



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 23, 2015.

Date of Meeting: December 9, 2014

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 5:30 p.m., on Tuesday, December 9, 2014, 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	Vice Mayor, Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Jonathan Rothschild	Mayor

Absent/Excused:

Steve Kozachik	Council Member Ward 6
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Staff Members Present:

Martha Durkin	City Manager
Michael Rankin	City Attorney
Suzanne Mesich	Assistant City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Sabrina Navarro, City Clerk’s Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild presented the Maintenance Management Team from Sun Tran with the Mayor’s Employee Appreciation Award. James Gleeson, Larry Marshall, and Jeff Rock, accepted the awards.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 389, dated December 9, 2014, 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 Council Members Uhlich and Fimbres and Vice Mayor Cunningham. 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 388, dated December 9, 2014, 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 Martha Durkin, 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 385, dated December 9, 2014, 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. Eclipse Sports Grill, Ward 5
1830 E. Broadway Blvd. #106
Applicant: Carl Louis Marino
Series 12, City 99-14
Action must be taken by: December 13, 2014

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

2. Mae's Chinese Restaurant, Ward 4
2475 S. Harrison Rd.
Applicant: My My Wang
Series 12, City 100-14
Action must be taken by: December 20, 2014

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

3. Johnny Gibsons Downtown Market, Ward 6
11 S. 6th Ave.
Applicant: John Ronald Abbott
Series 10, City 101-14
Action must be taken by: December 20, 2014

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. Zemam's, too! ...an African Eatery, Ward 6
119 E. Speedway Blvd.
Applicant: Amanuel G. Gebremariam
Series 7, City 97-14
Action must be taken by: December 4, 2014

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. Johnny Gibsons Downtown Market, Ward 6
11 S. 6th Ave.
Applicant: John Ronald Abbott
Series 7, City 98-14
Action must be taken by: December 8, 2014

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)

Sampling Privileges

6. Roy's Corner, Ward 6
647 S. 6th Ave.
Applicant: Roy Baffert Laos
Series 9S, City 102-14
Action must be taken by: December 4, 2014

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

NOTE: State law allows an unlimited number of sampling events for licensees of liquor store (series 9) and beer and wine store (series 10) establishments. The review and approval by Mayor and Council are conducted under the same procedure for the issuance of a spirituous liquor license. (A.R.S. 4-206.01)

c. Special Event(s)

1. Museum of Contemporary Art, Ward 6
265 S. Church Ave.
Applicant: Dan S. Martin
City T158-14
Date of Event: January 10, 2015
(Art Opening)

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

2. Museum of Contemporary Art, Ward 6
265 S. Church Ave.
Applicant: Dan S. Martin
City T159-14
Date of Event: April 18, 2015
(Gala Fundraiser)

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

3. Rotary Club of Tucson, Arizona, Inc., Ward 5
242 S. Park Ave.
Applicant: Mary Martin
City T164-14
Date of Event: December 17, 2014
(Rotary Club Mixer Holiday Party)

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

d. Agent Change/Acquisition of Control

1. Branding Iron Bar, Ward 1
5442 S. 12th Ave.
Applicant: Leticia Corrales Murrietta
Series 6, City AC24-14
Action must be taken by: December 15, 2014

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

2. Food City #139, Ward 1
1740 W. Ajo Way
Applicant: Michael Joseph Basha
Series 9, City AC25-14
Action must be taken by: November 30, 2014

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

3. Food City #156, Ward 1
1221 W. Irvington Rd.
Applicant: Michael Joseph Basha
Series 9 City AC26-14
Action must be taken by: November 30, 2014

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

4. Food City #136, Ward 1
1225 W. Saint Mary's Rd.
Applicant: Michael Joseph Basha
Series 9 City AC27-14
Action must be taken by: November 30, 2014

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

5. Food City #165, Ward 1
428 W. Valencia Rd.
Applicant: Michael Joseph Basha
Series 9 City AC28-14
Action must be taken by: November 30, 2014

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

6. Food City #151, Ward 3
719 E. Fort Lowell Rd.
Applicant: Michael Joseph Basha
Series 9 City AC29-14
Action must be taken by: November 30, 2014

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

7. Bashas' #100, Ward 3
3275 N. Swan Rd.
Applicant: Michael Joseph Basha
Series 9 City AC30-14
Action must be taken by: November 30, 2014

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

8. Food City #69, Ward 3
3923 N. Flowing Wells Rd.
Applicant: Michael Joseph Basha
Series 9 City AC31-14
Action must be taken by: November 30, 2014

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

9. Food City #171, Ward 5
2000 E. Irvington Rd.
Applicant: Michael Joseph Basha
Series 9 City AC32-14
Action must be taken by: November 30, 2014

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

10. Food City #133, Ward 5
3030 E. 22nd St.
Applicant: Michael Joseph Basha
Series 9 City AC33-14
Action must be taken by: November 30, 2014

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 Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Kozachik absent/excused), to forward liquor license applications 5b1 through 5b6, 5c1 through 5c3, and 5d1 through 5d10 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	Camille Kershner	Steve Garcia
Ruth Beeker	Rich DeBernardis	Sheldon Gutman
Tzadik Rosenberg-Greenberg		

Mayor Rothschild directed the City Clerk Staff to follow up with Mr. Garcia.

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 DEC09-14-394 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of March 4, 2014
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of March 4, 2014

b. AGREEMENT: WITH THE STATE OF ARIZONA DEPARTMENT OF REVENUE FOR PRIVILEGE TAX LICENSING SERVICES

1. Report from City Manager DEC09-14-390 CITY WIDE
2. Resolution No. 22323 relating to Finance; authorizing and approving the Service Agreement with the State of Arizona Department of Revenue (ADOR) for Privilege Tax Licensing Services; and declaring an emergency.

c. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COMMUNITY COLLEGE DISTRICT FOR THE PIMA COLLEGE ADULT EDUCATION BRIDGE TO COLLEGE AND CAREER READINESS PROGRAM

1. Report from City Manager DEC09-14-387 CITY WIDE

2. Resolution No. 22322 relating to Housing and Community Development; authorizing and approving the Intergovernmental Agreement (IGA) between the City of Tucson (City) and Pima County Community College District (District) for the Pima College Adult Education Bridge to Collect and Career Readiness Program (Program); and declaring an emergency.
- d. TUCSON CODE: AMENDING (CHAPTERS 2, 10, AND 11) REGARDING THE PURPOSE, DUTIES AND FUNCTIONS OF THE CITY MANAGER'S OFFICE, HOUSING AND COMMUNITY DEVELOPMENT AND THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENTS
1. Report from City Manager DEC09-14-395 CITY WIDE
 2. Ordinance No. 11226 relating to Housing and Community Development: amending the Tucson Code regarding the purpose, duties and functions of the Department of Housing and Community Development as required to move neighborhood support and community engagement responsibilities to the City Manager's Office, and City Planning Director functions to Planning and Development Services; amending Chapter 10B, Housing and Community Development Department, Section 10B-2 department established; Section 10B-3 departmental divisions; Section 10B-4 department purposes and functions; and declaring an emergency.
 3. Ordinance No. 11227 relating to Planning and Zoning: amending the Tucson Code regarding the purpose, duties and functions of the Planning and Development Services Department as required to update references; amending Chapter 11B, Planning and Development Services Department, Section 11B-3, department purposes and functions; Section 11B-4 other code provisions; and declaring an emergency.
 4. Ordinance No. 11228 relating to City Manager; Tucson Code Chapter 2, Administration, adding Article III, Public Communication, Community Engagement, and Integrated Planning Sections 2-45 through 2-47; and declaring an emergency.
- (This item considered separately at the request of Council Member Romero.)
- e. FINAL PLAT: (S13-009) CHAPMAN AUTOMOTIVE EAST, LOTS 1 THROUGH 9
1. Report from City Manager DEC09-14-383 WARD 5
 2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at time of actual application.

- f. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE INCARCERATION OF CITY PRISONERS
1. City Manager Report DEC09-14-398 CITY WIDE
 2. Resolution No. 22325 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of an IGA between the City of Tucson (City) and Pima County for the Incarceration of City Prisoners for FY 2015; and declaring an emergency.
- g. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF HEALTH SERVICES FOR REGULATING ACTIVITIES WITHIN THE CITY THAT FALL OUTSIDE THE ARIZONA MEDICAL MARIJUANA ACT
1. Report from City Manager DEC09-14-392 CITY WIDE
 2. Resolution No. 22324 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of an IGA between the City of Tucson (City) and Arizona Department of Health Services (ADHS) for regulating the activities within the City that fall outside the Arizona Medical Marijuana Act (AMMA) and under Arizona Revised Statute (A.R.S.) Title 13 (Criminal Code); and declaring an emergency.
- (This item considered separately at the request of Council Member Uhlich.)
- h. TUCSON CODE: AMENDING (CHAPTER 20) RELATING TO SPEED LIMITS
1. Report from City Manager DEC09-14-393 CITY WIDE
 2. Ordinance No. 11220 relating to Motor Vehicles and Traffic; repealing Ordinance No. 10728 adopted November 17, 2009; designating current streets or parts of streets where thirty miles per hour speed limit is imposed, pursuant to Section 20-140 of the Tucson Code; and declaring an emergency.
 3. Ordinance No. 11221 relating to Motor Vehicles and Traffic; repealing Ordinance No. 10729 adopted November 17, 2009; designating current streets or parts of streets where thirty-five miles per hour speed limit is imposed, pursuant to Section 20-141 of the Tucson Code; and declaring an emergency.
 4. Ordinance No. 11222 relating to Motor Vehicles and Traffic; repealing Ordinance No. 10730 adopted November 17, 2009; designating current streets or parts of streets where forty miles per hour speed limit is imposed, pursuant to Section 20-142 of the Tucson Code; and declaring an emergency.

5. Ordinance No. 11223 relating to Motor Vehicles and Traffic; repealing Ordinance No. 10731 adopted November 17, 2009; designating current streets or parts of streets where forty-five miles per hour speed limit is imposed, pursuant to Section 20-143 of the Tucson Code; and declaring an emergency.
 6. Ordinance No. 11224 relating to Motor Vehicles and Traffic; repealing Ordinance No. 10732 adopted November 17, 2009; designating current streets or parts of streets where fifty miles per hour speed limit is imposed, pursuant to Section 20-144 of the Tucson Code; and declaring an emergency.
 7. Ordinance No. 11225 relating to Motor Vehicles and Traffic; repealing Ordinance No. 10733 adopted November 17, 2009; designating current streets or parts of streets where fifty-five miles per hour speed limit is imposed, pursuant to Section 20-145 of the Tucson Code; and declaring an emergency.
- i. REAL PROPERTY: ACQUISITION OF PROPERTY LOCATED AT 4775 SOUTH 12TH AVENUE FOR THE TARP WELL R009A REPLACEMENT WELL PROJECT
1. Report from City Manager DEC09-14-382 WARD 1
 2. Resolution No. 22320 relating to Water and Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located at 4775 South 12th Avenue, Tucson, Arizona, for the TARP Well R009A Replacement Well Project; and declaring an emergency.

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

It was moved by Vice Mayor Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Kozachik absent/excused), that Consent Agenda Items a – i, with the exception of Items d and g, which were considered separately and Item i, which was continued, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM D

- d. TUCSON CODE: AMENDING (CHAPTERS 2, 10, AND 11) REGARDING THE PURPOSE, DUTIES AND FUCTIONS OF THE CITY MANAGER'S OFFICE, HOUSING AND COMMUNITY DEVELOPMENT AND THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENTS
 1. Report from City Manager DEC09-14-395 CITY WIDE

2. Ordinance No. 11226 relating to Housing and Community Development: amending the Tucson Code regarding the purpose, duties and functions of the Department of Housing and Community Development as required to move neighborhood support and community engagement responsibilities to the City Manager's Office, and City Planning Director functions to Planning and Development Services; amending Chapter 10B, Housing and Community Development Department, Section 10B-2 department established; Section 10B-3 departmental divisions; Section 10B-4 department purposes and functions; and declaring an emergency.
3. Ordinance No. 11227 relating to Planning and Zoning: amending the Tucson Code regarding the purpose, duties and functions of the Planning and Development Services Department as required to update references; amending Chapter 11B, Planning and Development Services Department, Section 11B-3, department purposes and functions; Section 11B-4 other code provisions; and declaring an emergency.
4. Ordinance No. 11228 relating to City Manager; Tucson Code Chapter 2, Administration, adding Article III, Public Communication, Community Engagement, and Integrated Planning Sections 2-45 through 2-47; and declaring an emergency.

Council Member Romero explained that back in December 2013, the Mayor and Council had concerns regarding the changes made to Neighborhood Support Services and Code Enforcement Departments and their move to the Planning and Development Services Department. She said she wanted to give the Housing and Community Development (HCD) Department and the Office of Integrated Planning (OIP) the opportunity to comment on the changes.

Nicole Ewing-Gavin, Office Integrated Planning Program Director, stated that when this came forward a year ago there were concerns and were not communicated very well of what changes were being made and how that was being reflected in the Ordinance. She said they had a couple of meetings where they explained the changes, received feedback, answered questions and, in some cases, reassured people that things were really not going to change, rather some reorganizing was being done and would be reflected in the Ordinance.

Ms. Ewing-Gavin said that upon further conversations, they realized there was a need to codify the services still previously provided in the *Tucson Code* for Housing. She said previously, that was struck out of the *Code* and was not replaced anywhere, so that was a great cause for concern as to where did Neighborhood Services go. She said they kept the language in and tried to make it more current in their talks about implementing *Plan Tucson*, integrated planning, and more importantly making those a responsibility of the City Manager because it was a City wide function that they need to focus on.

Council Member Romero reiterated that the Neighborhood Services Department was now an office, not a department, in the OIP with new responsibilities.

Ms. Ewing-Gavin stated that was correct.

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

7. CONSENT AGENDA – ITEM G

g. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF HEALTH SERVICES FOR REGULATING ACTIVITIES WITHIN THE CITY THAT FALL OUTSIDE THE ARIZONA MEDICAL MARIJUANA ACT

1. Report from City Manager DEC09-14-392 CITY WIDE
2. Resolution No. 22324 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of an IGA between the City of Tucson (City) and Arizona Department of Health Services (ADHS) for regulating the activities within the City that fall outside the Arizona Medical Marijuana Act (AMMA) and under Arizona Revised Statute (A.R.S.) Title 13 (Criminal Code); and declaring an emergency.

Council Member Uhlich said, with regard to the grant and in reading the materials, what she was concerned about was if the funds available were for trafficking that occurred outside the scope of what was legal under the Arizona Statutes. She said she thought it might be focused on cultivating sights, dispensary sights and recent card holders. She stated she wanted to make sure they were not limiting and allowing for the Tucson Police Department's (TPD's) priority, which was large scale, dangerous trafficking of marijuana in the community and going after some of the larger more dangerous elements that were tied to that. She asked if staff could speak to that.

Michael Rankin, City Attorney, said he would let Chief Villaseñor address the issue of priorities. He stated that the Intergovernmental Agreement (IGA), as written, did not tie the Chief's or City's hands with respect to enforcement of trafficking violations. He said it allowed for the funds to be applied towards investigative and enforcement efforts of illegal marijuana trafficking both outside or, in the context of inside, a dispensary or cultivation sight in violation of the medical marijuana act but did not establish it as a priority.

Council Member Uhlich asked if the dispensaries were not the focus, was the focus to address illegal and dangerous trafficking of marijuana.

Mr. Rankin stated that was correct.

Council Member Uhlich said she wanted to make sure everyone was aware the potential of cartel activity in Tucson and the kind of things that frightened people. She said she wanted to make sure the City was not narrowing in on the medical marijuana element of the puzzle.

Roberto Villaseñor, Chief of Police, Tucson Police Department, stated the verbiage in the grant allowed them the flexibility to spread enforcement efforts on all the marijuana activity, as well as, other narcotic activity that occurred not only around the dispensary or in dispensaries, but it could lead up to that. He said he was also pleased the grant offered TPD some educational money, to use towards educational efforts for the youth and equipment for the officers.

Council Member Uhlich asked the Chief what he regarded as the highest priority in keeping the community safe, the interface of narcotics and/or marijuana trafficking, what the most dangerous elements were and how this grant could be used to target that.

Chief Villaseñor stated he did not know if he wanted to tie the grant to an element or particular narcotic or drug. He said it was more the activity; the organized type of element of gangs or syndicates that get involved in drug trafficking. He said he could use the money to further the interruption and interdiction of those types of organizations. He stated that often times what they discovered was that the activities could very well be outside the dispensary because of increased opportunity they may see present at that location. He said it would be helpful for TPD if it allowed them to attack the organized entities that really tried to bring the marijuana and the narcotics in, which was accompanied by violent and property crimes and also gave him the availability to address those issues.

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

8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 19) RELATING TO TRANSACTION PRIVILEGE AND USE TAXES

Mayor Rothschild announced City Manager's communication number 391, dated December 9, 2014, 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 the proposed tax amendments to the Model City Tax Code. He said 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 in the audience wishing to be heard on the matter.

There was no one.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Kozachik absent/excused), to close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance 11219 by number and title only.

Ordinance No. 11219 relating to Taxation, adopting the 2014 Tax Amendments to the Model City Tax Code; relating to the administration of Chapter 19 of the Tucson Code (TC); amending Article III; repealing TC Regular Sections 19-300 through 19-370; repealing Regulation Sections 19-300.1 through 19-360.2; amending TC Section 19-480; repealing Article IV of Chapter 19 of the TC relating to the Access to Care Program; setting an effective date; and declaring an emergency.

It was moved by Council Member Romero, duly seconded and passed by a roll call vote of 6 to 0 (Council Member Kozachik absent/excused), to pass and adopt Ordinance 11219.

9. PUBLIC HEARING: GATEWAY HACIENDA ANNEXATION DISTRICT

Mayor Rothschild announced City Manager's communication number 379, dated December 9, 2014, 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 the proposed Gateway Hacienda Annexation District. He said 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 in the audience wishing to be heard on the matter.

There was no one.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Kozachik absent / excused), to close the public hearing.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Kozachik absent/excused), to proceed with the Gateway Hacienda Annexation District.

10. ZONING: (C9-14-08) ARIZONA LOTUS – COPPER STREET, R-2 TO I-1, CITY MANAGER'S REPORT

Mayor Rothschild announced City Manager's communication number 380, dated December 9, 2014, was received into and made part of the record. He said this was a request to rezone the property located north of Grant Road and west of Jackrabbit Avenue. He said the Zoning Examiner recommended the authorization of I-1 zoning subject to certain conditions.

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

Joseph Maher Jr., Architect and Agent for AZ Lotus Corporation said they were in agreement.

Council Member Uhlich said she wanted to state for the record and receive affirmation on a major concern about the landscaping and screening for the parking area on the southwest side. She asked if that condition was agreeable and assurance would be provided.

Mr. Maher confirmed it was.

It was moved by Council Member Uhlich, duly seconded, passed by a roll call vote of 6 to 0 (Council Member Kozachik absent/excused), to authorize the request for rezoning as recommended by the Zoning Examiner.

11. ZONING: (C9-14-04) CORNERSTONE HOMES – MONTE VISTA DRIVE, R-1 TO R-2, CITY MANAGER'S REPORT

Mayor Rothschild announced City Manager's communication number 381, dated December 9, 2014, was received into and made part of the record. He said this was a request to rezone the property located on the south side of Monte Vista Drive, west of Columbus Boulevard. He said the Zoning Examiner and staff recommend the authorization of R-2 zoning subject to certain conditions.

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

Erin Harris, Star Consulting of Arizona, stated she was the civil engineer on the project representing Cornerstone Homes. She stated they were agreeable to the proposed requirements/conditions.

It was moved by Council Member Fimbres, duly seconded, and passed by a voice vote of 6 to 0 (Council Member Kozachik absent/excused), to authorize the request for rezoning as recommended by the Zoning Examiner.

12. REAL PROPERTY: APPROVING A GOVERNMENT PROPERTY LEASE EXCISE TAX LEASE AGREEMENT WITH MICHAEL WATTIS, INC., AND A DEVELOPMENT AGREEMENT WITH MISTER CAR WASH INC., FOR THE BAPTIST CHURCH REDEVELOPMENT PROJECT

Mayor Rothschild announced City Manager's communication number 396, dated December 9, 2014, was received into and made part of the record. He asked the City Clerk to read Resolution 22326 by number and title only.

Michael Rankin, City Attorney, read into the record an addition to the Resolution. He said it was to reconfirm the legislative findings that the Mayor and Council had approved when the notice to proceed was issued regarding the statutory findings related to the independent analysis that justified the agreement approval. He said he added a new Section 2 to the Resolution which read that, "the legislative findings approved by the

Mayor and Council under Resolution 22313, on November 5, 2014, are approved and ratified and incorporated herein by this reference.”

Resolution No. 22326 relating to Development and Real Property; authorizing and approving the Development Agreement between the City of Tucson (City) and Car Wash Partners, Inc., DBA Mister Car Wash (Mister Car Wash), for the Baptist Church Redevelopment Project (Project); and the Government Property Lease Excise Tax (GPLET) Lease Agreement between the City and 222 Building, LLC, by Michael Wattis Inc., its Manager (Wattis), for the Project (Agreements).

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 Resolution. 22326, as amended.

13. CITY MAGISTRATES: APPOINTMENT OF CITY MAGISTRATES AND FIXING COMPENSATION

Mayor Rothschild announced City Manager's communication number 397, dated December 9, 2014, was received into and made part of the record. He asked the City Clerk to read Ordinance 11230 by number and title only.

Ordinance No. 11230 relating to City Magistrates; appointing Thomas J. Berning as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Vice Mayor Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Council Kozachik absent/excused), to pass and adopt Ordinance 11230, appointing Thomas J. Berning as City Magistrate of the City of Tucson.

Mayor Rothschild asked the City Clerk to read Ordinance 11229.

Ordinance No. 11229 relating to City Magistrates; appointing Susan Q. Shetter as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Vice Mayor Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Council Kozachik absent/excused), to pass and adopt Ordinance 11229, appointing Susan Q. Shetter as City Magistrate of the City of Tucson.

14. MAYOR AND COUNCIL: SELECTION OF VICE MAYOR

Mayor Rothschild announced City Manager's communication number 384, dated December 9, 2014, was received into and made part of the record. He asked the City Clerk to read Resolution 22321 by number and title only.

Resolution No. 22321 relating to the Vice Mayor of the Mayor and Council; selecting a Vice Mayor.

Council Member Scott thanked Vice Mayor Cunningham for setting a sterling example of what a Vice Mayor should be for the City of Tucson.

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 Resolution 22321, selecting Council Member Fimbres as Vice Mayor effective December 9, 2014.

Council Members Uhlich and Romero and Mayor Rothschild thanked Council Member Cunningham for his excellent service as Vice Mayor and welcomed Council Member Fimbres as the new Vice Mayor.

15. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 386, dated December 9, 2014, 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 Romero, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Kozachik absent/excused), to approve the appointments of Lieutenant-Colonel Gerald Peterson, (Ret) of the Military Officers Association of America, Tucson Chapter to the Veterans' Affair Committee (VAC), Celina D. Ramirez to the Commission on Disability Issues (CODI), and Daniel Matlick to the Downtown Links Citizens Advisory Committee (DLCAC).

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

There were none.

16. ADJOURNMENT: 6:30 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, December 16, 2014, 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 9th day of December 2014, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:agj:sn