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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on September 5, 2018.

Date of Meeting: February 6, 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 5:46 p.m., on Tuesday, February 6, 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  
Paul Cunningham

Paul Durham  
Shirley C. Scott  
Richard G. Fimbres  
Jonathan Rothschild

Council Member Ward 1  
Vice Mayor, Council Member Ward 2  
(arrived at 5:48 p.m.)  
Council Member Ward 3  
Council Member Ward 4  
Council Member Ward 5  
Mayor

Absent/Excused:

Steve Kozachik

Council Member Ward 6

Staff Members Present:

Michael J. Ortega  
Michael Rankin  
Roger W. Randolph

City Manager  
City Attorney  
City Clerk

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

a. INVOCATION

The invocation was given by Pastor Randy Reynolds, Community Renewal.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. PRESENTATIONS:

1. Mayor Rothschild, assisted by Council Member Fimbres presented a Certificate of Appreciation and Medallion of Hope to the winners of the 2018 Ward 5 Safety Calendar.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 41, dated February 6, 2018, was received into and made part of the record.

Mayor Rothschild 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 34, dated February 6, 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 Cunningham, Council Members Durham, Scott, and Fimbres.

No report was given by the 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 35, dated February 6, 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.

Reports were given by Thomas Flanagan, Tucson Greens Committee (TGC) Chairperson, and Teresita Majewski, Tucson Pima County Historical Commission (T-PCHC) Chairperson.

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 6, 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. Sushi-Kito Restaurant, Ward 1  
5650 S. 12th Ave.  
Applicant: Carlos Alberto Chavez  
Series 12, City 79-17  
Action must be taken by: December 10, 2017

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

2. DD's Baja Seafood Grill, Ward 1  
1905 W. Grant Rd.  
Applicant: Jose Dan Montano  
Series 12, City 98-17  
Action must be taken by: February 15, 2018

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

3. Pizza Luna, Ward 6  
1101 N. Wilmot Rd. #119  
Applicant: Marc David Frankel  
Series 12, City 100-17  
Action must be taken by: February 19, 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)

4. Clicks, Ward 3  
3325 N. 1st Ave.  
Applicant: Alan Michael Kowalski  
Series 6, City 99-17  
Action must be taken by: February 18, 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)

Person/Location Transfer(s)

5. Century El Con 20, Ward 6  
3601 E. Broadway Blvd.  
Applicant: Andrea Dahlman Lewkowitz  
Series 6, City 97-17  
Action must be taken by: February 10, 2018

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

NOTE: State law provides that for a person and location transfer Mayor and Council may consider both the applicant's capability qualifications reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Our Lady of Lavang Parish, Ward 5  
800 S. Tucson Blvd.  
Applicant: Julia Van Le  
City T2-18  
Date of Event: February 17, 2018 - February 18, 2018  
(Vietnamese New Year Festival)

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

2. Tucson Association of Museums, Ward 2  
2900 - 2990 N. Swan Rd.  
Applicant: Susan Eileen French  
City T3-18  
Date of Event: February 24, 2018  
(Community Building)

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

3. Santa Cruz Roman Catholic Parish, Ward 5  
1220 S. 6th Ave.  
Applicant: Rebecca Marie Lujan  
City T4-18  
Date of Event: March 3, 2018  
(Car Show)

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

4. Tucson Metropolitan Community Chorus, Ward 6  
6245 E. Bellevue St.  
Applicant: Nicole Flowers  
City T5-18  
Date of Event: February 24, 2018  
(Fundraiser)

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

5. Desert Diamond Distillery Inc., Ward 6  
4th Ave. and 7th St.  
Applicant: John William Patt  
City T6-18  
Date of Event: March 2, 2018 - March 4, 2018  
(4th Avenue Street Fair)

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

6. The University of Arizona Athletic Department, Ward 6  
1 National Championship Dr.  
Applicant: Jaime Leigh Odom  
City T8-18  
Date of Event: February 8, 2018  
(Pre-game Reception for Donors)

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

7. The University of Arizona Athletic Department, Ward 6  
1 National Championship Dr.  
Applicant: Jaime Leigh Odom  
City T9-18  
Date of Event: February 10, 2018  
(Pre-game Reception for Donors)

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

8. The University of Arizona Athletic Department, Ward 6  
1 National Championship Dr.  
Applicant: Jaime Leigh Odom  
City T10-18  
Date of Event: March 1, 2018  
(Pre-game Reception for Donors)

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

9. The University of Arizona Athletic Department, Ward 6  
1 National Championship Dr.  
Applicant: Jaime Leigh Odom  
City T11-18  
Date of Event: March 3, 2018  
(Pre-game Reception for Donors)

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

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no application(s) for agent changes scheduled for this meeting.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Kozachik absent/excused) to forward liquor license applications 5b1 through 5b5, 5c1 through 5c9 to the Arizona State Liquor Board with a recommendation of 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:

Mary Kelso	Camille Kershner	J.P. Salvatierra
Keith Van Heyningen	John Schlecht	Yolanda Herrera
Robert Melvin	Edward Cizek	

Mayor Rothschild requested that staff follow up with Mr. Melvin on his concerns regarding the Amphi Neighborhood Park.

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 I**

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 FEB06-18-36 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of June 20, 2017
3. Mayor and Council Study Session Legal Action Report and Minutes of June 20, 2017

### **b. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE EMERGENCY SOLUTIONS GRANT, HOMELESS MANAGEMENT INFORMATION SYSTEM**

1. Report from City Manager FEB06-18-39 CITY WIDE
2. Resolution No. 22859 relating to Intergovernmental Agreements (IGA); authorizing and approving the execution of an IGA between the City of Tucson (City) and Pima County Community Resources Employment and Training (CSET) for Homeless Management Information System (HMIS) under the Emergency Solutions Grant; and declaring an emergency.

### **c. RESOLUTION: AUTHORIZING EXPENDITURE OF RAYTHEON ANNEXATION ACCOUNT FUNDS FOR PURCHASING LAND TO PREVENT ENCROACHMENT**

1. Report from City Manager FEB06-18-45 WARD 5 AND CITY WIDE

2. Resolution No. 22861 relating to Economic Incentives, Annexation and Real Property; authorizing the purchase by the City of Tucson (City) of approximately 16 acres of land from Pima County for construction of the Raytheon Entry Control Facility (ECF); authorizing the expenditure of funds from the Raytheon Annexation Account to complete the purchase; and declaring an emergency.
- d. TRANSPORTATION: AUTHORITY TO ACQUIRE RIGHT OF WAY FOR STONE AVENUE PEDESTRIAN IMPROVEMENTS
1. Report from City Manager FEB06-18-46 WARD 6
  2. Resolution No. 22863 relating to Real Property and Transportation; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain privately owned property located at Stone Avenue and 18th Street for ADA-compliant pedestrian improvements; and declaring an emergency.
- e. LICENSE AGREEMENTS: APPROVING WIRELESS COMMUNICATIONS FACILITIES STANDARD TERMS, CONDITIONS, AND DESIGN STANDARDS, AND AUTHORIZING THE TRANSPORTATION DEPARTMENT DIRECTOR TO EXECUTE SITE LICENSE AGREEMENTS AND SET RATES AND FEES
1. Report from City Manager FEB06-18-40 CITY WIDE
  2. Ordinance No. 11522 relating to Transportation and Wireless Communications in the Right-of-Way; approving the Wireless Communications Facilities Standard Terms and Conditions and Design Standards attached thereto; authorizing and approving forms of Wireless Provider Right-of-Way License Agreements (Site License Agreements); and authorizing the Director of the Department of Transportation to execute such Site License Agreements to comply with the State Law; providing for severability; and declaring an emergency.
- f. LABOR AGREEMENT EXTENSION: WITH THE TUCSON POLICE OFFICERS ASSOCIATION
1. Report from City Manager FEB06-18-42 CITY WIDE
  2. Resolution No. 22860 relating to employee relations; authorizing and approving the Memorandum of Understanding ("MOU") between the City of Tucson ("City") and the Tucson Police Officers Association ("TPOA") extending the 2015-2018 Labor Agreement for an additional two-year period; and declaring an emergency.



- g. TUCSON CODE: AMENDING (CHAPTER 12A) RELATING TO THE FINANCE AND PROCUREMENT DEPARTMENTS; ESTABLISHING THE BUSINESS SERVICES DEPARTMENT (CONTINUED FROM THE MEETING OF JANUARY 23, 2018)
  - 1. Report from City Manager FEB06-18-47 CITY WIDE
  - 2. Ordinance No. 11524 relating to City Management, Finance and Procurement; establishing the Business Services Department; designating its Director as Director of Finance and Procurement; describing purpose and duties; by amending Chapter 12A of the Tucson Code; and declaring an emergency.
- h. LABOR AGREEMENT EXTENSION: WITH THE TUCSON FIRE FIGHTERS ASSOCIATION
  - 1. Report from City Manager FEB06-18-48 CITY WIDE
  - 2. Resolution No. 22864 relating to employee relations; authorizing and approving the Memorandum of Understanding ("MOU") between the City of Tucson ("City") and the Tucson Fire Fighters Association (International Association of Firefighters, Local 479) ("TFFA") extending the 2015-2018 Labor Agreement for an additional one-year period; and declaring an emergency.
- i. INTERGOVERNMENTAL AGREEMENT: WITH THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT AND REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE BROADWAY BOULEVARD: EUCLID TO COUNTRY CLUB IMPROVEMENT PROJECT; REDEVELOPMENT OF SURPLUS PROPERTIES
  - 1. Report from City Manager FEB06-18-49 WARDS 5 AND 6
  - 2. Resolution No. 22865 relating to Intergovernmental Agreements (IGA) and Transportation; approving and authorizing the execution of an IGA between the City of Tucson (City), the Regional Transportation Authority of Pima County (RTA), and the Rio Nuevo Multipurpose Facilities District (District) for Broadway Boulevard surplus real property asset transfer and redevelopment; and declaring an emergency.

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

**8. ZONING: (C9-16-08) VALLEY ANIMAL HOSPITAL – 22ND STREET, R-2 TO P, ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager's communication number 38, dated February 6, 2018, was received into and made part of the record. He asked the City Clerk to read Ordinance 11521 by number and title only.

Ordinance No. 11521 relating to Zoning: amending zoning district boundaries in the area of 4984 East 22nd Street, comprised of the southernmost +/- 13 feet of seven parcels, in case C9-16-08 – Valley Animal Hospital 22nd Street, from R-2 to P; and setting an effective date.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Kozachik absent/excused), to pass and adopt Ordinance 11521.

**9. TUCSON CODE: AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE, ADMINISTRATIVE MANUAL, RELATING TO THE DEVELOPMENT REVIEW FEE SCHEDULE FOR SIGN REVIEW AND PERMIT FEES**

Mayor Rothschild announced City Manager's communication number 43, dated February 6, 2018, was received into and made part of the record. He asked the City Clerk to read Ordinance 11523 by number and title only.

Ordinance No. 11523 relating to fees for Planning and Development; amending fees charged by the Planning and Development Services Department to modify the Unified Development Code's Development Review Fee Schedule in the Administrative Manual for Sign Review and Permit Fees (Section 4-01.16), Variance Fees - Board of Adjustment (B/A) Fees (Section 4-01.22) and Zoning Determination, Certification of Zoning, Nonconforming Use (Confirmation and Substitution) Fees (Section 4-01.23); and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Kozachik absent/excused), to pass and adopt Ordinance 11523.

**10. ECONOMIC DEVELOPMENT: APPROVAL OF A WATER INFRASTRUCTURE INCENTIVE PROGRAM**

This item has been continued at the request of Staff.

**11. ADJOURNMENT:** 6:53 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on February 21, 2018, 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 6th day of February 2018, and do hereby certify that it is an accurate transcription.



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DEPUTY CITY CLERK

RWR:amo:ds