



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on February 5, 2013.

Date of Meeting: May 15, 2012

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 5:33 p.m., on Tuesday, May 15, 2012, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2 (arrived at 5:35 p.m.)
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Vice Mayor, Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Otis Brown, Siloam Freewill Baptist Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild, assisted by Council Members Fimbres and Uhlich and Tucson Parks Recreation Commission Members Andrea Altamirano, Doug Martin and Caroline Grey-Ganz, presented the 2012 Tucson Parks and Recreation Commission Awards to:
 - Rick Sterts and Doug Martin on “Bring Back the Splash” program;
 - the family of the late George Pettit for his tireless public service;
 - Beki Quintero for her dedication to the Peace Garden in the Sunnyside Neighborhood;
 - Karin Larkin for her outstanding service to La Madera Park;
 - Beth Lucas for her outstanding leadership in working with people with disabilities;
 - Robin McArdle-Landers for her dedication as the center supervisor of the Armory Center in downtown Tucson;
 - Bettina Boisclair for being an outstanding city employee in the KIDCO program.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 174, dated May 15, 2012, 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 Romero, Cunningham, Uhlich, Fimbres, and Vice Mayor 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 175, dated May 15, 2012, 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 Richard Miranda, 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 176, dated May 15, 2012, 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. QuikTrip #1476, Ward 2
8530 E. Broadway Blvd.
Applicant: Troy Charles DeVos
Series 10, City 29-12

Action must be taken by: June 2, 2012

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)

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

c. Special Event(s)

NOTE: There are no application(s) for special events scheduled for this meeting.

d. Agent Change/Acquisition of Control

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

It was moved by Vice Mayor Kozachik, 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.

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:

Laura Tabili	Robert Melvin	Robert Korych
Lorie Fernandez	Roy Warden	Fran Garcia
Ken Johnson	Keith Van Heyningen	Stuart Taylor
Barbara Lehmann		

Vice Mayor Kozachik requested that the City Manager present Ms. Tabili’s statement to the Citizens Task Force and the Mayor to the Pima Association of Governments.

Council Member Uhlich requested that the City Manager provide Mr. Korych’s information to the Tucson Greens Committee.

Council Member Uhlich requested that the City Manager direct staff to come up with a rough cost estimate for providing assistance to neighborhood associations with newsletters.

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 D

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 MAY15-12-182 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of November 9, 2011

b. FINANCE: LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA FOR IMPROVEMENTS TO THE WATER SYSTEM

1. Report from City Manager MAY15-12-186 CITY WIDE

2. Ordinance No. 10976 an Ordinance relating to Finance; authorizing the City of Tucson, Arizona, to borrow up to \$4,000,000 from the Water Infrastructure Finance Authority of Arizona; authorizing the execution and delivery of a Loan Agreement setting forth the terms of such loan and providing for the repayment thereof; pledging the net revenues of the City's Water System to the repayment thereof; and declaring an emergency.
- c. FINANCE: PROPOSED ISSUANCE OF WATER REVENUE SYSTEM OBLIGATIONS, SERIES 2012
1. Report from City Manager MAY15-12-188 CITY WIDE
 2. Ordinance No. 10977 an Ordinance relating to Finance: authorizing the Chief Financial Officer of City of Tucson, Arizona, to Cause the Sale and Execution and Delivery pursuant to an obligation indenture of not to exceed \$46,500,000 aggregate principal amount of Water System Revenue Obligations, Series 2012, evidencing proportionate interests of the holders thereof in installment payments of the purchase price to be paid by the City of Tucson, Arizona, pursuant to a Series 2012 City Purchase Agreement; authorizing the completion, execution and delivery with respect thereto of all agreements necessary or appropriate for financing of costs of acquiring improvements to the storage, treatment and distribution facilities of the Water System of the City and related financing costs including the delegation to the Chief Financial Officer of certain authority with respect thereto; authorizing the preparation and delivery of an official statement with respect to such Series 2012 Obligations; ordering the sale of such Series 2012 Obligations; authorizing the execution and delivery of continuing disclosure undertaking with respect to such Series 2012 Obligations; authorizing the Chief Financial Officer to expand all necessary funds therefore and declaring an emergency.
- d. INDUSTRIAL DEVELOPMENT AUTHORITY: APPOINTMENT TO THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF TUCSON
1. Report from City Manager MAY15-12-179 CITY WIDE
 2. Resolution No. 21895 relating to the Industrial Development Authority of the City of Tucson; appointing Judy Clinco to the Board of Directors for the unexpired portion of a six-year term expiring on March 12, 2013; and declaring an emergency.

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

8. PUBLIC HEARING: ZONING (C9-05-31) OLDOOZ DEVELOPMENT - MELPOMENE WAY, SR TO RX-2 - REACTIVATION, FIVE-YEAR TIME EXTENSION, CHANGE OF CONDITIONS, ORDINANCE ADOPTION AND AMENDING ORDINANCE 10508

Mayor Rothschild announced City Manager's communication number 177, dated May 15, 2012, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a request for a reactivation, a five-year time extension and change of conditions for property located on the west side of Melpomene Way, south of 22nd Street. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Frank Kemberling and Bob Sanford spoke in opposition to the Oldooz Development. They each expressed their individual concerns.

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

Mayor Rothschild asked the City Clerk to read Ordinance 10981 by number and title only.

Ordinance No. 10981 relating to zoning: amending Ordinance 10508 adopted March 18, 2008 and amending zoning district boundaries in the area located on the west side of Melpomene Way, south of 22nd Street in case C9-05-31, Oldooz Development, SR to RX-2; and extending the effective date.

Council Member Scott requested that the property development representative contact Frank Kimberling and Bob Sanford regarding their concerns.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10981.

9. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH PROPERTY OWNERS WITHIN THE HVF WEST ANNEXATION DISTRICT (CONTINUED FROM THE MEETING OF MAY 8, 2012)

Mayor Rothschild announced City Manager's communication number 193, dated May 15, 2012, was received into and made part of the record. He said this was a Pre-Annexation and Development Agreement with property owners within the HVF West Annexation District. He asked the City Clerk to read Resolution 21902 by number and title only.

Resolution No. 21902 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and HVF West, L.L.C. (HVF) for properties within the potential HVF Annexation District; and declaring an emergency.

Council Member Scott commented on the Pre-Annexation and Development Agreement. She said that it was another project being processed in compliance with Mayor and Council water policies.

Chris Avery, Assistant City Attorney, commented that the Pre-Annexation and Development Agreement (PADA) provided for a process to go through zoning to ensure that a petitioner could continue to run a facility in the manner they wished to run it. He said it was an effort on the City's part to continue the processes moving forward and minimize down time between an annexation and the approvals that come afterward.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 21902.

Council Member Kozachik asked staff how they would ensure that the City's groundwater was protected.

Mr. Avery responded that the recycling operation was dealing with the simple aluminum by-products of the recycling and was a relatively safe process and procedure.

Frank Bangs, HVF West, L.L.C. Representative, stated that one of the reasons they were seeking annexation and water was because they were doing an expansion with a new stormwater drainage management system and pavement of most of the property. He said they were limiting the possibility of groundwater and environmental contamination.

Resolution 21902 was passed and adopted by a roll call vote of 7 to 0.

10. ANNEXATION: VALENCIA CROSSING ANNEXATION DISTRICT, ORDINANCE ADOPTION

Mayor Rothschild announced that Items 10, 11 and 12 were being continued at the request of staff.

11. ZONING: (C15-12-01) VALENCIA CROSSING ANNEXATION DISTRICT, COUNTY CR-3, CB-2 AND CI-1 TO CITY R-1, C-2 AND I-1, CITY MANAGER REPORT, DIRECT ORDINANCE ADOPTION AND EXTENSION OF OVERLAY ZONES

Mayor Rothschild announced that Items 10, 11 and 12 were being continued at the request of staff.

12. ZONING: (C9-12-03) VALENCIA CROSSING, R-1, C-2 AND I-1 TO PLANNED AREA DEVELOPMENT (PAD) ZONE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced that Items 10, 11 and 12 were being continued at the request of staff.

21. REAL PROPERTY: APPROVING A PARKING AGREEMENT FOR PLAZA CENTRO GARAGE

(NOTE: This item was taken out of order)

Mayor Rothschild announced City Manager's communication number 187, dated May 15, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21901 by number and title only.

Resolution No. 21901 relating to development; approving and authorizing the execution of the Centro Garage Parking Agreement for the Plaza Centro Project between the City of Tucson and OT Kino, LLC; and declaring an emergency.

Michael Rankin, City Attorney, stated that the Mayor and Council had already received a replacement of page 3 of 9 which corrected paragraph 6. He also stated there was an additional change to paragraph 9 on page 4 of 9, that he wanted to read into the record. He stated it clarified that the maximum number of allocated spaces would not exceed one hundred eighty-nine spaces.

Mr. Rankin stated that the new section 9, first sentence now reads: "...also in conjunction with the annual review the ParkWise administrator (the administrator) after consultation with the developer may adjust (increase or decrease) the total allocated spaces not to exceed one hundred eighty-nine..."

It was moved by Vice Mayor Kozachik, duly seconded, to adopt the agreement with the corrections read into the record.

Council Member Uhlich commented with regard to ParkWise and the empowerment of the ParkWise administrator to negotiate and finalize rate adjustments during the term of the agreement. She asked if there was a way, with the party's concurrence, that the language allow for potential involvement, at different points, by the City Manager or the Mayor and Council in affirming the rates.

Council Member Uhlich said she had two issues given the recent history; the first was with ParkWise-whether it should stay in General Services or in Transportation; the second issue was at what level those things should be affirmed as they were re-negotiated over a period of time.

Mr. Rankin responded that with respect to the annual review and adjustments to the parking rates as described in the agreement, it left some responsibility with the ParkWise administrator. He said the parameters of how the prevailing rates were determined were established from the average of the existing rates for the covered parking spaces within the defined area. He said there was not a lot of room for the ParkWise administrator to just come up with a number; the number was based upon the rates charged in the defined area.

Mr. Rankin explained that the rates went through the process and were approved by the City Manager. He said in paragraph 11, if an agreement cannot be reached by a certain date each year, then ultimately it was the City Manager that made the decision by July 31st. He stated it was ultimately the City Manager that made the decision if the ParkWise administrator and the developer could not come to an agreement. He said the ParkWise administrator answered to the City Manager.

Council Member Uhlich asked who determined the rates charged in the defined area. She said she understood the benefits of having one individual responsible, but her concern was that it gave that one individual the empowerment to set rates and she was not comfortable with the degree of checks and balances. She said if one bad decision was made, it had huge financial implications and she would rather see concurrence with the finance department of someone else.

Mayor Rothschild asked for clarification on Mr. Rankin's explanation of the process.

Ron Lewis, General Services Department Director, also commented on and answered concerns from Council Members Uhlich, Romero, and Cunningham regarding the rates and contract of the developer.

Mr. Rankin suggested that in paragraph 11, where it referenced the administrator's rate determination and resulting change, if any, it currently read, "... if any shall be made and communicated in writing to the developer by June 1." He said staff could build into that so that it read, "...the administrator's rate determination and resulting change, if any, shall first be reviewed and approved by the City Manager and then be made and communicated to ..."

Resolution 21901, including the amendments read into the record, was passed and adopted by a roll call vote of 7 to 0.

13. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR WEEKDAY EVENING BUS SERVICE EXPANSION

Mayor Rothschild announced City Manager's communication number 195, dated May 15, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21899 by number and title only.

Resolution No. 21899 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 3 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Weekday Evening Bus Service Expansion for Fiscal Years 2012 and 2013; and declaring an emergency.

Discussion was held and comments were made by Council Members Uhlich, Cunningham, Vice Mayor Kozachik, and Mayor Rothschild regarding rates, Federal Transit Administration (FTA) funding, ownership of buses, and the cost to the City.

It was moved by Council Member Uhlich, duly seconded, to continue the RTA items on the agenda, Items 13-19, to the Mayor and Council meeting on May 22, 2012.

Vice Mayor Kozachik asked, if the Mayor and Council did not pass the agreements in a week's time, what opportunity was there for the RTA to re-adjust the formula, if any, before the summer.

Andrew Quigley, Assistant City Manager, responded that it would have to be brought up to the RTA at their September meeting and the City would not receive funding for expenditures made in FY 10-11, which was approximately \$19 million.

Discussion continued. Mayor Rothschild advised staff and the RTA to get answers to the Mayor and Council on their concerns before the next meeting.

(NOTE: Council Member Romero departed at 7:03 p.m.)

Kelly Gottschalk, Assistant City Manager/Chief Financial Officer, stated her goal was to have something done by the end of the fiscal year. She stated that currently, there was a negative cash balance in the mass transit fund of \$12.7 million and would get larger towards the end of the fiscal year. She said it would make the City's financial position look worse than what it really was.

The motion to continue the RTA items on the current agenda, Items 13-19, to the Mayor and Council meeting of May 22, 2012, was carried by a voice vote of 6 to 0 (Council Member Romero absent/excused).

14. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR WEEKDAY EVENING BUS SERVICE EXPANSION

(This item was continued to the Mayor and Council meeting of May 22, 2012.)

15. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE BUS FREQUENCY AND AREA EXPANSION PROJECT

(This item was continued to the Mayor and Council meeting of May 22, 2012.)

16. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR EXPRESS BUS SERVICE EXPANSION IMPROVEMENTS

(This item was continued to the Mayor and Council meeting of May 22, 2012.)

17. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE PROVISION OF FIXED-ROUTE TRANSIT SERVICE FOR DESIGNATED AREAS OF PIMA COUNTY

(This item was continued to the Mayor and Council meeting of May 22, 2012.)

18. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE PROVISION OF FIXED-ROUTE BUS SERVICE FOR DESIGNATED AREAS OF SOUTH TUCSON

(This item was continued to the Mayor and Council meeting of May 22, 2012.)

19. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR SUN VAN PARATRANSIT SERVICE

(This item was continued to the Mayor and Council meeting of May 22, 2012.)

20. PERSONNEL MATTERS: REAPPOINTMENT OF THE CITY ATTORNEY

Mayor Rothschild announced City Manager's communication number 194, dated May 15, 2012, was received into and made part of the record. He asked the City Clerk to read Ordinance 10983 by number and title only.

Ordinance No. 10983 relating to the City Attorney; appointing the City Attorney; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Romero absent/excused), to pass and adopt Ordinance 10983 appointing Michael Rankin as City Attorney.

21. REAL PROPERTY: APPROVING A PARKING AGREEMENT FOR PLAZA CENTRO GARAGE

(NOTE: This item was taken out of order and discussed after Item # 12.)

22. FINANCE: TENTATIVE ADOPTION OF FISCAL YEAR 2013 BUDGET

Mayor Rothschild announced City Manager's communication number 190, dated May 15, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21889 by number and title only.

Resolution No. 21889 relating to Finance; adopting a tentative budget for the 2013 Fiscal Year and fixing times and places, confirming time and place to conduct a public hearing on said budget, to adopt the final budget in a special meeting, to fix time and place to determine the primary and secondary tax levies for said fiscal year.

It was moved by Council Member Fimbres, duly seconded, to pass and adopt Resolution 21889.

Comments were made by Council Members Cunningham and Uhlich.

Resolution 21889 was passed and adopted by a roll call vote of 6 to 0 (Council Member Romero absent/excused).

23. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 180, dated May 15, 2012, was received into and made part of the record. He asked if there were any personal appointments to be made.

There were none.

24. ADJOURNMENT: 7:21 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on May 22, 2012, 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 15th day of May, 2012, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:slm:arf