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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on October 24, 2017.

Date of Meeting: February 7, 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 5:31p.m., on Tuesday, February 7, 2017, all members having been notified of the time and place thereof.

### 1. **ROLL CALL**

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero  
Paul Cunningham  
Karin Uhlich  
Shirley C. Scott  
Richard G. Fimbres  
Steve Kozachik  
Jonathan Rothschild

Vice Mayor, Council Member Ward 1  
Council Member Ward 2  
Council Member Ward 3  
Council Member Ward 4  
Council Member Ward 5  
Council Member Ward 6  
Mayor

Absent/Excused:

None

Staff Members Present:

Michael J. Ortega  
Michael Rankin  
Roger W. Randolph

City Manager  
City Attorney  
City Clerk

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Monsignor, Thomas Cahalane from Our Mother of Sorrow Parrish, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed February 5-11, 2017, to be Burn Awareness Week. Susan KinKade from Banner University Medical Center accepted the proclamation.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Rothschild announced City Manager's communication number 35, dated February 7, 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 36, dated February 7, 2017, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Current event report was given by Michael J. Ortega, City Manager. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

## **5. LIQUOR LICENSE APPLICATIONS**

Mayor Rothschild announced City Manager's communication number 37, dated February 7, 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. Jackson Bar & Eatery, Ward 2  
8864 E. Tanque Verde Rd.  
Applicant: Peter Scott Oser  
Series 12, City 88-16  
Action must be taken by: December 31, 2016

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

2. Chevron, Ward 5  
6261 E. Benson Hwy  
Applicant: Adeeb Seman Hattar  
Series 10, City 94-16  
Action must be taken by: February 12, 2017

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

3. Even Stevens Sandwiches, Ward 6  
178 & 180 E. Broadway Blvd.  
Applicant: Marc Cullen Goldsen  
Series 12, City 95-16  
Action must be taken by: February 13, 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)

4. Chevron, Ward 5  
6261 E. Benson Hwy  
Applicant: Adeeb Seman Hattar  
Series 7, City 93-16  
Action must be taken by: February 12, 2017

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

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)

Remote Tasting Room(s)

5. Sand-Reckoner Tasting Room, Ward 6  
510 N. 7th Ave. #170  
Applicant: Robert Michael Hammelman  
Series 19, City 96-16  
Action must be taken by: February 12, 2017

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

NOTE: State law provides that for a Tasting Room license application, “In all proceedings before the governing body of a city...the applicant bears the burden of showing the capability, qualifications and reliability of the applicant and 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 4-203)

c. Special Event(s)

1. Rialto Theatre Foundation, Ward 6  
318 E. Congress St.  
Applicant: Curtis John McCrary  
City T187-16  
Date of Event: February 18, 2017  
(Annual Gala Event “Life is but a Dream”)

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

2. Tucson Metropolitan Community Chorus dba Desert Voices, Ward 6  
6245 E. Bellevue St.  
Applicant: Nicole Flowers  
City T2-17  
Date of Event: February 25, 2017  
(Fundraiser)

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

3. Tucson Association of Museums, Ward 2  
2900 - 2990 N. Swan Rd.  
Applicant: Susan Eileen French  
City T4-17  
Date of Event: February 25, 2017  
(Community Building Fundraiser)

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

d. Agent Change/Acquisition of Control

1. Azadero Y Taqueria Sonora, Ward 5  
24 W. Irvington Rd.  
Applicant: Otto Ramon Bohon  
Series 12, City AC35-16  
Action must be taken by: February 11, 2017

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

2. Elbow Room, Ward 3  
1145 W. Prince Rd.  
Applicant: Tracey Jo Eason  
Series 6, City AC36-16  
Action must be taken by: February 12, 2017

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

3. G & L Import - Export Corp., Ward 4  
4828 E. 22nd St.  
Applicant: Yifan Pang  
Series 10, City AC37-16  
Action must be taken by: February 20, 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 Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b1 through 5b5, 5c1 through 5c3 and 5d1 through 5d3 to the Arizona State Liquor Board with a recommendation.

**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:

Robert Reus  
Catherine Gale

Robert Nemitz  
Julie Lauterbach-Colby

Keith Van Heyningen  
Debi Chess Mabie

Mayor Rothschild directed staff to provide an update to the Mayor and Council regarding Mr. Reus' concern.

Council Member Cunningham directed staff to follow up on the concerns expressed by Mr. Nemitz.

Mayor Rothschild directed staff to provide an update or report on the Houghton Road Development outreach.

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 FEB07-17-38 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of June 21, 2016
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of June 21, 2016

### **b. REAL ESTATE: APPROVING AND AUTHORIZING A LEASE AGREEMENT WITH STEP UP TO JUSTICE FOR SPACE LOCATED AT 320 NORTH COMMERCE PARK LOOP**

1. Report from City Manager FEB07-17-39 WARD 1
2. Ordinance No. 11432 relating to Real Property; approving and authorizing the Lease Agreement for City-owned office space located at 320 North Commerce Park Loop to Step Up to Justice; and declaring an emergency.

### **c. BOARDS AND COMMISSIONS: CREATING ORDINANCE OF WATER SERVICE AREA REVIEW BOARD, AMENDING ORDINANCE NO. 11106**

1. Report from City Manager FEB07-17-40 CITY WIDE AND OUTSIDE CITY

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

- d. PARKS AND RECREATION: FACILITY DEVELOPMENT AND USE AGREEMENT WITH THE COMMUNITY GARDENERS FOR THE CONSTRUCTION AND OPERATION OF A COMMUNITY GARDEN AT PURPLE HEART PARK (CONTINUED FROM THE MEETING OF JANUARY 24, 2017)
  - 1. Report from City Manager FEB07-17-48 WARD 4

(This item was continued at the request of staff.)
- e. GRANT APPLICATION: TO THE UNITED STATES DEPARTMENT OF JUSTICE IN SUPPORT OF BODY-WORN CAMERAS
  - 1. Report from City Manager FEB07-17-44 CITY WIDE
  - 2. Resolution No. 22710 relating to Grants and Tucson Police Department (TPD); approving and authorizing an application for funding from the US Department of Justice (DOJ) Body Worn Cameras (BWC) Policy and Implementation Program, Fiscal Year (FY) 2017 Competitive Grant (Grant); and declaring an emergency.
- f. FINAL PLAT: (S16-075) HACIENDAS AT WRIGHTSTOWN II, LOTS 13 THROUGH 24 AND COMMON AREA "A"
  - 1. Report from City Manager FEB07-17-49 WARD 2
  - 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.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – f, with the exception of Items c and d, which were continued, be passed and adopted and the proper action taken.

**8. PUBLIC HEARING: ZONING (C9-11-12) TOWN WEST – FIRST AVENUE, R-2 TO O-2 AND C-1, REACTIVATION, TIME EXTENSION, CHANGE OF CONDITIONS, DIRECT ORDINANCE ADOPTION, AMENDING ORDINANCE 10960**

Roger W. Randolph, City Clerk, stated this item was continued at the request of staff.

**9. PUBLIC HEARING: ZONING (C9-11-14) INTRON, INC. - TYNDALL AVENUE, R-2 TO C-3, TIME EXTENSION, CHANGE OF CONDITIONS, DIRECT ORDINANCE ADOPTION, AMENDING ORDINANCE 11060**

Roger W. Randolph, City Clerk, stated this item was continued at the request of staff.

**10. ZONING: (C9-16-10) CHAMBERLAIN – TUCSON BOULEVARD, R-1 TO I-1, CITY MANAGER'S REPORT**

Mayor Rothschild announced City Manager's communication number 43, dated February 7, 2017, was received into and made part of the record. He said this was a request to rezone approximately 2.9 acres from R-1 to I-1 zoning. The rezoning site was located on the northeast corner of Tucson Boulevard and Bilby Road, east of Tucson Boulevard right-of-way. He stated the Zoning Examiner and staff recommend approval of I-1 zoning.

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

Dan Castro, Rick Engineering, representing the applicant, Diamond Ventures and Palice Kino LLC and Fen-Conn Partners, LLP. He said they were agreeable to the proposed requirements.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll vote of 7 to 0, to authorize the request as recommended by the Zoning Examiner.

**11. ZONING: (C15-16-03) VALENCIA RESERVE ANNEXATION DISTRICT, COUNTY CR-4 AND CI-1 TO CITY R-2 AND I-1, ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager's communication number 45, dated February 7, 2017, was received into and made part of the record. He asked the City Clerk to read Ordinance 11436 by number and title only.

Ordinance No. 11436 relating to Zoning: establishing original City zoning located on the east side of Alvernon Way approximately 2,000 feet south of Valencia Road in Case C15-16-03, Valencia Reserve Annexation District, CR-4 and CI-1 to R-2 and I-1; and setting an effective date.

Council Member Fimbres asked about the zoning process to turn a parcel area to potential park space. He said he wanted to know if the conditions were met including the availability of the land.

Albert Elias, Assistant City Manager, responded if a park was not allowed in the original city zoning that was being established, the process would be to rezone the property to allow for the park use.



Mayor Rothschild stated what they were doing was translational zoning where essentially zoning, as the county had and after the evening's meeting if the Mayor and Council wanted to change the zoning; it was the City's prerogative.

Council Member Fimbres stated then staff could bring this back at a later date which was one of the concerns of the people.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11436.

**12. ECONOMIC DEVELOPMENT INCENTIVES AND REAL PROPERTY: AUTHORIZING GOVERNMENT PROPERTY LEASE EXCISE TAX LEASE AGREEMENT FOR TUCSON WEST HOTEL ASSOCIATES, LLC**

Mayor Rothschild announced City Manager's communication number 46, dated February 7, 2017, was received into and made part of the record. He asked the City Clerk to read Resolution 22711 by number and title only.

Resolution No. 22711 relating to Economic Development Incentives and Real Property; authorizing and approving the Government Property Lease Excise Tax (GPLET) Lease Agreement between the City of Tucson (City) and Tucson West Hotel Associates, LLC for redevelopment of the Riverpark Inn Hotel at 777 West Cushing Street (Project).

Vice Mayor Romero asked staff to describe the GPLET Agreement and any other precautions that the City was taking to make sure that there was a return on investment for the City.

Mr. Ortega stated he would paraphrase the memorandum that was given to them because it outlined the steps of the GPLET and was different than what the Mayor and Council was presented with in the past. He said Riverpark Inn would deposit \$200,000 in an account controlled by the City and then at the end of year two of the GPLET, an informal audit of actual revenues would be conducted to verify the projected revenues met what was anticipated.

Mr. Ortega stated if the revenues were in line the City would continue down the path and if not, the City had the option of canceling the GPLET. He said he believed it was important to provide the Mayor and Council with an opportunity with a failsafe to come back in years 4, 6 and 8. He mentioned this was different from what was done in the past but it gave the Mayor and Council an opportunity to make sure the projections were in line or come back if they were not.

Vice Mayor Romero asked if the City Manager recommended the City to enter into this agreement.

Mr. Ortega answered in the affirmative.

Vice Mayor Romero stated she wanted to go over the item to give opportunity to the Mayor and Council to listen to the thinking behind the decision the Economic Development Office decided to move forward. She said one of the missions of GPLET was to reinvestment into areas that needed investment. She asked if this project qualified and stated that in her opinion it did.

Vice Mayor Romero said it was an entry point into the west side of downtown that had seen historical lack of investment opportunity which continued to this day. She said for developers and people who wanted to develop on the west side, it was much harder to borrow and invest on that side of town. She said the GPLET provided for this economic development.

It was moved by Vice Mayor Romero, duly seconded to pass and adopt Resolution No. 22711.

Council Member Cunningham stated they were several properties west of Church Avenue which were going to come after these incentives and the City had to be prepared to promote that type of development. He said it was the capsule of the entire renaissance of what they were trying to do downtown. He said he was of the belief, despite the “elephant in the room,” if the City really wanted to keep the status quo and have that gap of inactivity right adjacent to the City’s asset and not have the things they want west of Church Avenue, then the request should not be approved.

Council Member Cunningham state he was in support of the motion. He said he liked the failsafe that was built in and also going back and auditing in years 4, 6 and 8, which led him to believe this was a good fair deal and a good compromise.

Council Member Kozachik stated each project arises would falls on its own merit going forward. He said the protection they had built in demonstrated the shifting mark, shifting levels of investment and the shifting concerns on lenders. He commented that the protections built-in to this GPLET protected the tax payers, but also incentivized the development going forward. He also stated he would support the motion.

Council Member Uhlich commented she had been going back and forth in her mind and appreciated Vice Mayor Romero taking time to talk with her a little bit further because one of the thresh holds they looked at was whether or not activity would occur without the benefit of city incentives including the GPLET . She said in discussing this with the Vice Mayor Romero who was so familiar with the area, believed the evidence was there and getting financing was west of the freeway in particular locations was particularly difficult and she knew it extended North of downtown and so she thought one factors was this project met that standard and appreciated the failsafes and believed the revenue generating potentials on refurbished property through hotel bed tax and other revenues would be healthy. She mentioned, as Council Member Kozachik stated, each project would have to stand on its own and she was taking a real critical look on ones that

do did not have that kind of revenue stream like residential projects without commercial elements were not likely to have those sales tax streams. She said those would need to be looked at individually but thought this was a critical area where the City wanted to spark reinvestment and if any other projects came into the area and came forward they would have to withstand the same scrutiny as this one withstood.

Mr. Ortega mentioned the \$200,000 dollar number estimated was a two year worth future property tax revenue. He mentioned that the folks involved in this project were really engaged and creative; it was just not the City dictating this; it was trying to work through the Vice Mayor's Office. He gave a shout out to the Tucson West Hotel Associates who really stepped up and tried to figure out how to meet all of the tasks and come up with a solution that protected the tax payers and incentives.

Resolution 22711 was passed and adopted by a roll call vote of 7 to 0.

### **13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Rothschild announced City Manager's communication number 47, dated December 20, 2016, 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 Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment(s) of William L. Halvorson and David Cuevas to the Environmental Services Advisory Committee (ESAC), and the reappointment(s) of Phyllis Russell to the Veteran's Affairs Committee (VAC), Minnette Burges to the Fort Lowell Historic Zone Advisory Board (FLHZAB), Deborah Munoz-Chacon and Jim Bennett to the Landscape Advisory Committee (LAC), John-Peter Wilhite to the Tucson Commission on Gay, Lesbian Bisexual, and Transgender Issues (GLBT) and Ken Bacher, Jody Gibbs, Anne Hazen, Mary Lou Heuett, Armando Montano and Bob Vint to the Barrio Historico Historic Zone Advisory Board (BHHZAB).

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

Council Member Cunningham announced his personal appoint Ronald Ewing to the Environmental Services Advisory Commission (ESAC) and Leila Kottabi Counts to the Small, Minority, and Women-Owned Business Commission (SMWBC).

Council Member Scott announced his personal appoint Thomas C. "Chuck" Martin II to the Planning Commission (PC).

Council Member Fimbres announced his personal appoint Sandee Brooke to the Tucson Pima County Historical Commission (TPCHC) and Bob Gugino to the Park Tucson Committee (PTC).

**14. ADJOURNMENT:** 6:22 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, February 22 , 2017, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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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 7th day of February, 2017, and do hereby certify that it is an accurate transcription.



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DEPUTY CITY CLERK

RWR:agj:yl