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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on March 5, 2019

Date of Meeting: September 25, 2018

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 5:35 p.m., on Tuesday, September 25, 2018, 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	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Paul Durham	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Vice Mayor, 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, PLEDGE OF ALLEGIANCE AND APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

a. INVOCATION

The invocation was given by Father Charlie Knapp, Catholic Diocese of Tucson.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the entire assembly.

c. PRESENTATIONS:

1. Mayor Rothschild proclaimed September 2018 to be the “50<sup>th</sup> Anniversary of the Friends of the Pima County Public Library”. Maura Robinson and Libby Stone accepted the proclamation.

2. Mayor Rothschild proclaimed September 21, 2018 to be “Youth Peace Day”.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager’s communication number 312, dated September 25, 2018, was received into and made part of the record. He asked if there were any personal appointments to be made.

There were none.

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

Mayor Rothschild announced City Manager’s communication number 313, dated September 25, 2018, 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.

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

No 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.

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

Mayor Rothschild announced City Manager's communication number 314, dated September 25, 2018, was received into and made part of the record.

He also announced this was the time scheduled to allow Boards, Committees and Commissions to report on their activities during the past year, as well as, anticipated future activities.

No reports were given. 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 315, dated September 25, 2018, 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. Dollar General Store #14192, Ward 1  
1335 W. Ajo Way  
Applicant: Michelle Ivy Valenzuela  
Series 10, City 64-18  
Action must be taken by: September 23, 2018

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

Public Opinion: Written Argument Opposed Filed

This item was considered separately.

2. Dollar General Store #14756, Ward 3  
3436 N. Country Club Rd.  
Applicant: Michelle Ivy Valenzuela  
Series 10, City 65-18  
Action must be taken by: September 24, 2018

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

This item was considered separately.

3. Dollar General Store #14416, Ward 4  
3751 S. Pantano Rd.  
Applicant: Michelle Ivy Valenzuela  
Series 10, City 66-18  
Action must be taken by: September 24, 2018

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

4. Dollar General Store #12582, Ward 5  
945 E. 22nd St.  
Applicant: Michelle Ivy Valenzuela  
Series 10, City 67-18  
Action must be taken by: September 23, 2018

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

Public Opinion: Written Argument Opposed Filed

This item was considered separately.

5. Dollar General Store #13199, Ward 5  
5663 S. 12th Ave.  
Applicant: Michelle Ivy Valenzuela  
Series 10, City 68-18  
Action must be taken by: September 23, 2018

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

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

6. Dollar General Store #18866, Ward 5  
7440 S. Wilmot Rd.  
Applicant: Michelle Ivy Valenzuela  
Series 10, City 69-18  
Action must be taken by: September 24, 2018

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

7. Bombolé, Ward 6  
100 N. Stone Ave. #102  
Applicant: Jackie Sharma  
Series 12, City 70-18  
Action must be taken by: September 24, 2018

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

8. Barro's Pizza, Ward 2  
410 N. Wilmot Rd. #150  
Applicant: Bruce Robert Barro  
Series 12, City 72-18  
Action must be taken by: September 30, 2018

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

9. Voltron Brewing Company, Ward 5  
330 S. Toole Ave. #200  
Applicant: Jeremy David Hilderbrand  
Series 3, City 73-18  
Action must be taken by: October 1, 2018

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

10. Dos Jefes, Ward 6  
1838 E. 6th Ave.  
Applicant: Scott James Cummings  
Series 12, City 75-18  
Action must be taken by: October 7, 2018

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)

11. Sushi Ten Japanese Restaurant, Ward 6  
4500 E. Speedway Blvd. #1  
Applicant: Young Yuni Yoon  
Series 6, City 63-18  
Action must be taken by: September 23, 2018

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)

c. Special Event(s)

1. University of Arizona, Arizona Athletics, Ward 6  
1721 E. Enke Dr.  
Applicant: Natasha Harrison  
City T87-18  
Date of Event: October 27, 2018  
(Wildcat Club Tailgate)

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

This item was considered separately.

2. University of Arizona, Arizona Athletics, Ward 6  
1721 E. Enke Dr.  
Applicant: Natasha Harrison  
City T88-18  
Date of Event: November 2, 2018  
(Wildcat Club Tailgate)

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

This item was considered separately.

3. University of Arizona, Arizona Athletics, Ward 6  
1721 E. Enke Dr.  
Applicant: Natasha Harrison  
City T89-18  
Date of Event: November 24, 2018  
(Wildcat Club Tailgate)

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

This item was considered separately.

4. Sister Jose Women's Center, Ward 2  
1375 S. Camino Seco  
Applicant: Jean R. Fedigan  
City T92-18  
Date of Event: October 13, 2018  
(Fundraiser)

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

5. Tucson Symphony Society, Ward 3  
2175 N. 6th Ave.  
Applicant: Terresa M. Tauzin  
City T93-18  
Date of Event: November 3, 2018  
(Fundraiser)

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

6. Tucson Lesbian and Gay Alliance dba Tucson Pride, Ward 6  
900 S. Randolph Way  
Applicant: Samantha C. Cloud  
City T96-18  
Date of Event: September 29, 2018  
(Pride in the Desert)

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

7. Stratford Art Works, Inc., Ward 6  
160 S. Scott Ave.  
Applicant: Herbert R. Stratford  
City T97-18  
Date of Event: October 12, 2018 - October 13, 2018  
(Film Festival)

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 T98-18  
Date of Event: November 3, 2018  
(Chili Cook Off)

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

9. Arizona Theatre Company, Ward 6  
330 S. Scott Ave.  
Applicant: Carley Elizabeth Preston  
City T99-18  
Date of Event: October 13, 2018  
(Annual Gala Fundraiser)

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

10. Dusk Charities LLC, Ward 6  
220 S. 5th Ave.  
Applicant: Page Wendell Repp  
City T100-18  
Date of Event: November 10, 2018 - November 11, 2018  
(Dusk Music Festival)

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

11. The Center for Neurosciences Foundation, Ward 5  
242 S. Park Ave.  
Applicant: Alanna Christine Gonzales  
City T101-18  
Date of Event: November 2, 2018  
(Fundraiser)

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

12. Sacred Heart Parish, Ward 3  
601 E. Fort Lowell Rd.  
Applicant: Gonzalo Villegas  
City T102-18  
Date of Event: October 13, 2018  
(Parish Fundraiser)

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

13. YWCA of Southern Arizona, Ward 1  
525 N. Bonita Ave.  
Applicant: Jon Wirtis  
City T103-18  
Date of Event: October 18, 2018  
(Fundraiser & Awareness)

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



14. St. Ambrose Catholic School, Ward 6  
300 S. Tucson Blvd.  
Applicant: Sergio Luis Duenas  
City T104-18  
Date of Event: October 11, 2018 - October 13, 2018  
(Fundraiser)

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

15. Tucson Botanical Gardens, Ward 6  
2150 N. Alvernon Way  
Applicant: Mary Ann Confrey  
City T107-18  
Date of Event: October 27, 2018  
("Feast with the Dearly Departed")

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

16. Tucson Celtic Festival Association, Ward 3  
4502 N. 1st Ave.  
Applicant: Erin Renee Haugen  
City T108-18  
Date of Event: November 2, 2018 - November 4, 2018  
(Cultural Event)

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

17. St. Cyril of Alexandria School, Ward 6  
4725 E. Pima St. Applicant: Ann C. Zeches  
City T111-18  
Date of Event: October 19, 2018 - October 20, 2018  
(Cultural Event)

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

d. Agent Change/Acquisition of Control/Restructure

1. Buffalo Wild Wings, Ward 1  
1390 W. Irvington Rd.  
Applicant: John Dean Curtis, II  
Series 12, City AC10-18  
Action must be taken by: September 22, 2018

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

2. Buffalo Wild Wings, Ward 2  
68 N. Harrison Rd.  
Applicant: John Dean Curtis, II  
Series 12, City AC11-18  
Action must be taken by: September 22, 2018

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

3. Buffalo Wild Wings, Ward 3  
4329 N. Oracle Rd. #135  
Applicant: John Dean Curtis, II  
Series 12, City AC12-18  
Action must be taken by: September 22, 2018

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

NOTE: The local governing body of the city town or county may protest the acquisition of control within sixty days based on the capability reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Vice Mayor Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b3, 5b6 – 5b11, 5c4 – 5c17, and 5d1 – 5d3 to the Arizona State Liquor Board with a recommendation for approval.

## 5. LIQUOR LICENSE APPLICATIONS

### c. Special Event(s)

1. University of Arizona, Arizona Athletics, Ward 6  
1721 E. Enke Dr.  
Applicant: Natasha Harrison  
City T87-18  
Date of Event: October 27, 2018  
(Wildcat Club Tailgate)

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

2. University of Arizona, Arizona Athletics, Ward 6  
1721 E. Enke Dr.  
Applicant: Natasha Harrison  
City T88-18  
Date of Event: November 2, 2018  
(Wildcat Club Tailgate)

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

3. University of Arizona, Arizona Athletics, Ward 6  
1721 E. Enke Dr.  
Applicant: Natasha Harrison  
City T89-18  
Date of Event: November 24, 2018  
(Wildcat Club Tailgate)

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

Roger W. Randolph, City Clerk, announced the items to be considered separately were Items 5c1 – 5c3, The University of Arizona, Arizona Athletics, at the request of Council Member Kozachik.

Council Member Kozachik recused himself from voting due to a conflict of interest for items 5c1 – 5c3.

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 5c1 – 5c3, to the Arizona State Liquor Board with a recommendation for approval.

## 5. LIQUOR LICENSE APPLICATIONS

### b. Liquor License Application(s)

#### New License(s)

1. Dollar General Store #14192, Ward 1  
1335 W. Ajo Way  
Applicant: Michelle Ivy Valenzuela  
Series 10, City 64-18  
Action must be taken by: September 23, 2018

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

Public Opinion: Written Argument Opposed Filed

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b1, Dollar General Store #14192, located in Ward 1.

Vice Mayor Fimbres called Yolanda Herrera up to speak.

Council Member Romero asked for any other residents in the audience present in opposition for the Dollar General applications to stand up alongside Ms. Herrera with the understanding that Ms. Herrera would be the only one speaking for the coalition.

Yolanda Herrera expressed her concerns regarding the 31 liquor license issues on the agenda alone. She requested Mayor Rothschild and Members of the Council oppose the liquor license applications for the Dollar General Stores in Ward One and Ward Five and if it were possible all six on the evening's agenda. She clarified the misleading notion of always losing at the state level considering they went up against Dollar General earlier this year and actually won. She requested the Mayor and Council's support in further opposing these liquor license applications to create positive change in the community.

Ms. Herrera said the turnover of staff and clerks was a revolving door issue at the Dollar General Stores making it difficult to foster relationships with staff. She explained shoplifting was a constant problem and monitoring adequate training and proper procedure implementation would prove to be problematic with the previously stated turnover concerns. She concluded asking the Mayor and Members of the Council to deny the aforementioned liquor license applications for the added stress they would bring to TPD, TFD and the community.

Vice Mayor Fimbres announced the next speaker, Jamal Gibbons.

Jamal Gibbons described the youth advocacy work he has done working through CODAC, Liberty Partnership and the Kino Weed and Seed Coalition to fight substance abuse within the community.

Mr. Gibbons deliberately made reference to the abundance of places existing to obtain alcohol; emphasizing the inessential need for additional banners, advertising and billboards. Recognizing the service Dollar General provided for the community and clarifying the impersonal intent, Mr. Gibbons requested the denial of a liquor license for Dollar General.

Council Member Romero recognized and thanked Jamal Gibbons, Yolanda Herrera and all members of the community present for attending and expressing their concerns with Dollar General. She declared her intent to make a motion to deny the liquor license for the Dollar General located at 1335 W. Ajo Rd. for several reasons, including saturation, close proximity to several establishments holding series 9 liquor licenses, and the various schools and day care facilities in the area.

Council Member Romero explained the negative impact granting a license would have on the residents' quality of life interested in promoting community, walkability and bike ridership. Alcohol sales did not promote a healthy lifestyle. She reiterated high staff turnovers at the Dollar Generals were not conducive to a well thought out implementation of liquor sales and did not foster strong connections with neighborhood associations.

Council Member Romero also made reference to the frequent calls her staff received often regarding homeless camps along the Santa Cruz River preventing constituents from feeling safe in the area. Additionally, she explained the applicant was in a shopping district directly across two bus stops that had brought up concerns because of cleanliness issues.

Michael Rankin, City Attorney, wanted to clarify prior to the vote being taken that, in addition to the two speakers, there were ten people that were standing to show their support in denying the three license applications. He said the motion was specific to the application on 1335 W. Ajo. He asked everyone standing to raise their hand if they owned, resided or had a business property within one mile of that application location. He counted at least two of the folks lived within that one mile radius. Mr. Rankin then confirmed there was nobody present from the Dollar General Store to address that particular application.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward Item 5b1 to the Arizona State Liquor Board with a recommendation for denial.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

4. Dollar General Store #12582, Ward 5  
945 E. 22nd St.  
Applicant: Michelle Ivy Valenzuela  
Series 10, City 67-18  
Action must be taken by: September 23, 2018

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

Public Opinion: Written Argument Opposed Filed

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b4, Dollar General Store #12582, located in Ward 5.

Vice Mayor Fimbres opened the discussion stating his office had received several communications from neighbors in regards to the locations of these applications. Upon reviewing the applications, it was noted they were located in areas of high saturation of liquor licenses with 22 licenses within a one-mile radius of 945 E. 22<sup>nd</sup> St. and 27 licenses within a one mile radius of 5663 S. 12<sup>th</sup> Ave.

Based on this and the testimony presented by the constituents in attendance, Vice Mayor Fimbres moved to have the two liquor licenses receive a recommendation of denial from the Tucson Mayor and Council based upon saturation of liquor licenses in their respective areas.

Mr. Rankin asked for each item to be considered separately.

Vice Mayor Fimbres clarified the motion would be for the location at 945 E 22<sup>nd</sup> St., Item 5b4.

Council Member Cunningham recapped the previous Dollar General Liquor license applications that had been forwarded to the state with recommendations for approval creating an inconsistency in the Council's recommendations. He voiced the concern of this sending a mixed message to the State giving them the ability to counter protests for denial on the basis of previous applications being submitted with a recommendation for approval.

Mayor Rothschild noted; of the individuals present, none had protested the previously approved licenses and written arguments against said applications had not been filed.

Council Member Kozachik expressed the belief this would send the message of liquor license issues being considered closely on a case by case basis as opposed to taking a radical approach to a particular retailer.

It was moved by Council Member Cunningham, to reconsider the motion to approve items 5b3 and 5b6, which are the other Dollar General applications on the agenda. The motion died due to lack of a second.

Council Member Romero stated even with the desire to deny all liquor licenses pertaining to a particular retailer, there needed to be state sanctioned reasons, such as, saturation or quality of life concerns as to why the recommendation for denial were made. Because of this, although she agreed Dollar General should not be selling alcohol, she explained there were certain limitations on the reasons for denying liquor licenses.

Mayor Rothschild concurred.

It was moved by Vice Mayor Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward Item 5b4 to the Arizona State Liquor Board with a recommendation for denial.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

5. Dollar General Store #13199, Ward 5  
5663 S. 12th Ave.  
Applicant: Michelle Ivy Valenzuela  
Series 10, City 68-18  
Action must be taken by: September 23, 2018

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

Public Opinion: Written Arguments Opposed Filed

It was moved by Vice Mayor Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward Item 5b5 to the Arizona State Liquor Board with a recommendation for denial.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

2. Dollar General Store #14756, Ward 3  
3436 N. Country Club Rd.  
Applicant: Michelle Ivy Valenzuela  
Series 10, City 65-18  
Action must be taken by: September 24, 2018

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

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b2, Dollar General Store #14756, located in Ward 3.

Mayor Rothschild stated there was no written opposition for this item. However, there was a request to allow Donna Perry with the Coronado Heights Neighborhood Association to speak which was granted.

Donna Perry introduced herself as President of the Coronado Heights Neighborhood Association.

Michael Rankin, City Attorney, asked Ms. Perry if she resided or owned property within a mile of this particular application located at 3436 N. Country Club Rd.

Ms. Perry stated the Coronado Heights Neighborhood Association was within the one-mile radius.

Mr. Rankin explained if the association was within a one mile radius, the association could present a document authorizing a person as the spokesperson for that association per one of the changes in State Law several years ago.

Mayor Rothschild asked for the time frame given to review this application.

Roger Randolph, City Clerk, and Mr. Rankin indicated a deadline of September 25, 2018.

Council Member Romero asked Mr. Rankin if Ms. Perry would be able to speak on her behalf if she is not within the one mile radius.

Mr. Rankin clarified she could not speak individually unless the individual resided within a mile of the location.

Council Member Romero explained this as one of the state legislative changes with the regretful downside of limiting the voice of the public in making these decisions.

Mayor Rothschild asked if upon the application's consideration by the state, the individual in opposition had the ability to file an argument at the state level.

Mr. Rankin clarified the individual would be able to file a written argument at the state level. However, the fact that an argument was not presented at a local jurisdiction would factor in.

Mayor Rothschild reiterated to Ms. Perry the option to file an argument at the state level granted the possibility of denial considering an argument was not filed at a local jurisdiction first.

Council Member Durham asked Mr. Rankin whether the option existed to not take any action in light of the situation.

Mr. Rankin presented the option of forwarding a liquor license application with no recommendation. He explained it would go up to the state recognizing the local jurisdiction made no recommendation whether to approve or deny at which instance the state liquor board would schedule it for a hearing.

Council Member Durham questioned whether this would give an individual trying to object a better opportunity to be heard at the State Liquor board.

Mr. Rankin affirmed, adding a person within a mile or a neighborhood association through an authorized spokesperson.



It was moved by Council Member Durham, duly seconded, and carried by a voice vote of 6 to 1 (Council Member Romero dissenting), to forward Item 5b2 to the Arizona State Liquor Board with no recommendation.

Council Member Romero explained her dissenting vote as favoring a recommendation for denial.

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. He said 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  
Al Wiruth

Barbara Rallis

Yolanda Herrera

Mayor Rothschild requested staff to follow up with Ms. Rallis regarding her concerns.

Mayor Rothschild requested staff to follow up with Ms. Herrera regarding her concerns.

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 SEP25-18-316 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of February 21, 2018
3. Mayor and Council Study Session Minutes of February 21, 2018

- b. FINANCE: APPROVAL OF FISCAL YEAR 2018 INVOLUNTARY TORT JUDGMENTS
  - 1. Report from City Manager SEP25-18-317 CITY WIDE
  - 2. Resolution No. 22952 relating to Fiscal Year ("FY") 2019/2020 Primary Property Tax Levy; retroactively approving involuntary tort judgments from FY 2017/2018; and declaring an emergency.
  
- c. FINAL PLAT: (S18-027) CORNERSTONE HOMES ON MONTE VISTA, LOTS 1 THROUGH 28, COMMON AREAS "A", "B", AND "C"
  - 1. Report from City Manager SEP25-18-318 WARD 6
  - 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.
  
- d. FINAL PLAT: (S17-003) 1408 NORTH WOODLAND, LOTS 1 AND 2
  - 1. Report from City Manager SEP25-18-319 WARD 6
  - 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.
  
- e. CITY MANAGER: AMENDMENT TO EMPLOYMENT AGREEMENT
  - 1. Report from City Manager SEP25-18-322 CITY WIDE
  - 2. Ordinance No. 11586 relating to the City Manager; authorizing and approving Amendment No. 3 to the Employment Agreement with the City Manager; and declaring an emergency.

Note: This item was considered separately after item 8 at the request of Council Member Romero.
  
- f. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY AT GRANT ROAD AND ESTRELLA AVENUE
  - 1. Report from City Manager SEP25-18-321 WARD 3

2. Ordinance No. 11585 relating to Transportation and Real Property; declaring 201-207 East Grant Road, the Northeast corner (NEC) of Grant Road and Estrella Avenue, to be surplus City-owned property; authorizing the sale thereof; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – d and f, be approved and/ or adopted and proper action taken.

8. PUBLIC HEARING: ZONING (C9-85-95) EAST PLACE ANNEXATION, C-2 ZONE, CHANGE OF ANNEXATION CONDITIONS, ORDINANCE ADOPTION, AND AMENDING ORDINANCE 6503

Mayor Rothschild announced City Manager's communication number 320, dated September 25, 2018, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a request for a change of annexation conditions for a site located at the northwest corner of east Golf Links Road and south Saddleback Road east of South Pantano Road.

Mayor Rothschild announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations. He asked if there was anyone wishing to speak on the item.

Ms. Kathy Vega presented herself as one of the home owners in the area voicing concerns regarding the number of access points for the proposed subdivision. Ms. Vega said the only access point from Saddleback Road would create traffic congestion in the area. She inquired about having an access point on Golf Links Road as well.

Mr. Scott Clark, Interim Director Planning and Development Services (PDSD), responded to the inquiry at the request of Mayor Rothschild. He stated the current development package submitted showed an access point on Saddleback Road with a proposal to tie an access point into Golf Links Road.

Ms. Vega accorded her approval towards having access points on both Saddleback and Golf Links Road but not just the one access on Saddleback Road.

Mayor Rothschild questioned whether the submitted proposal was for one access point on Saddleback Road and if there was an amendment submitted for the second access point on Golf Links Road.

Mr. Clark clarified the current development packet, at risk for approval, showed two access points, one to Saddleback and one to Golf Links and invited the present applicant to further explain.

Mr. Robert G. Longaker III presented himself as part of the WLB Group Inc., present on behalf of the property owners, KS Homes LLC. Mr. Longaker explained the

WLB Group recently hired a Traffic Engineer to do a Traffic Impact Analysis to assess the amount of access points needed for vehicles to ingress and egress the sight. Mr. Longaker confirmed the primary access point on Saddleback Road and clarified they were working with the Traffic Engineer's determination on whether a second access point was needed.

Mayor Rothschild asked whether the proposal for the two access points would still be subject to a Traffic Impact Study.

Mr. Clark confirmed the Tucson Department of Transportation would analyze the results and at their discretion, make a determination.

Mayor Rothschild addressed Ms. Vega and explained what she saw was the original plan. Upon further consideration the possibility for the need of a second access point arose thus created an amendment to the plan to include a second access point pending and subject to a traffic study.

Mayor Rothschild asked Mr. Longaker if he would be willing to provide Ms. Vega with a copy of the report.

Mr. Longaker affirmed.

Council Member Romero requested confirmation to the development incorporating two ingress and egress options.

Mayor Rothschild confirmed.

It was moved by Council Member Scott, duly seconded and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance No. 11584 by number and title only.

Ordinance No. 11584 relating to Zoning: amending Ordinance 6503 Section 4 annexation conditions 1, 2, and 4, for property located at the northwest corner of East Golf Links Road and South Saddleback Road, in case C9-85-95, East Place Annexation, C-2 Zone - Restricted; and setting an effective date.

It was moved by Council Member Scott, duly seconded and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance No. 11584.

7. CONSENT AGENDA – ITEMS A THROUGH F

e. CITY MANAGER: AMENDMENT TO EMPLOYMENT AGREEMENT

1. Report from City Manager SEP25-18-322 CITY WIDE

2. Ordinance No. 11586 relating to the City Manager; authorizing and approving Amendment No. 3 to the Employment Agreement with the City Manager; and declaring an emergency.

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

Roger W. Randolph, City Clerk, announced Mayor and Council would be going into Executive Session for Item 7e, City Manager: Amendment to Employment Agreement. This Executive Session would be held pursuant to A.R.S. 38-431.03(A)(1) and (A)(3).

RECESS: 6:41 p.m.  
RECONVENE: 7:17 p.m.  
MAYOR & COUNCIL: All present  
STAFF: All Present


Executive Session was held from 6:45 p.m. to 7:16 p.m.

It was moved by Council Member Romero, duly seconded and passed by a roll call vote of 6 to 1 (Council Member Kozachik dissenting), to proceed as discussed in Executive Session.

Michael Rankin, City Attorney, stated based on that they would bring back the agreement at the future council meeting for their approval.

9. ADJOURNMENT: 7:18 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, October 9, 2018, 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 25<sup>th</sup> day of September 2018, and do hereby certify that it is an accurate transcription.

  
\_\_\_\_\_  
DEPUTY CITY CLERK

RWR:ja:cl