND COUNCIL

Mayor Rothschild announced City Manager's communication number 346, dated October 24, 2017, was received into and made part of the record. He also announced this was the time scheduled to allow Boards, Committees or Commissions to report on their activities during the past year, as well as, anticipated future activities.

Reports were given by Kenna Smith, Public Art and Community Design Committee (PACDC); Jody Gibbs, Barrio Historico Historic Zone Advisory Board (BHHZAB); and Kylie Walzak, Tucson-Pima County Bicycle Advisory Committee (TPCBAC).

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 347, dated October 24, 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. Izumi, Ward 6
3655 E. Speedway Blvd.
Applicant: William Cheung
Series 12, City 62-17
Action must be taken by: October 27, 2017

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

2. Fast Market 8143, Ward 1
2160 W. Drexel Rd.
Applicant: George Leonard Engle
Series 10, City 63-17
Action must be taken by: October 26, 2017

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

3. Fast Market 8147, Ward 4
9520 E. 22nd St.
Applicant: George Leonard Engle
Series 10, City 64-17
Action must be taken by: October 26, 2017

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

4. Fast Market 8144, Ward 3
1810 W. Prince Rd.
Applicant: George Leonard Engle
Series 10, City 65-17
Action must be taken by: October 26, 2017

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

5. Fast Market 8145, Ward 5
1895 E. Valencia Rd.
Applicant: George Leonard Engle
Series 10, City 66-17
Action must be taken by: October 26, 2017

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

6. Young's Market Company, Ward 3
2502 N. Dragoon St. #120
Applicant: Andrea Dahlman Lewkowitz
Series 4, City 67-17
Action must be taken by: November 5, 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)

7. Henry's Market, Ward 5
3051 E. 36th St.
Applicant: Dan Yan Chen Lew
Series 9, City 61-17
Action must be taken by: October 27, 2017

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

Public Opinion: Written Argument Opposed Filed

This item was considered separately.

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

c. Special Event(s)

1. Saint Peter and Paul Parish, Ward 6
1436 N. Campbell Ave.
Applicant: Jose Luis Figueroa
City T122-17
Date of Event: November 4, 2017
(Parish Fundraiser)

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

2. Fourth Avenue Merchants Association, Ward 6
311 E. 7th St.
Applicant: Monique Marie Vallery
City T123-17
Date of Event: November 18, 2017
("Made in Tucson Market")

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

3. Arizona Wine Growers Association, Ward 3
4101 N. Campbell Ave.
Applicant: Rodney Edward Keeling
City T125-17
Date of Event: November 11, 2017
(Wine Festival)

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

4. Tucson Hebrew Academy, Ward 3
3800 E. River Rd.
Applicant: Julee Marie Dawson
City T127-17
Date of Event: November 5, 2017
(Fundraiser)

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

5. Foundation for Creative Broadcasting, Ward 6
260 S. Church Ave.
Applicant: Cathy M. Kerry
City T128-17
Date of Event: November 4, 2017
(Hockey & Hops)

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

6. American Cancer Society, Ward 6
720 N. Martin Ave.
Applicant: Denis Raymond Cournoyer
City T129-17
Date of Event: November 4, 2017
(Red & Blue Ball)

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

7. Kief-Joshua Vineyards, Ward 3
4101 N. Campbell Ave.
Applicant: Charlene Manning
City T130-17
Date of Event: November 11, 2017
(Wine Festival)

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

8. Alcantara LLC, Ward 3
4101 N. Campbell Ave.
Applicant: Brian Predmore
City T131-17
Date of Event: November 11, 2017
(Wine Festival)

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

9. Arizona Stronghold Vineyards, LLC, Ward 3
4101 N. Campbell Ave.
Applicant: Kevin Grubb
City T132-17
Date of Event: November 11, 2017
(Wine Festival)

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

10. Sierra Bonita Vineyards, Ward 3
4101 N. Campbell Ave.
Applicant: Gerald K. Smith
City T133-17
Date of Event: November 11, 2017
(Wine Festival)

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

11. Carlson Creek Vineyard LLC, Ward 3
4101 N. Campbell Ave.
Applicant: Robert Carlson III
City T134-17
Date of Event: November 11, 2017
(Wine Festival)

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

12. Golden Rule Vineyards, Ward 3
4101 N. Campbell Ave.
Applicant: Ruth E. Nilsen Graham
City T135-17
Date of Event: November 11, 2017
(Wine Festival)

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

13. Four Tails LLC, Ward 3
4101 N. Campbell Ave.
Applicant: Barbara Coons
City T136-17
Date of Event: November 11, 2017
(Wine Festival)

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

14. Callaghan Vineyards LLC, Ward 3
4101 N. Campbell Ave.
Applicant: Kent Callaghan
City T137-17
Date of Event: November 11, 2017
(Wine Festival)

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

15. Southwest Wine Center, Ward 3
4101 N. Campbell Ave.
Applicant: Paula Teer Woolsey
City T138-17
Date of Event: November 11, 2017
(Wine Festival)

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

16. AZ Wine Cellars LLC, Ward 3
4101 N. Campbell Ave.
Applicant: Richard Sharp
City T139-17
Date of Event: November 11, 2017
(Wine Festival)

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

17. Su Vino Winery, Ward 3
4101 N. Campbell Ave.
Applicant: Cory Whalin
City T140-17
Date of Event: November 11, 2017
(Wine Festival)

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

18. Lightning Ridge Cellars, Ward 3
4101 N. Campbell Ave.
Applicant: Ann Roncone
City T141-17
Date of Event: November 11, 2017
(Wine Festival)

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

19. Keeling Schaefer Vineyards, LLC, Ward 3
4101 N. Campbell Ave.
Applicant: Rodney Edward Keeling
City T142-17
Date of Event: November 11, 2017
(Wine Festival)

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

20. Dos Cabezas WineWorks, Ward 3
4101 N. Campbell Ave.
Applicant: Todd Bostock
City T143-17
Date of Event: November 11, 2017
(Wine Festival)

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

21. Coronado Vineyards Inc., Ward 3
4101 N. Campbell Ave.
Applicant: Jacquelyn Cook
City T144-17
Date of Event: November 11, 2017
(Wine Festival)

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

22. Pierce Wines Arizona LLC, Ward 3
4101 N. Campbell Ave.
Applicant: Barbara J. Pierce
City T145-17
Date of Event: November 11, 2017
(Wine Festival)

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

23. Wilhelm Family Vineyards, LLC, Ward 3
4101 N. Campbell Ave.
Applicant: Karyl Wilhelm
City T146-17
Date of Event: November 11, 2017
(Wine Festival)

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

24. Sonoita Vineyards LTD, Ward 3
4101 N. Campbell Ave.
Applicant: Lori Reynolds
City T147-17
Date of Event: November 11, 2017
(Wine Festival)

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

25. Zarpara Vineyard, Ward 3
4101 N. Campbell Ave.
Applicant: Rhona MacMillan
City T148-17
Date of Event: November 11, 2017
(Wine Festival)

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

26. Pillsbury Wine Company, Ward 3
4101 N. Campbell Ave.
Applicant: Samuel Pillsbury
City T149-17
Date of Event: November 11, 2017
(Wine Festival)

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

d. Agent Change/Acquisition of Control/Restructure

1. Giant Store #646, Ward 6
3902 E. Speedway Blvd.
Applicant: Robert Coleman Sprouse
Series 10, City AC46-17
Action must be taken by: November 6, 2017

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

2. Giant Store #648, Ward 6
4301 E. Broadway Blvd.
Applicant: Robert Coleman Sprouse
Series 10, City AC47-17
Action must be taken by: November 6, 2017

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

3. Giant Store #924, Ward 1
761 W. Ajo Way
Applicant: Robert Coleman Sprouse
Series 10, City AC48-17
Action must be taken by: November 6, 2017

Staff has indicated the applicant is in compliance with city requirements.
4. Giant Store #929, Ward 2
9491 E. 22nd St.
Applicant: Robert Coleman Sprouse
Series 10, City AC49-17
Action must be taken by: November 6, 2017

Staff has indicated the applicant is in compliance with city requirements.
5. Giant Store #930, Ward 4
2750 S. Kolb Rd.
Applicant: Robert Coleman Sprouse
Series 10, City AC50-17
Action must be taken by: November 6, 2017

Staff has indicated the applicant is in compliance with city requirements.
6. Giant Store #622, Ward 1
1169 W. Irvington Rd.
Applicant: Robert Coleman Sprouse
Series 10, City AC51-17
Action must be taken by: November 6, 2017

Staff has indicated the applicant is in compliance with city requirements.
7. Giant Store #623, Ward 2
7085 E. Broadway Blvd.
Applicant: Robert Coleman Sprouse
Series 10, City AC52-17
Action must be taken by: November 6, 2017

Staff has indicated the applicant is in compliance with city requirements.
8. Giant Store #629, Ward 3
15 W. Grant Rd.
Applicant: Robert Coleman Sprouse
Series 10, City AC53-17
Action must be taken by: November 6, 2017

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

9. Giant Store #626, Ward 3
1850 E. Prince Rd.
Applicant: Robert Coleman Sprouse
Series 10, City AC54-17
Action must be taken by: November 6, 2017

Staff has indicated the applicant is in compliance with city requirements.
10. Giant Store #630, Ward 3
3030 W. El Camino Del Cerro
Applicant: Robert Coleman Sprouse
Series 10, City AC55-17
Action must be taken by: November 6, 2017

Staff has indicated the applicant is in compliance with city requirements.
11. Giant Store #631, Ward 5
5000 E. Valencia Rd.
Applicant: Robert Coleman Sprouse
Series 10, City AC56-17
Action must be taken by: November 6, 2017

Staff has indicated the applicant is in compliance with city requirements.
12. Giant Store #616, Ward 3
4390 N. 1st Ave.
Applicant: Robert Coleman Sprouse
Series 10, City AC57-17
Action must be taken by: November 6, 2017

Staff has indicated the applicant is in compliance with city requirements.
13. Giant Store #618, Ward 4
7910 E. Golf Links Rd.
Applicant: Robert Coleman Sprouse
Series 10, City AC58-17
Action must be taken by: November 6, 2017

Staff has indicated the applicant is in compliance with city requirements.
14. Giant Store #620, Ward 4
7335 S. Houghton Rd.
Applicant: Robert Coleman Sprouse
Series 10, City AC59-17
Action must be taken by: November 6, 2017

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

15. Giant Store #649, Ward 6
6280 E. Broadway Blvd.
Applicant: Robert Coleman Sprouse
Series 10, City AC60-17
Action must be taken by: November 6, 2017

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

16. Giant Store #613, Ward 2
8845 E. Tanque Verde Rd.
Applicant: Robert Coleman Sprouse
Series 10, City AC61-17
Action must be taken by: November 6, 2017

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

17. Giant Store #614, Ward 3
3550 N. Campbell Ave.
Applicant: Robert Coleman Sprouse
Series 10, City AC62-17
Action must be taken by: November 6, 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 Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b6, 5c1 through 5c26, and 5d1 through 5d17 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

Person Transfer(s)

7. Henry's Market, Ward 5
3051 E. 36th St.
Applicant: Dan Yan Chen Lew
Series 9, City 61-17
Action must be taken by: October 27, 2017

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

Public Opinion: Written Argument Opposed Filed

Council Member Fimbres stated he had received a letter from Charlotte Cruz and asked if she was present. Ms. Cruz was not present. He then requested the applicant to come forward, and asked if the request was a transfer from one family member to another. He stated the business had been in operation for fifty-three years.

Dan Lew, Applicant, confirmed the request was indeed a transfer from one family member to another and that the business had been operating for fifty-three years.

Council Member Fimbres commented that the Tucson Police Department (TPD) had been contacted regarding the issue of the protest. He said TPD did not find any issues in regards to the incidences implied on the protest that was filed.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b7 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:

| | | |
|--------------|----------------|----------------|
| Enrique Vega | Robert Reus | Jim Parks |
| Pat Maisch | Alfred Cirerol | Meg Pradelt |
| Edward Cizek | Peggy Wenrick | Stephan Rankus |
| Gordy Rutman | Tony Zinman | |

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 L

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 OCT24-17-348 CITY WIDE

2. Mayor and Council Regular Meeting Minutes of February 7, 2017
 3. Mayor and Council Study Session Legal Action Report and Minutes of February 7, 2017
- b. GRANTS: GRANT-IN-AID AGREEMENT WITH TOHONO O'ODHAM NATION FOR VARIOUS PROJECTS
1. Report from City Manager OCT24-17-356 CITY WIDE
 2. Resolution No. 22832 relating to Finance; approving Grant-in-Aid Funding from the Tohono O'odham Nation ("Nation") for 2018 for certain projects; authorizing the Director of the Department of Finance to enter into Agreements between the City of Tucson ("City") and the Nation for such projects; and declaring an emergency.
- (This item was considered separately at the request of Vice Mayor Romero.)
- c. AGREEMENT: WITH THE ARIZONA HEALTH E-CONNECTION TO PARTICIPATE IN THE STATEWIDE HEALTH INFORMATION EXCHANGE
1. Report from City Manager OCT24-17-357 OUTSIDE CITY
- (This item was continued at the request of Staff.)
- d. TUCSON CODE: AMENDING (CHAPTER 10A) ESTABLISHING THE COMMISSION ON CLIMATE, ENERGY, AND SUSTAINABILITY, DISSOLVING THE CLIMATE CHANGE COMMITTEE AND TERMINATING THE CITY'S PARTICIPATION IN THE TUCSON-PIMA COUNTY METROPOLITAN ENERGY COMMISSION
1. Report from City Manager OCT24-17-350 CITY WIDE
 2. Ordinance No. 11496 relating to Boards and Commissions; dissolving the Climate Change Committee; terminating the City's authorization for, and participation in, the Tucson-Pima County Metropolitan Energy Commission; creating a new commission on Climate, Energy, and Sustainability; amending the Tucson Code by repealing current Chapter 10A, Articles X and XX and by adding a new Chapter 10A, Article XX; and declaring an emergency.
- e. FINAL PLAT: (S17-027) STARR PASS VISTA VILLAGE I, LOT 1 THROUGH 15 AND COMMON AREAS A, B, C, D-1 AND D-2
1. Report from City Manager OCT24-17-344 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.
- f. AGREEMENT: WITH FARMERS INVESTMENT COMPANY FOR A GROUNDWATER SAVINGS FACILITY PROJECT
1. Report from City Manager OCT24-17-353 OUTSIDE CITY
 2. Resolution No. 22831 relating to Water; authorizing and approving the execution of an Agreement between the City of Tucson and Farmer's Investment Co. for groundwater savings facility project; and declaring an emergency.
- g. INTERGOVERNMENTAL AGREEMENT: WITH THE CITY OF PHOENIX FOR STORAGE, RECOVERY AND EXCHANGE OF CAP WATER – PHASE 2
1. Report from City Manager OCT24-17-358 CITY WIDE AND OUTSIDE CITY
- (This item was continued at the request of Staff.)
- h. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE EL PASO AND SOUTHWESTERN GREENWAY, KINO PARKWAY TO UNIVERSITY BOULEVARD PROJECT
1. Report from City Manager OCT24-17-354 WARDS 1, 5 AND 6
 2. Resolution No. 22830 relating to Transportation and Intergovernmental Agreements (IGAs); authorizing and approving Amendment No. 3 to the IGA between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for the El Paso and Southwestern Greenway, Kino Parkway to University Boulevard Project; and declaring an emergency.
- i. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE EL PASO SOUTHWESTERN GREENWAY PROJECT
1. Report from City Manager OCT24-17-355 WARDS 1, 5 AND 6
 2. Resolution No. 22829 relating to Transportation and Intergovernmental Agreements (IGAs); authorizing and approving the IGA for transportation funding between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the El Paso and Southwestern Greenway, Simpson to 22nd Streets, Project; and declaring an emergency.

- j. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH TEMPLO FITNESS, LLC FOR CITY-OWNED SPACE AT 143 NORTH STONE AVENUE
 - 1. Report from City Manager OCT24-17-351 WARD 1
 - 2. Ordinance No. 11497 relating to Real Property; authorizing and approving the Lease Agreement between the City of Tucson (City) and Templo Fitness, LLC (Templo) for City-owned space at 143 North Stone Avenue; and declaring an emergency.

- k. TUCSON CODE: AMENDING (CHAPTER 20) REGARDING THE RESIDENTIAL PERMIT PARKING PROGRAM AND SHARED USE PARKING
 - 1. Report from City Manager OCT24-17-352 CITY WIDE
 - 2. Ordinance No. 11498 relating to Transportation and Parking; revising the residential permit parking program by amending Tucson Code Chapter 20, Article VII, stopping, standing and parking, Section 20-255; and declaring an emergency.

- l. TRANSPORTATION: ADOPTION OF THE RUTHRAUFF BASIN MANAGEMENT PLAN (CONTINUED FROM THE MEETING OF OCTOBER 10, 2017)
 - 1. Report from City Manager OCT24-17-359 WARD 3
 - 2. Resolution No. 22833 relating to the City of Tucson Floodplain Board; Floodplain Planning and Management; authorizing and approving adoption of the Ruthrauff Basin Management Plan (RBMP); and declaring an emergency.

It was moved by Vice Mayor Romero, duly seconded, and carried by a voice vote of 7 to 0, that Consent Agenda Items a – l (except b, c and g) be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM B

- b. GRANTS: GRANT-IN-AID AGREEMENT WITH TOHONO O'ODHAM NATION FOR VARIOUS PROJECTS
 - 1. Report from City Manager OCT24-17-356 CITY WIDE
 - 2. Resolution No. 22832 relating to Finance; approving Grant-in-Aid Funding from the Tohono O'odham Nation ("Nation") for 2018 for certain projects; authorizing the Director of the Department of Finance to enter into Agreements between the City of Tucson ("City") and the Nation for such projects; and declaring an emergency.

Vice Mayor Romero stated that all of the approved projects were very worthy, good projects and should be moved forward. She said she had a question regarding the Tucson Medical Center (TMC) project which was a one hundred ten thousand dollar grant. Because of the nature of TMC, she asked if the funds were going to the Foundation or the actual business side of the equation.

Michael J. Ortega, City Manager, stated the funds were going to the TMC Foundation.

Vice Mayor Romero acknowledged the recent change to the process and how the Mayor and Council applied for funding from the Tohono O'odham Nation gaming funds. She said she wanted to know how the projects were being decided upon since all grant applications went through the City Manager's Office (CMO.) She stated her office applied for a Parks and Recreation Project, at the Oury Park Pool, which did not get funded. She asked if the CMO had any communication with the Nation, did the CMO recommend projects, and how was the process managed so that the Mayor and Council could help different neighborhoods receive these grants.

Mr. Ortega replied, from the correspondence he sent out to the Mayor and Council, he suggested that his office act as a clearinghouse so that all of the applications came through one central location and one package from the City of Tucson could be presented. He said his office did not pick and choose what projects to submit; they basically submitted all of the requests received to the Nation. He stated his office did not have conversations with the Nation once the requests were submitted; the ultimate decision was that of the Tohono O'odham Nation. He said his office then reacted based upon the determination made by the Nation.

Vice Mayor Romero reiterated she wanted to learn more about the process in place so that the Council Offices could decide what a worthy project was. She questioned how it was determined that TMC was a much more important project than the Reid Park Pool or a project in any other Ward. She stated she was not criticizing those projects that received funding, but she wanted to make a sure there was a fair process for Council offices to encourage neighborhoods and areas of need, to receive these funds. She asked if the CMO received any communications from the Nation after receiving applications from the community.

Mr. Ortega replied they did not. He stated for clarification, whatever applications were received from Council or Ward offices were sent in. He said ultimately, the non-profit organizations or other agencies funded required a government entity to be the fiscal agent. He said basically, with the TMC foundation, they were one of those agencies where the Nation required them to use a local government as a fiscal agent. He commented that was the extent of the City's involvement and was consistent with what had been done in the past.

It was moved by Vice Mayor Romero, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Item b be passed and adopted and the proper action taken.

8. PUBLIC HEARING: ZONING (C9-17-09) EL RIO HEALTH CENTER – 22ND STREET, R-2, C-3 AND I-1 TO C-2, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

Roger W. Randolph, City Clerk, announced this item was being continued to the meeting of November 8, 2017.

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

(NOTE: As mentioned by Mayor Rothschild, once the Mayor and Council approved the establishment of the Commission on Climate, Energy and Sustainability, Item 2d was revisited for the purpose of appointing members to the Commission.)

Council Member Fimbres announced his personal appointment of Luis Perales to the Commission on Climate, Energy, and Sustainability (CCES).

Council Member Kozachik announced his personal appointment of Dr. James Sell to the Commission on Climate, Energy, and Sustainability (CCES).

Mayor Rothschild announced his personal appointment of Neil Saunders to the Commission on Climate, Energy, and Sustainability (CCES).

9. REAL PROPERTY: VACATION AND SALE OF A SEGMENT OF FREMONT AVENUE RIGHT OF WAY

Mayor Rothschild announced City Manager's communication number 360, dated October 24, 2017, was received into and made part of the record. He asked the City Clerk to read Ordinance 11499 by number and title only.

Ordinance No. 11499 relating to Real Property; vacating and declaring a segment of Fremont Avenue right of way between Mabel Street and Drachman Street to be surplus property; authorizing the sale thereof to the Arizona Board of Regents on behalf of the University of Arizona, subject to the conditions of the Offer to Purchase; and declaring an emergency.

Council Member Kozachik said section fifteen of the agreement referenced one of the conditions, specifically a right-of-way dedication on the east side of Park Avenue between Adams and Mabel Streets. He stated that in Attachment E there was a red line on Park Avenue between Adams and Drachman Streets and another one between Drachman and Mabel Streets. He asked if that was to designate the right-of-way dedication that was referenced in section fifteen.

Mike Rankin, City Attorney, replied that was correct, and the idea was that as part of the agreement, the City was agreeing to vacate and transfer the right-of-way along Fremont Avenue. He said it was brought to staff's attention that this was an opportunity to secure a continuous width of sixty-four feet along Park Avenue in the area shown in Exhibit E to meet the requirements under the Major Streets and Routes (MS&R) Plan. He indicated the University of Arizona (UofA) was amenable to that.

Council Member Kozachik said there were more red lines written into the map that went from nearly Speedway Boulevard to Mabel Street. He asked if those were also right-of-way dedications that were not referenced in the language.

Mr. Rankin answered that all the identified areas on Attachment E were right-of-way dedications. He said staff, if needed, would make scrivener's correction to section fifteen to capture the boundaries correctly. He reiterated that the intent was to capture all of the dedications in Exhibit E.

Council Member Kozachik asked effectively what they got was just north of the Park Avenue garage and all the way to Adams Street on the east side of Park Avenue.

Mr. Rankin answered affirmatively.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11499.

10. BAN ON PRODUCTS THAT RENDER SEMI-AUTOMATIC WEAPONS CAPABLE OF AUTOMATIC FIRE

Mayor Rothschild announced City Manager's communication number 361, dated October 24, 2017, was received into and made part of the record.

Council Member Kozachik asked the City Attorney to respond with a brief summary analysis to the agenda request regarding the City of Tucson's ability to ban the sale, purchase or possession of "bump stocks". He said the City Attorney provided a legal analysis of that referencing Arizona Revised Statutes (A.R.S.) §13-3801, the pre-emption and Senate Bill (SB) 1487.

Mike Rankin, City Attorney, provided clarification, stating that under Arizona Statutes, the Legislature had expressly pre-empted local authority to regulate firearms. He said it went beyond that in that it pre-empted the regulation of firearm components and accessories. He stated, clearly, "bump stocks" and other similar devices fell into that category. He commented the City of Tucson had been very aggressive, asserting its Charter authority, with respect to the issue of the destruction of firearms.

Mr. Rankin stated the City had tested its legal arguments all the way into the Arizona Supreme Court. He advised, the Arizona Supreme Court in that decision a couple of months earlier, made it clear it was their opinion that the State pre-emption

applied with respect to firearms and the City's Charter authority did not give them separate authority to regulate in that area.

Mr. Rankin said that litigation was in the context of SB1487 and the threat of revocation of State shared revenues. He reiterated that was a legitimate threat if the City was to act in conflict with the State's pre-emption on its authority. He also stated that a SB1487 complaint would be brought forward and it was fair to say that the Attorney General (AG) would conclude the City was in violation of state law and would order the revocation of state shared revenues.

Mr. Rankin noted that under that process the City had thirty days to react to an AG opinion and repeal an ordinance if it came to that conclusion. He said SB1487 was not the only statute that applied or imposed sanctions in connection with a city or town enacting an ordinance that conflicted with state law with respect to firearms. He mentioned A.R.S. 13-3108 included additional sanctions even if a SB1487 complaint was not brought forward, exposing the City to a lawsuit that would first result in an order that the ordinance was null and void, the City was enjoined, and pay attorney fees for the prevailing party. He stated, other than in an executive session, he did not normally say out loud that the City would lose the lawsuit if they simply tried to ban the items.

Mr. Rankin commented it also created a cause of action where the City would be exposed to a fine of fifty thousand dollars just taking the action of attempting to regulate the items at the local level. He said the statute also included a sanction, on its face, that said public officials who enact such an ordinance were subject to removal from office. He said, personally, he did not think that was an enforceable provision, but nonetheless, it was in the statute and he wanted to give the Mayor and Council the scope, the level of pre-emption the Arizona State Legislature was engaged in with respect to firearms.

Mr. Rankin advised that in light of this information, and responding to the memorandum from Vice Mayor Romero and Council Member Kozachik, he drafted a resolution to try and point out the issues being raised so that the Mayor and Council had something to talk from, potentially add to and consider, either at the evening's meeting, or a future meeting.

Council Member Kozachik thanked the City Attorney for the analysis. He stated that in Arizona, it was legal to approach somebody in a parking lot, buy a semi-automatic weapon from them, out of the trunk of their car, cash and carry with no questions asked. He said the State's laws on gun control were foolishly unsafe. He continued stating that the City, locally, had adopted policies on background checks, blood alcohol content, loss/stolen firearms, restrictions on clips/magazines that fire ten or more rounds, etc.

Council Member Kozachik said the Mayor and Council had shown what leadership should look like regarding this matter, but yet the legal analysis demonstrated that the state legislature had effectively put the City in a legislative strait-jacket when it came to adopting local ordinances that reflected the interests of its constituents on a local level. He spoke about "bump stocks" and how no one would act on the issue.

Council Member Kozachik stated this was not the outcome he or Vice Mayor Romero were hoping for on the ban, yet it was their fiscal responsibility to be stewards of the resources the City had. He said the resolution before him called for either of two things; 1) rational legislation coming out of Phoenix, or 2) if they did not do it, get out of the way and overturn A.R.S. 13-3108 and give local jurisdictions the authority to pass gun safety legislation that reflected the values of its community.

Council Member Kozachik continued saying that understanding the legal analysis, the prudent thing for the Mayor and Council to do was to support the resolution. He stated he did not have any additional language to add to it and was open to input from his colleagues.

Vice Mayor Romero agreed with Council Member Kozachik and added examples of how the State had threatened cities in Arizona with revocation of their state shared revenue. She spoke about her views and concerns regarding gun safety. She said she wanted to make sure the City was educating and talking publicly about the type of pre-emption the State Legislature was pushing. She said it was very unfortunate for the City in trying to regulate gun safety. She said the Governor and the State Legislature wanted to remove the rights of citizens of cities to legislate based on their ideals and what they believed in. She said she too supported the language in the resolution/memorial with no additional language to be added.

Council Member Fimbres asked what bills had been introduced in Congress dealing with “bump stocks”.

Mr. Rankin responded two bills, SB1916 and HR3999, were introduced in Congress that prohibited devices that accelerated the firing rate of semi-automatics weapons.

Council Member Fimbres asked if the League of Cities and Towns had done anything on this issue at the federal or state levels.

Mr. Rankin replied they had not at this time.

Council Member Fimbres asked if it was possible to include, with the motion, to direct the City’s lobbyists to lobby at the national and state levels on “bump stocks”.

Mr. Rankin stated that could be made part of the motion.

Council Member Uhlich said she also supported the resolution/memorial and wanted to note the urgency to pass it as she felt it was the will of the people. She said she felt, in moving forward, one of the benefits was to keep the focus and transparency. She asked if Mr. Greenhill could help the Mayor and Council and the community to think about some strategies to keep focus on the issue. She also suggested using Channel 12 and the City’s website to include a “scorecard” to show State pre-emptions to Mayor and Council actions.

Andrew Greenhill, Intergovernmental Relations Manager, stated if the resolution/memorial was approved, he would include it both on the Federal and State Legislative Agendas. He said he could also create reporting documents with a list of bills the Mayor and Council had voted to support/oppose. He advised that Congress Members Grijalva, O'Halleran and Gallego had signed on to HB3999.

Council Member Scott asked if, in essence with this resolution, was the Mayor and Council asking to send a memorial to the bodies involved or was it saying the Mayor and Council were on record regarding the issue.

Mr. Rankin replied the resolution would serve as what is sometimes referred to as a memorial and would be the Mayor and Council's statement on the issues.

Council Member Scott clarified this was the document that would be forward to all the entities that might be in a position to act on it themselves. She also asked if there was any hope at the state level that the Arizona League of Cities and Towns, had membership within their body to join in an amicus way to support the position the City was taking.

Mr. Greenhill responded that in his discussions with other cities, this issue had not come up. He said there were a number of meetings between now and the session and with the passage of the resolution he would start to add it to his agenda to talk with his fellow cities and towns across the State, he would express to them that this was an important issue for the Mayor and Council of Tucson and urge them to join Tucson in talking to their legislative delegations in trying to enlist them in an effort to support legislation in the Arizona State House.

Council Member Kozachik stated no one knew what "bump stocks" were until the incident that happened in Las Vegas. He reiterated that the City of Tucson was showing what leadership should look like and Tucson needed those "score cards" mentioned by Council Member Uhlich. He said the City should turn the "score cards" around and tell the State Legislature that the City was going to do a "score card" on them.

Council Member Kozachik said, last session, he counted at least fourteen pre-emption bills primarily targeting the City of Tucson. He said this was not only about gun safety; it was also about home rule, pre-emption, and other issues. He stated he thought it was a great idea to post the score cards; show who was voting for what and who was inert on some of these issues.

It was moved by Council Member Kozachik, duly seconded, to pass A Resolution regarding "bump stocks".

Council Member Scott asked if the National League of Cities had this issue on their radar screen.

Mr. Greenhill replied he did not believe the National League of Cities had taken a position and added that the Conference of Mayors had signed on to the Senator Feinstein Bill. He mentioned he was aware of a guest editorial published in the Arizona Republic, co-authored by Vice Mayor Romero, along with other local elected officials across the State, making the exact point about the frustration of cities, in the many efforts the Legislature was making to pre-empt local control. He stated he would send the link out to the Mayor and Council.

Vice Mayor Romero asked the City Attorney to talk about the impact SB1487 could have had on the case the City took to the Supreme Court. She said under SB1487, it only took one State Legislator to complain to the AG about something they did not like that a city or town passed. She said she thought it was the AG who ruled whether a city or town was in violation.

Mr. Rankin stated, under SB1487, state shared revenues would be in jeopardy if the AG made a determination that the City took action on an issue that was in violation/conflict with state law. The AG would then direct the treasurer to withhold and re-distribute to other cities and towns their portion of state shared revenues. He said it applied to most of the state shared revenues the City was otherwise entitled to.

Mr. Rankin commented the City was looking at a figure in the range of \$120 million to \$130 million per year.

Council Member Cunningham commented that he was under the impression the City of Tucson collected that tax revenue for the State.

Mr. Rankin responded there were a lot of ways to answer that. He said it was revenues that, mechanically the State collected, but generated within the City.

The motion to approve A Resolution regarding “bump stocks” was passed by a roll call vote of 7 to 0.

11. UPDATE ON STATE AND NATIONAL LEGISLATION AND REGIONAL COMMITTEES

Mayor Rothschild announced City Manager's communication number 362, dated October 24, 2017, was received into and made part of the record.

Andrew Greenhill, Intergovernmental Relations Manager, provided an update on postal reform. He mentioned he received questions regarding “bump stocks” which were answered under Item 10.

12. MAYOR AND COUNCIL DISCUSSION OF FUTURE AGENDAS

Mayor Rothschild announced City Manager's communication number 363, dated October 24, 2017, was received into and made part of the record.

Council Member Fimbres requested thirty minutes to be set aside for discussions at the November 21, 2017, Study Session meeting to discuss the Tucson Homeless Work Program and the Tucson Change Movement Update.

13. ADJOURNMENT: 7:24 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, November 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 24th day of October 2017, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

RWR:rg:ds