



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decide what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Tuesdays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda. A member of the Mayor and Council may be present and participate in a meeting of the governing body by electronic attendance, subject to the conditions included in the Mayor and Council Rules and Regulations.

5:30 p.m. session [Order of business]

- Invocation and Pledge of Allegiance
- Presentations
- Summary of Current Events
- Liquor License Applications
- Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.

- Consent Agenda
- Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.
- Other Mayor and Council business as listed on the agenda for the meeting.

Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. www.tucsonaz.gov/agdocs

NOTICE TO PARENTS

Meetings of the Mayor and Council are audio and video recorded. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate. You and your child may also leave the Council Meeting at any time.

Persons who require an accommodation or materials in accessible format or require a foreign language interpreter or materials in a language other than English for this event, call 791-4213 or 791-2639 (TDD) at least five business days in advance.

PARTICIPATION BY THE PUBLIC

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name, whether you reside in the City of Tucson and whom you represent, before proceeding. Any person who is representing people other than themselves and is receiving compensation to influence an action by the Mayor & Council, shall, before speaking, identify themselves as a "retained speaker".
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web-Site, www.tucsonaz.gov.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. Please turn off or put in vibrate mode all pagers and cell phones.

Jonathan Rothschild – Mayor		Karin Uhlich – Vice Mayor	
<u>Council Members</u>			
Regina Romero	Ward 1	Karin Uhlich	Ward 3
Paul Cunningham	Ward 2	Shirley C. Scott	Ward 4
		Richard G. Fimbres	Ward 5
		Steve Kozachik	Ward 6

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639), FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to date information. Monday through Friday, 8:00 a.m. to 5:00p.m. (Holidays excepted). Live coverage of the meeting is cablecast on Tucson 12. In addition, replays of the meetings are cablecast on Tucson 12 as follows:

Wednesday – 9:00 p.m.

Thursday – 9:00 a.m.

Sundays – 9:00 a.m.



AVISO & AGENDA DE SESION REGULAR DEL ALCALDE Y CONCEJO

La Ciudad de Tucson tiene una forma de gobierno de gerente-concejo. Las políticas son fijadas por el Alcalde y Concejo, quienes son electos por el pueblo. Las políticas son puestas en práctica por el Gerente de la Ciudad, quien es nombrado por el Alcalde y Concejo. El Alcalde y Concejo deciden lo que se debe hacer; el Gerente de la Ciudad, operando por medio de todo el personal de la Ciudad, lo lleva a cabo.

SESIONES REGULARES DEL CONCEJO

El Alcalde y Concejo se reúnen usualmente los primeros cuatro días martes de cada mes, en el Salón del Alcalde y Concejo, Ayuntamiento, 255 W. Alameda, Tucson, Arizona. Un miembro del Alcalde y el Concilio puede ser presente y tomar parte en una reunión del consejo de administración por asistencia electrónica, sujeto a las condiciones incluidas en las Reglas de Alcalde y Concilio y Regulaciones.

Sesión de las 5:30 p.m. [Agenda]

- Invocación y Juramento a la Bandera
- Presentaciones
- Resumen de Temas de Actualidad
- Solicitudes de licencias de licor
- Convocación al Público. Los individuos pueden hablar hasta por tres minutos. La Convocación al Público se limitará a treinta minutos. Los ponentes pueden hablar de cualquier tema excepto los temas anunciados como Audiencia Pública.

- Aprobación de la Agenda
- Audiencias Públicas. Los individuos pueden hablar hasta por cinco minutos. Cada audiencia pública está limitada a una hora.
- Otros asuntos del Alcalde y Concejo listados en la agenda para la sesión.

Habrán copias de la agenda disponibles durante la reunión. Además, la agenda, así como los documentos de referencia, están disponibles en la oficina del Secretario del Ayuntamiento antes de cada sesión y en el sitio Internet de la Ciudad: www.tucsonaz.gov/agdocs

AVISO A LOS PADRES

Las reuniones del Alcalde y Concejo son grabadas en video y en audio. Si usted permite que su hijo(a) participe en la Reunión del Concejo, se hará una grabación. Puede usted ejercer su derecho a no consentir a ello no permitiendo participar a su hijo(a). Usted y su hijo(a) pueden irse de la Reunión del Concejo en cualquier momento.

Las personas que requieran acomodaciones o materiales en un formato accesible o que requieran un interprete de un idioma extranjero o materiales en un lenguaje que no sea inglés para este evento, hablen al 791-4213 o al 791-2639 (TDD) al menos cinco días laborables por adelantado.

PARTICIPACIÓN DEL PÚBLICO

Para dirigirse al Alcalde y Concejo:

- Llene una tarjeta de ponente y deposítela en la bandeja en el podio. Cuando sea reconocido, diga su nombre, si reside en la Ciudad de Tucson y a quién representa, antes de proceder. Cualquier persona que esté representando a personas aparte de sí mismo y esté recibiendo una compensación para influenciar una acción del Alcalde y Concejo, tiene que identificarse como “ponente contratado” antes de hablar.
- Presente sus comentarios por escrito al Alcalde y Concejo (a través del Secretario del Ayuntamiento) antes de y durante la reunión.
- Llame a la Línea del Alcalde y Concejo para Comentarios de Ciudadanos al 791-4700 o escriba al Sitio de Internet de la Ciudad, www.tucsonaz.gov/agdocs.

Las personas que asisten a la reunión deben observar las reglas de urbanidad, decoro y buena conducta, y abstenerse de comentarios impertinentes o difamatorios. La violación de esta regla resultará en que dichas personas sean excluidas de audiencias subsiguientes ante las autoridades. Por favor desconecte o use vibración en todos los *paggers* y teléfonos celulares.

Jonathan Rothschild – Alcalde

Karin Uhlich – Vicealcalde

Regina Romero Distrito 1
Paul Cunningham Distrito 2

Miembros del Concejo
Karin Uhlich Distrito 3
Shirley C. Scott Distrito 4

Richard G. Fimbres Distrito 5
Steve Kozachik Distrito 6

Pueden ocurrir modificaciones a la agenda hasta 24 horas antes de la sesión. Contacte al Secretario del Ayuntamiento al 791-4213 (TDD: 791-2639, FAX: 791-4017) INTERNET: www.tucsonaz.gov/agdocs, 9 piso, Ayuntamiento, 255 W. Alameda para información actualizada, de lunes a viernes, 8:00 a.m. a 5:00 p.m. [exceptuando días festivos]. Cobertura en vivo de la sesión es transmitida por cable en Tucson 12. Además, repeticiones de las reuniones se transmiten por cable en Tucson 12 como sigue: **Miércoles – 9:00 p.m. Jueves – 9:00 a.m. Domingos – 9:00a.m.**



MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting, which will be open to the public:

REGULAR AGENDA

TUESDAY, NOVEMBER 17, 2015 – 5:30 PM

MAYOR AND COUNCIL CHAMBERS

CITY HALL, 255 W. ALAMEDA, TUCSON, AZ

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Ed Eddingfield, First Southern Baptist Church

PLEDGE OF ALLEGIANCE - Mayor, Council and public in attendance

PRESENTATIONS

- a. Proclaiming November 2015 to be "American Diabetes Month"
- b. Presentation of Employee Recognition Certificate to Eduardo Fontes of Tucson Water
- c. Presentation of the League of Arizona Cities and Towns Legislative Friend Award to Representative Randall Friese, Legislative District 9

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager NOV17-15-421 CITY WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager NOV17-15-422 CITY WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager NOV17-15-437 CITY WIDE
- b. Liquor License Application(s)

New License(s)

- 1. Hooters, Ward 2
- 2. Orencios Ristorante-Terrazza, Ward 3
1765 E. River Rd. #131
Applicant: German Canez Borquez
Series 12, City 82-15
Action must be taken by: November 16, 2015

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

- 2. Tenx Cafe, Ward 3
2727 N. Fairview Ave.
Applicant: Theresa June Morse
Series 12, City 83-15
Action must be taken by: November 23, 2015

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

- 3. Best Western Hotel Tucson Airport, Ward 5
6801 S. Tucson Blvd.
Applicant: Kevin Arnold Kramber
Series 11, City 84-15
Action must be taken by: November 23, 2015

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. Ramada Inn & Suites Foothills, Ward 2
6944 E. Tanque Verde Rd.
Applicant: Kevin Arnold Kramber
Series 7, City 85-15
Action must be taken by: November 26, 2015

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. Congregation Anshei Israel, Ward 6
5550 E. 5th St.
Applicant: Robert V. Dietz
City T136-15
Date of Event: December 5, 2015
(Holiday Fun)

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

2. La Fiesta de Los Vaqueros, Ward 5
4801 S. 6th Ave.
Applicant: Gary G. Williams
City T137-15
Date of Event: February 20, 2016 - February 28, 2016
(Annual Tucson Rodeo)

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

3. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Mary Ann Confrey
City T138-15
Date of Event: December 4, 2015 - December 6, 2015
(Annual Luminaria Nights)

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

4. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Mary Ann Confrey
City T139-15
Date of Event: December 11, 2015 - December 13, 2015
(Annual Luminaria Nights)

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

5. BICAS, Ward 3
1122 N. Stone Ave.
Applicant: Matthew Justin Harmon
City T140-15
Date of Event: December 4, 2015 - December 5, 2015
(Art Auction Fundraiser)

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

6. System Coalition, Ward 6
33 S. 5th Ave.
Applicant: Cynthia Grace Smith
City T141-15
Date of Event: December 5, 2015
(Fundraiser)

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

7. Arthritis Foundation, Ward 6
900 S. Randolph Way
Applicant: Laura Rolfe
City T143-15
Date of Event: December 12, 2015
(Jingle Bell Run/Walk for Arthritis)

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

d. Agent Change/Acquisition of Control

1. Dorado Country Club, Ward 2
6601 E. Speedway Blvd.
Applicant: Kevin Arnold Kramber
Series 7, City AC23-15
Action must be taken by: November 23, 2015

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

2. Vudu Lounge, Ward 6
110/112 E. Congress St.
Applicant: Kevin Arnold Kramber
Series 6, City AC24-15
Action must be taken by: November 23, 2015

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

3. Zen, Ward 6
121 E. Congress St.
Applicant: Kevin Arnold Kramber
Series 6, City AC25-15
Action must be taken by: November 23, 2015

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)

6. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue within the jurisdiction of the Mayor and Council, except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker." 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."

7. CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

- a. APPROVAL OF MINUTES
 1. Report from City Manager NOV17-15-433 CITY WIDE
 2. Mayor and Council Regular Meeting Minutes of May 5, 2015
 3. Mayor and Council Study Session Legal Action Report and Summary Minutes of May 5, 2015

- b. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AWARD
 1. Report from City Manager NOV17-15-434 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 22492 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement (IGA) between the City of Tucson (City) and Pima County for the 2015 Department of Justice (DOJ) Edward Bryne Memorial Justice Assistance Grant (JAG) Program Award; and declaring an emergency.

- c. REAL ESTATE: SALE OF CITY-OWNED PROPERTY FOR THE EXPANSION OF THE PIMA COUNTY ANIMAL CARE CENTER (CONTINUED FROM THE MEETING OF OCTOBER 20, 2015)
 1. Report from City Manager NOV17-15-436 WARD 3
 2. Ordinance No. 11313 relating to Real Property; authorizing the sale of City-owned property located adjacent to the Pima County Animal Care Center to Pima County; and declaring an emergency.

- d. REAL PROPERTY: ACQUISITION OF RIGHT OF WAY FOR THE GRANT ROAD - PALO VERDE AVENUE TO VENICE PLACE IMPROVEMENT PROJECT
 - 1. Report from City Manager NOV17-15-428 WARDS 3 AND 6
 - 2. Resolution No. 22493 relating to Transportation and Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain rights of way and easements necessary for the Grant Road - Palo Verde Avenue to Venice Place Improvement Project; and declaring an emergency.

- e. GRANT AGREEMENT: WITH THE PIMA ASSOCIATION OF GOVERNMENTS FOR VARIOUS FEDERAL TRANSIT ADMINISTRATION GRANTS
 - 1. Report from City Manager NOV17-15-429 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22494 relating to Transportation; authorizing and approving the Grant Agreement between the City of Tucson (City) and the Pima Association of Governments (PAG) for Federal Transit Administration (FTA) Grants AZ-37-X016, AZ-37-X020, AZ-37-X021, and AZ-37-X023 and New Freedoms Grants AZ-57-X011, AZ-57-X015, AZ-57-X017 and AZ-57-X019 for Administrative Assistance; and declaring an emergency.

- f. INTERGOVERNMENTAL AGREEMENT: AMENDMENT 3 TO ADDENDUM 1 TO AGREEMENT WITH THE TOWN OF ORO VALLEY RELATING TO EFFLUENT AND RECLAIMED WATER
 - 1. Report from City Manager NOV17-15-426 OUTSIDE CITY
 - 2. Resolution No. 22495 relating to Water; authorizing and approving the execution of Amendment Number 3 to Addendum 1 to the Intergovernmental Agreements between the City of Tucson and the Town of Oro Valley relating to effluent and reclaimed water; and declaring an emergency.

- g. FINAL PLAT: (S15-026) PARK MODERN, LOTS 1 THROUGH 37
 - 1. Report from City Manager NOV17-15-440 WARD 3

The material on this item will be distributed as soon as it becomes available.

h. FINAL PLAT: (S15-041) VALDATA ADDITION, LOTS 1 AND 2

1. Report from City Manager NOV17-15-441 WARD 6

The material on this item will be distributed as soon as it becomes available.

8. PUBLIC HEARING: (C8-15-02) AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE RELATING TO FLEXIBLE LOT DEVELOPMENT

a. Report from City Manager NOV17-15-430 CITY WIDE

b. Hearing on proposed text amendments to the Unified Development Code relating to Flexible Lot Development.

c. Ordinance No. 11320 relating to Planning and Zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Section 8.7.3 and Administrative Manual, Section 2-06.5; and setting an effective date.

9. ZONING: (C9-15-05) BRAKE MASTERS – HOUGHTON TOWN CENTER, C-1 TO I-2, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

a. Report from City Manager NOV17-15-431 WARD 4

b. Report from Zoning Examiner dated October 16, 2015

c. Request to rezone property located in the interior of Houghton Town Center from C-1 to I-2 zoning. The applicant is Jim Egan, on behalf of the property owners, Heights Properties. The preliminary development plan is for a 5,000 square foot, eight bay automotive service center.

Land use policy direction for this area is provided by the *Esmond Station Area Plan* and *Plan Tucson*.

The Zoning Examiner and staff recommend approval of the I-2 zoning subject to certain conditions.

One written approval and zero written protests were received for this case prior to the Zoning Examiner's October 1, 2015 public hearing.

d. Ordinance No. 11321 relating to Zoning: amending zoning district boundaries located 250 feet south of Old Vail Road and 300 feet west of Houghton Road in case C9-15-05 - Brake Masters - Old Vail Road (Ward 4), C-1 to I-2; and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance.

10. ZONING: (C9-15-01) SELF STORAGE – 1ST AVENUE, R-3 TO C-1, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

- a. Report from City Manager NOV17-15-423 WARD 3
- b. Request to rezone property located on the east side of 1st Avenue, north of River Road from R-3 to C-1 zoning. The applicant is the Planning Center, on behalf of the property owners, First and River Storage LLP. The development package is for a 33,280 square foot, 16 foot tall single-story (with basement) self-storage facility to be integrated with the existing self-storage facility on the adjacent parcel to the south.

Land use policy direction for this area is provided by the *Catalina Foothills Subregional Plan* and *Plan Tucson*.

The Zoning Examiner and staff recommend the ordinance be adopted.

Two written approvals and three written protests were received for this case prior to the Zoning Examiner's October 1, 2015 public hearing. None of the protests lie within the 150 foot protest area resulting in a protest by area of zero percent in all directions. The protests generally allude to traffic noise.

- c. Ordinance No. 11319 relating to Zoning: amending zoning district boundaries in the area on the east side of 1st Avenue; approximately 800 feet north of River Road in case C9-15-01 - Self Storage - 1st Avenue, R-3 to C-1; and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance.

11. ZONING: (C9-08-05) MESQUITE VALLEY GROWERS – SPEEDWAY BOULEVARD, C-1 AND RX-2 TO C-2, ORDINANCE ADOPTION

- a. Report from City Manager NOV17-15-424 WARD 2
- b. Ordinance No. 11317 relating to Zoning: amending zoning district boundaries in the northwest corner of Speedway Boulevard and Maguire Avenue in case C9-08-05 - Mesquite Valley Growers - Speedway Boulevard, C-1 and RX-2 to C-2; and setting an effective date.

12. ZONING: (SE-15-59) VERIZON – GRADY AVENUE, RX-1 ZONE, WIRELESS COMMUNICATIONS FACILITY, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION

- a. Report from City Manager NOV17-15-425 WARD 2

The material on this item will be distributed as soon as it becomes available.

13. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY LOCATED ALONG HOUGHTON ROAD, SOUTH OF IRVINGTON ROAD

- a. Report from City Manager NOV17-15-432 WARD 4

The material on this item will be distributed as soon as it becomes available.

14. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT AMENDMENT: WITH THE OWNERS OF THE DESERT WILLOW RANCH PARCELS

- a. Report from City Manager NOV15-17-439 WARD 2 AND OUTSIDE CITY

The material on this item will be distributed as soon as it becomes available.

15. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE UNIVERSITY OF ARIZONA, NORTON SCHOOL OF RETAILING AND CONSUMER SCIENCES FOR REBATE MESSAGING STUDY (CONTINUED FROM THE MEETING OF OCTOBER 20, 2015)

- a. Report from City Manager NOV17-15-427 CITY WIDE
- b. Resolution No. 22481 relating to Intergovernmental Agreements; approving and authorizing Amendment No. 1 to the Intergovernmental Agreement (IGA) between the City of Tucson and the Arizona Board of Regents, University of Arizona, on behalf of the Norton School of Retailing and Consumer Sciences to expand an existing study of effective messages for rebate marketing; and declaring an emergency.

16. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY GENERAL AND SPECIAL ELECTIONS HELD NOVEMBER 3, 2015 (CONTINUED FROM THE MEETING OF NOVEMBER 9, 2015)

- a. Report from City Manager NOV17-15-435 CITY WIDE

The material on this item will be distributed as soon as it becomes available.

17. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager NOV17-15-438 CITY WIDE

There are no appointments in the report at this time.

18. ADJOURNMENT

- a. The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, December 8, 2015, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.