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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on May 19, 2020.

Date of Meeting: October 22, 2020

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 5:32 p.m., on Tuesday, October 22, 2019, 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  
Steve Kozachik  
Jonathan Rothschild

Council Member Ward 1  
Council Member Ward 2  
Council Member Ward 3  
Vice Mayor, 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 AND APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

**a. INVOCATION**

The invocation was given by Reverend Ailsa R. Guardiola-Gonzalez, First Christian Church.

**b. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was presented by the entire assembly.

**c. PRESENTATIONS:**

There were no Presentations/Proclamations.

**d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Rothschild announced City Manager's communication number 345, dated October 22, 2019, 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 Durham, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointments of Andrew Cook to the El Presidio Historic Zone Advisory Board (EPHZAB), Kevin Dumas to the Veterans' Affairs Committee (VAC), Rebecca Field, Kasy Schug, Parker Filer, and Alison Meadow to the Landscape Advisory Committee (LAC), and the reappointment of Ron van Ommeren to the Landscape Advisory Committee (LAC).

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

There were none.

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

Mayor Rothschild announced City Manager's communication number 346, dated October 22, 2019, 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 Council Members Romero, Cunningham, Durham, Fimbres, and Kozachik.

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 347, dated October 22, 2019, 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.

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 348, dated October 22, 2019, 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. Jethro's Cafe, Ward 2  
8735 E. Broadway Blvd.  
Applicant: Greg George Seader  
Series 12, City 62-19  
Action must be taken by: October 25, 2019

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

Public Opinion: Written Argument Opposed/Support Filed

This item was considered separately.

2. Fry's Food & Drug #83, Ward 1  
1795 W. Valencia Rd.  
Applicant: Jeffrey Craig Miller  
Series 7 City 63-19  
Action must be taken by: October 26, 2019

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

3. City Wide Produce, Ward 5  
6221 S. Campbell Ave.  
Applicant: Sergio Aurelio Villa  
Series 10 City 58-19  
Action must be taken by: November 2, 2019

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 new license application “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Person Transfer(s)

NOTE: There are no application(s) for person transfers scheduled for this meeting.

c. Special Event(s)

1. 2nd Saturdays, Ward 6  
55 N. 5th Ave.  
Applicant: Fletcher J. McCusker  
City T110-19  
Date of Event: December 31, 2019  
(Arizona Bowl Downtown Block Party)

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

2. Engage Youth Rugby Foundation, Ward 6  
600 S. Alvernon Way  
Applicant: Patrick Charles Coco  
City T117-19  
Date of Event: November 16, 2019  
(Fundraiser)

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

3. Santa Theresa Tile Works, Ward 6  
440 N. 6th Ave.  
Applicant: Benjamin Daniel Vernon  
City T118-19  
Date of Event: November 2, 2019 - November 3, 2019  
(Community Fundraiser)

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

4. Visually Impaired/Blind Athletes of Northern Arizona, Ward 6  
3809 E. 3rd St.  
Applicant: Diane Raab Shifflett  
City T119-19  
Date of Event: November 9, 2019  
(Fundraiser for Summer Camp Programs)

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

5. Tucson Museum of Art and Historic Block, Ward 1  
140 N. Main Ave.  
Applicant: Jeremy Michael Mikolajczak  
City T121-19  
Date of Event: November 1, 2019  
(Fundraiser - Crush Party)

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

6. Tucson Breakfast Lions Club, Ward 5  
4823 S. 6th Ave.  
Applicant: Donald Joe Osborne  
City T122-19  
Date of Event: November 15, 2019 - November 16, 2019  
(Fundraiser for Community Service)

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

7. The Center for Neurosciences Foundation, Ward 3  
3100 N. 1st Ave.  
Applicant: Colleen Carolyn Jacobsen  
City T124-19  
Date of Event: November 8, 2019  
(Fundraiser)

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 Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2, and 5c1 through 5c7 to the Arizona State Liquor Board with a recommendation for approval.

## **5. LIQUOR LICENSE APPLICATIONS**

- b. Liquor License Application(s)

New License(s)

- 1. Jethro's Cafe, Ward 2  
8735 E. Broadway Blvd.  
Applicant: Greg George Seader  
Series 12, City 62-19  
Action must be taken by: October 25, 2019

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

Public Opinion: Written Argument Opposed/Support Filed

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Item 5b1, Jethro's Cafe, located in Ward 2.

Council Member Cunningham stated his office had spoken to neighbors and it seemed most of the objections had been resolved. He expressed concerns regarding saturation in the area but wanted to acknowledge the challenging situation neighboring businesses were in due to long term construction. He said after speaking with the involved parties, he felt confident the owner was working in good faith and recommended approval.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for approval.

## **5. LIQUOR LICENSE APPLICATIONS**

- b. Liquor License Application(s)

New License(s)

- 3. City Wide Produce, Ward 5  
6221 S. Campbell Ave.  
Applicant: Sergio Aurelio Villa  
Series 10 City 58-19  
Action must be taken by: November 2, 2019

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

Public Opinion: Written Argument Opposed Filed

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Item 5b3, City Wide Produce in Ward 5.

Council Member Fimbres said he wanted to hear representatives from those opposing and supporting the liquor license application.

Arnoldo Montiel, spoke in support of City Wide Produce, recounting his long history with the family. He touched on the relationship the Villa family had with the City of Nogales and their successes as business owners and community leaders. He encouraged the Mayor and Council to approve the request citing the potential benefits to the City of Tucson, and its citizens, through job creation and community involvement.

Jorge Maldonado, City of Nogales Vice Mayor, reiterated the benefits the City of Tucson would experience and spoke on the Villa family's community involvements.

Yolanda Herrera, Southside Neighborhood Association's Presidential Partnership President, spoke in opposition of the liquor license application. She expressed her concerns regarding traffic and safety stating the needs and convenience of the area residents would not be met with a new liquor location at an industrial center. She said the applicant had attempted in reaching out to her; however, she was unable to speak with them due to scheduling conflicts. She said she felt the Tucson Police Department (TPD) had concerns regarding increased criminal activity and calls for service in that geographical area, when staffing was already low. She provided some statistics that occurred over a three-month period in the Las Montañas area. She stated that when TPD states an applicant is in compliance, it only meant that they had not found anything on the applicant because they were unable to find a reason not to.

Ms. Herrera stated she had also reached out to the Sunnyside School Board and mentioned how some of the teachers thanked her for the information she presented regarding the application. She said the teachers did not see the approval of the application as having a positive impact in the community.

Michele Munguia, Sunnyside Student and Chair of Jovenes en Acción, spoke in opposition due to saturation issues and the proximity of the business to Sunnyside High School. She voiced her concerns with the availability of alcohol to minors and asked for denial of the application.

Aurelio Villa, owner of City Wide Produce and Villas Market, gave a brief description of his business and emphasized their contributions to the communities.

Mayor Rothschild gave his appreciation for Mr. Villa's generosity to their community and asked him to instead focus on their history with liquor sales. He also

inquired how much square footage would be dedicated to alcohol sales versus groceries in the store.

Mr. Villa responded stating they would not be selling any hard alcohol. It was strictly beer and wine, in quantities of twenty-four ounces or more. They wanted to be able to compete with other grocery stores that already had the ability to sell both alcohol and grocery items. He said he felt customers would take their business to other stores where they could purchase everything in one trip. In response to Mayor Rothschild's question regarding square footage, he stated they had six to seven thousand square feet dedicated to groceries and twenty-five linear feet for alcohol.

Council Member Fimbres stated in light of City Wide liquors being in compliance, and the desire for a neighborhood store by area residents, he would move to approve the application.

Council Member Romero asked Mr. Villa if there would be other services, such as meat packing in their Tucson location.

Mr. Villa responded affirmatively saying it would be a full-service supermarket.

Mayor Rothschild recommended Mr. Villa reach out again to Ms. Herrera in order to establish good community partnerships here in Tucson.

Council Member Fimbres also asked Mr. Villa to establish a relationship with Sunnyside School District. He would like to see him partner with the School District the way they had done in Nogales.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b3 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:

Robert Reus

Yolanda Herrera

Neil Mason



Judy Sensibar  
Joe Silins  
Isabella Dittiger  
Carlos Estrada  
Nicole Olmstead

Cara Bissell  
Shelby Voveris  
Eron Maltzman  
JoAnna Strother

Hannah Rego  
Shelby Hays  
Stryder Rodenburg  
Troy Little

Council Member Romero requested staff to follow up on Mr. Mason's concerns regarding behavior on Sun Tran buses.

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 E**

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 OCT22-19-349 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of February 20, 2019
3. Mayor and Council Study Session Minutes of February 20, 2019

### **b. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR GRANT ROAD PHASES 5 AND 6 DESIGN**

1. Report from City Manager OCT22-19-352 WARDS 3 AND 6
2. Resolution No. 23108 relating to Transportation; authorizing and approving the Intergovernmental Agreement (IGA) for Transportation Funding between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for Grant Road Phases 5 & 6 Design; and declaring an emergency.

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

### **c. INTERGOVERNMENTAL AGREEMENT: WITH NORTHWEST FIRE DISTRICT AND GOLDER RANCH FIRE DISTRICT FOR FIRE PROTECTION AND OTHER SERVICES, AND FORMATION OF THE SOUTHERN ARIZONA AUTOMATIC AID RESPONSE COUNCIL**

1. Report from City Manager OCT22-19-356 CITY WIDE AND OUTSIDE CITY

2. Resolution No. 23109 relating to Intergovernmental Agreements; approving and authorizing the execution of a Southern Arizona Automatic Aid Response Agreement, an Intergovernmental Agreement (IGA) for fire protection and other services, between the City of Tucson (City) Northwest Fire District (NWFD) and Golder Ranch Fire District (GRFD), which agencies will form the Southern Arizona Automatic Aid Response Council (SAAARC); and declaring an emergency.
- d. TUCSON CODE: AMENDING (CHAPTERS 7 AND 11) RELATING TO AGE RESTRICTIONS FOR PURCHASES OF TOBACCO AND NICOTINE DELIVERY PRODUCTS AND ESTABLISHING A LICENSE ENFORCEMENT PROGRAM
1. Report from City Manager OCT22-19-350 CITY WIDE
  2. Ordinance No. 11703 relating to Businesses Regulated; repealing and replacing current Article XIX in Chapter 7 of the Tucson Code, to prohibit the sale of tobacco and nicotine delivery products to persons under twenty-one (21) years of age; establishing licensing requirements; establishing penalties for violations; amending the definition of "smoking" in Chapter 11, Section 89(1) of the Tucson Code; setting an effective date and declaring an emergency.

(This item was considered separately at the request of Council Member Cunningham.)

- e. FINAL PLAT: (S19-069) MELWOOD PLACE, LOTS 1 THROUGH 5
1. Report from City Manager OCT22-19-357 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.

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 – e, with the exception of Items b and d, which were considered separately, be passed and adopted and the proper action taken.

## 7. **CONSENT AGENDA – ITEM B**

- b. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR GRANT ROAD PHASES 5 AND 6 DESIGN
1. Report from City Manager OCT22-19-352 WARDS 3 AND 6

2. Resolution No. 23108 relating to Transportation; authorizing and approving the Intergovernmental Agreement (IGA) for Transportation Funding between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for Grant Road Phases 5 & 6 Design; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the item to be considered separately was Consent Agenda Item b at the request of Council Member Kozachik.

Council Member Kozachik wanted a few things on the record regarding this item. He stated the Mayor and Council was being asked to approve \$5 million in Regional Transportation Authority (RTA) funding for the design of phases five and six which were the last two phases of the project. He wanted to clarify if funding would be used for design within the curb lines and utility relocations. He also asked when the land use discussions would begin.

Robin Raine, Tucson Transportation Department Deputy Director, confirmed the \$5 million was being used for phases five and six. She advised land use discussions would continue as they happened with the Grant Road Taskforce and would be more detailed as the design process began.

Council Member Kozachik asked if the Mayor and Council could expect outreach to begin with surrounding neighborhoods upon approval of the funding.

Ms. Raine stated they would keep the Taskforce up to date with the designs and land use assumptions once they explored the areas.

Council Member Kozachik emphasized his questions were in regard to contacting neighborhoods that would be directly affected.

Ms. Raine replied they would continue to reach out to the neighborhoods whenever they had points of decisions or whenever they had designs, they could portray to residents.

Council Member Kozachik felt there would need to be significant outreach, beyond the taskforce, to established neighborhoods including schools, churches and businesses affected by phases five and six. This would include the public art components that were being put together with a committee. He said he felt it would be too late to wait to reach out to neighborhoods and businesses when project leaders were at decision points, and those affected needed to be involved in the conversations as the design evolved.

Ms. Raine reassured the Mayor and Council their intent was to present tangible designs to obtain opinions on what they should consider or not consider in the design phases.



Council Member Kozachik inquired about the Complete Streets Policy and what role would play in the designs, specifically with the areas outside the curb lines. He also asked when construction of the remaining phases would begin.

Ms. Raine explained the policy would drive the designs both inside and outside of the curb lines to remain consistent with City policies. Construction was anticipated to begin sometime in 2026.

Council Member Kozachik asked when the RTA would sunset and if the \$166 million construction budget was for all six phases. He also asked if the City would become the lead agency for the remaining phases of the project and if so, when would the bidding on the project begin. He said he wanted to know when the City would know the actual project costs since, as the lead agency, the City was responsible for cost over-runs.

Ms. Raine confirmed the RTA would sunset in 2026 and the budget was in fact for all six phases. She advised they would begin bidding in 2026 but would not advertise for bids unless they were assured the budget existed for the project to be constructed.

Michael J. Ortega, City Manager, stepped in to clarify by explaining the process. He stated when plans were completed sometime around 2025; they would have an idea of the project costs from the engineers estimates. He confirmed they would not put out a bid if the sufficient funding had not been identified.

Council Member Kozachik said he wanted to explain to citizens why he was talking about a project that would not begin until 2026. He stated the design conversations drove the budget, what land use options would be, complete streets, bike lanes, tree canopies, and setbacks for businesses. He said he felt significant public outreach needed to start immediately so design decisions could be made that fit the budget in coming years. He would go ahead and move to approve but re-emphasized his concerns that public outreach needed to begin at the time of funding approval.

Mayor Rothschild asked if the \$5 million were available now and could the design be completed prior to the anticipated 2026 date. He said if that could be accomplished, it would hopefully alleviate the concerns had by the Mayor and Council.

Mr. Ortega supported the extended timeline in order to properly address all aspects of the project. He agreed there should be community engagement now with the understanding that funding concerns would have to be addressed at a later time.

Council Member Kozachik inquired as to the status of home purchases to accommodate construction and what the estimated costs would be of phases five and six.

Ms. Raine explained the properties had not yet been purchased and she could only make assumptions on project costs based on previous phases of construction. Based on those assumptions it could cost forty million dollars for right of way acquisitions, and



approximately \$35 million to \$40 million for construction, if everything was exactly like the previous two phases.

Council Member Kozachik said one thing fundamentally different between the two phases, and certainly as time moved one, was project costs, material costs, labor and construction costs. He said he wanted to convey that as the lead agency, the City needed to be mindful of those changing costs. He stated he wanted to be able to revisit the budget if need be, with the RTA, since the budget was established in 2006 and was no longer realistic twenty years later.

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

## **7. CONSENT AGENDA – ITEM D**

### **d. TUCSON CODE: AMENDING (CHAPTERS 7 AND 11) RELATING TO AGE RESTRICTIONS FOR PURCHASES OF TOBACCO AND NICOTINE DELIVERY PRODUCTS AND ESTABLISHING A LICENSE ENFORCEMENT PROGRAM**

1. Report from City Manager OCT22-19-350 CITY WIDE
2. Ordinance No. 11703 relating to Businesses Regulated; repealing and replacing current Article XIX in Chapter 7 of the Tucson Code, to prohibit the sale of tobacco and nicotine delivery products to persons under twenty-one (21) years of age; establishing licensing requirements; establishing penalties for violations; amending the definition of "smoking" in Chapter 11, Section 89(1) of the Tucson Code; setting an effective date and declaring an emergency.

Roger W. Randolph, City Clerk, announced the item to be considered separately was Consent Agenda Item d at the request of Council Member Cunningham who deferred to Council Member Durham.

Council Member Durham expressed concerns over illness and the death counts due to vaping related illnesses. The Centers for Disease Control and Prevention (CDC) had confirmed one-thousand, four-hundred and seventy-nine cases of vaping related illnesses and thirty-three deaths. He focused on one case in particular out of Maricopa County involving a sixteen-year-old that was still hospitalized due to vaping. He said he felt the policy up for vote would make a tangible impact on the lives of youths in Tucson and that it should be passed.

Council Member Durham explained this was a City-only ordinance and he hoped other jurisdictions would eventually follow and create a statewide or nationwide law. He felt some tobacco retailers had contributed to the failing of the proposal with the Pima

County Board of Supervisors, so it was up to the City of Tucson to take the lead. He stated the victims of the failed proposal would be the youth in unincorporated Pima County.

Council Member Durham also wanted to comment on the discussion of a twenty-four or thirty-six month look back period for enforcement. He stated they were careful to craft this policy to be budget neutral. Any money raised from increased licensing fees would be allocated to enforcement. He said enforcement would be limited to business licensing staff and as confident as he was in staff, he felt they would not number enough to properly follow up on the businesses failing to meet the criteria. He commented that if the City could establish a successful enforcement regime, then they could readdress the look back period. He said his goal was to remove nicotine products from middle schools and high schools. He said he believed the thirty-six month look back would be necessary to achieve those goals.

It was moved by Council Member Durham, duly seconded, to pass and adopt Ordinance 11703 as presented.

Council Member Cunningham expressed concerns that the City rushed through this process without revisiting the issues with local retailers. However, he said he was supportive of increasing the age limit and felt enforcement would end up being complaint based. He stated he felt the ordinance needed more work and would move to reduce the look back period and licensing fees.

A substitute motion was made by Council Member Cunningham, duly seconded, to pass and adopt Ordinance 11703, with a “look back period” of twenty-four months instead of thirty-six months, and license fees of two hundred dollars instead of three hundred dollars, and the fines would remain the same.

Council Member Romero thanked the students, retailers and members of the American Heart Association for attending and expressing their concerns. She expressed her support of Council Member Durham’s goals of getting nicotine products out of the hands of youths and felt that retailers were in support of this as well. She went over the licensing fees and the proposed amendments to the fees that would affect current tobacco licenses that did not include vape shops. She asked how the change would affect the financial return to the City of Tucson if vape shops were not currently identified, as well as any methods the City would employ to research and locate existing vape shops.

Michael J. Ortega, City Manager, responded with a breakdown of the fees. He reassured the Mayor and Council; the City was already looking into vape shop locations. He also confirmed vape shops required a business license, not a tobacco license.

Council Member Romero asked if vape shops currently had to specify what type of business they would be opening at the time of the business license applications.



Mayor Rothschild also asked what the costs of the business license was and what the vape shops would be paying. He felt the number of vape shops and the potential revenues from the licensing could make a difference on how they voted on the fees.

Joyce Garland, Assistant City Manager/Chief Financial Officer, responded applicants were only required to state they were a retailer and the license costs was twenty-five dollars. She said there was not a method to track vape shops that had obtained business licenses at this time.

Christopher Avery, Assistant City Attorney, explained the three-hundred-dollar fee was developed to include one enforcement action per year, per shop. He said it was designed to cover the license compliance check costs for that specific time frame. They would be able to revisit the frequency and fees associated after a year.

Council Member Romero countered with the question of how the City would distinguish the retailers that were vape shops and if those shops that were only required to identify as a retailer.

Mr. Avery responded the new ordinance would require any business that sold electronic delivery devices, or nicotine containing liquids, to apply for the tobacco license. Secondly, he said, the penalties would be much more severe for shops that sold tobacco products to underage customers who did not have a license at the time of the sale which would incentivize them to be compliant and obtain the proper license.

Council Member Fimbres asked for clarification regarding acceptable identification, specifically why identifications from Mexico were not sufficient.

Mr. Avery explained the law in Arizona regarding permissible forms of identification for alcohol purchases included the licenses and identifications from the United States and Canada but did not include those from Mexico. He stated he misread the statute, and a passport from any country would be a valid form of identification to buy alcohol and would be the same for tobacco products. Therefore, allowing the training on proper identification to be the same for both alcohol and tobacco sales.

Council Member Kozachik referred back to the substitute motion made by Council Member Cunningham of two hundred dollars in twenty-four months. The three hundred dollars Mr. Avery clarified was only the cost of doing business of one visit per year. The two hundred dollars dropped that amount by one-third, which was minimal. He said Section B and C of the ordinance had very clear levels of penalties if vendors tried to gain the system. He commented that was an encouragement if someone tried to sell tobacco or vape products without a license.

Council Member Romero offered an amendment to the Substitute Motion, to change the license fees to three hundred dollars. The amendment was not accepted by the second of the Substitute Motion.

Mayor Rothschild said he had the same concerns Council Member Kozachik had and he was concerned for the small businesses and the prices of the license.

Council Member Kozachik said the only difference between the twenty-four and thirty-six months was the one-time a year caveat. The only loss of revenues were those purchases made by people under the age of twenty-one. The retailers would not be losing all their cigarette sales.

The Substitute Motion was withdrawn by Council Member Cunningham.

The original motion was carried by a voice vote of 6 to 1 (Council Member Fimbres dissenting), to pass and adopt Ordinance 11703 as presented.

**8. ZONING: (C9-19-08) JOHNSON – EAST 22ND STREET, SR TO RX-1, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager's communication number 354, dated October 22, 2019, was received into and made part of the record. He also announced this was a request to rezone approximately 3.52 acres from SR to RX-1 zoning. The rezoning site was located on the south side of 22nd Street, west of Melpomene Way. He said the Zoning Examiner and staff recommend approval subject to certain conditions.

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

Michael Marks, MJM Consulting, was present and stated his client was agreeable to the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 11700 by number and title only.

Ordinance No. 11700 relating to Zoning: amending zoning district boundaries in the area located on the south side of 22nd Street approximately 1,040 feet west of Melpomene Way in case C9-19-08, Johnson - E. 22nd Street, SR to RX-1; and setting an effective date.

It was moved by Vice Mayor Scott, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11700.

**9. ZONING: (C9-19-09) ADDIS – EAST 22ND STREET, SR TO RX-1, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager's communication number 355, dated October 22, 2019, was received into and made part of the record. He also announced this was a request to rezone approximately 3.85 acres from SR to RX-1 zoning. The rezoning



site is located on the south side of 22nd Street, west of Melpomene Way. He said the Zoning Examiner and staff recommend approval subject to certain conditions.

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

Michael Marks, MJM Consulting, was present and stated his client was agreeable to the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 11701 by number and title only.

Ordinance No. 11701 relating to Zoning; amending zoning district boundaries in the area located on the south side of 22nd Street approximately 775 feet west of Melpomene way in case C9-19-09, Addis - E. 22nd Street, SR to RX-1; and setting an effective date.

It was moved by Vice Mayor Scott, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11701.

**10. ZONING: (C15-19-02) ESTABLISHING ORIGINAL CITY ZONING FOR THE RAYTHEON WEST ANNEXATION DISTRICT, COUNTY CI-2 TO CITY I-2, ORDINANCE ADOPTION, EXTENSION OF AIRPORT ENVIRONS ZONE OVERLAY**

Mayor Rothschild announced City Manager's communication number 351, dated October 22, 2019, was received into and made part of the record. He also announced this was a request to establish Original City Zoning within the Raytheon West Annexation District. The district includes approximately 22.5 acres located near Nogales Highway and Aero Park Boulevard. He said the Zoning Examiner and staff recommend approval subject to certain conditions.

Mayor Rothschild asked the City Clerk to read Ordinance 11702 by number and title only.

Ordinance No. 11702 relating to Zoning: establishing original City zoning in the area located to the east of Nogales Highway, immediately east of the Union Pacific Railroad right of way, and south of a line located 50 feet north of the construction centerline of Aero Park Boulevard in case C15-19-02, Raytheon West Annexation District, County CI-2 to City I-2; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11702.

**11. ECONOMIC DEVELOPMENT: NOTICE OF INTENT TO ENTER INTO A TAX INCENTIVE DEVELOPMENT AGREEMENT WITH PUEBLO CENTER PARTNERS, LP**

Mayor Rothschild announced City Manager's communication number 353, dated October 22, 2019, was received into and made part of the record. He asked the City Clerk to read Resolution 23107 by number and title only.

Resolution No. 23107 relating to Economic Development; approving a Notice of Intent to enter into a Tax Incentive Development Agreement (Agreement) with Pueblo Center Partners, LP ("Pueblo Center"); and adopting an independent economic analysis relating to the agreement.

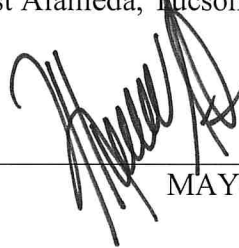
Council Member Kozachik stated ever since the economy forced Hotel Arizona to close, it had been an "eye sore" to the gateway into the City and the Tucson Convention Center (TCC) has had to scramble to find hotel room availability for events. He said as the market improved, the City saw private investors kick start the AC Marriot Hotel and two other hotels that were in the process of being built. Each one of those projects needed some incentive help from the City to get investors on board. He stated there had been several proposals from this group and the Mayor and Council had consistently conveyed the message they would not receive incentives above what other projects had received. They now had an eight-year incentive proposal that was capped at \$1.8 million and during that time the direct revenues back to the City would exceed \$12 million.

Council Member Kozachik said there would also be a return of \$4.5 million to the City through property sales and tax benefits. The construction timeline would coincide with the construction of La Placita project and completion of two other downtown hotels. He said it would also build on the \$65 million investment that Rio Nuevo had made for the TCC.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0 to pass and adopt Resolution 23107.

**12. ADJOURNMENT: 7:27 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, November 6, 2019, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.



MAYOR

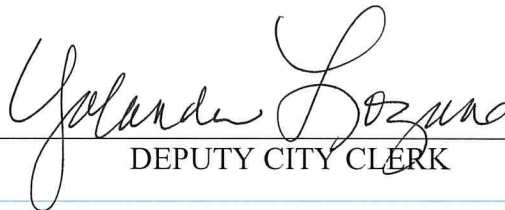
ATTEST:



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 22nd day of October 2019, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

RWR:cl:rg