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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on February 12, 2013.

Date of Meeting: May 22, 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 5:37 p.m., on Tuesday, May 22, 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
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
Suzanne Mesich	Assistant City Clerk

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Monsignor Tom Cahalene, Our Mother of Sorrows, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed May as “Better Hearing Month.”

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

Mayor Rothschild announced City Manager’s communication number 203, dated May 22, 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, and Fimbres. 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 204, dated May 22, 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.

No report was given.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Rothschild announced City Manager’s communication number 206, dated May 22, 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. Cost Plus World Market, Ward 3  
4380 N. Oracle Rd. #100  
Applicant: H.J. Lewkowitz  
Series 10S, City 25-12  
Action must be taken by: May 12, 2012

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

2. Enoteca Pizzeria Wine Bar, Ward 1  
58 W. Congress St.  
Applicant: Richard Charles Sabbagh  
Series 12, City 30-12  
Action must be taken by: June 8, 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)

1. Tucson Breakfast Lions Club, Ward 5  
4823 S. 6th Ave.  
Applicant: Wayne Francis Locke  
City T46-12  
Date of Event: June 22, 2012 - June 23, 2012  
(Fundraiser)

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

2. Tucson Museum of Art, Ward 1  
140 N. Main Ave.  
Applicant: Meagan Elizabeth Crain  
City T47-12  
Date of Event: June 15, 2012  
(Exhibition Opening Reception)

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

#### 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 applications 5b1 through 5b2 and 5c1 through 5c2 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:

Brent DeRaad	Ken Johnson	Mikki Niemi
Roger Score	Colby Henley	Jesse Daniels
Keith Van Heyningen	Ken Scoville	Roy Warden
Jessica Shuman		

Council Member Romero and Mayor Rothschild requested that the City Manager contact Mr. Daniels regarding his concerns.

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 M**

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 MAY22-12-205 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of December 5, 2011

Suzanne Mesich, Assistant City Clerk, stated that a correction was required to the minutes. The last sentence of the first paragraph on page 16 should be removed.

**b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE DOWNTOWN LINKS PROJECT**

1. Report from City Manager MAY22-12-197 WARDS 1, 5, AND 6

2. Resolution No. 21903 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 4 to the Intergovernmental Agreement for Transportation Funding between the City of Tucson and the Regional Transportation Authority (RTA) of Pima County for funding to begin design of the final segment of the Downtown Links Project from the intersection of Sixth Street/Church Avenue to Broadway Boulevard/Aviation Parkway; and declaring an emergency.

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

c. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE SILVERBELL ROAD - GORET ROAD TO GRANT ROAD PROJECT

1. Report from City Manager MAY22-12-198 WARD 1
2. Resolution No. 21904 relating to Intergovernmental Agreements; authoring and approving the Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson for implementation of the Silverbell Road: Goret Road to Grant Road Project; and declaring an emergency.

d. INTERGOVERNMENTAL AGREEMENT AMENDMENTS: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR IMPROVEMENTS TO HOUGHTON ROAD - BROADWAY BOULEVARD TO 22ND STREET AND A BRIDGE OVER THE UNION PACIFIC RAILROAD

1. Report from City Manager MAY22-12-199 WARDS 2 AND 4
2. Resolution No. 21905 relating to Intergovernmental Agreements; authorizing and approving Amendment No. 6 to the Intergovernmental Agreement for Transportation Funding between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for improvements to Houghton Road: Broadway to 22nd; authorizing and approving Amendment No. 7 to the Intergovernmental Agreement for Transportation Funding between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for improvements to Houghton Road: design of a new bridge over the Union Pacific Railroad; and declaring an emergency.

e. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE KOLB ROAD EXTENSION TO SABINO CANYON ROAD IMPROVEMENT PROJECT

1. Report from City Manager MAY22-12-200 WARD 2

2. Resolution No. 21906 relating to Intergovernmental Agreements; authorizing and approving Amendment No. 3 to the Intergovernmental Agreement for Transportation Funding between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for funding Phase 2 of the Kolb Road Extension to Sabino Canyon Road Improvement Project; and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Kozachik.)

f. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE GRANT ROAD - STONE AVENUE TO PARK AVENUE PROJECT

1. Report from City Manager MAY22-12-202 WARD 3
2. Resolution No. 21907 relating to Intergovernmental Agreements (IGA); authorizing and approving the Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for implementation of the Grant Road: Stone Avenue to Park Avenue Project; and declaring an emergency.

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

g. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR WEEKDAY EVENING BUS SERVICE EXPANSION (CONTINUED FROM THE MEETING OF MAY 15, 2012)

1. Report from City Manager MAY22-12-211 CITY WIDE AND OUTSIDE CITY
2. 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.

(This item was considered separately at the request of Vice Mayor Kozachik.)

h. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE WEEKEND BUS SERVICE EXPANSION PROJECT (CONTINUED FROM THE MEETING OF MAY 15, 2012)

1. Report from City Manager MAY22-12-212 CITY WIDE AND OUTSIDE CITY

2. Resolution No. 21897 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 Weekend Evening Bus Service Expansion for Fiscal Years 2012 and 2013; and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Kozachik)

i. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE BUS FREQUENCY AND AREA EXPANSION PROJECT (CONTINUED FROM THE MEETING OF MAY 15, 2012)

1. Report from City Manager MAY22-12-213 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 21898 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 Bus Frequency and Area Expansion (Overcrowding Relief-Plugs) and Improvements for Fiscal Years 2012 and 2013; and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Kozachik.)

j. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR EXPRESS BUS SERVICE EXPANSION IMPROVEMENTS (CONTINUED FROM THE MEETING OF MAY 15, 2012)

1. Report from City Manager MAY22-12-214 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 21896 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. 3 to the Intergovernmental Agreement between the Regional Transportation Authority of Pima County and the City of Tucson for Regional Transit Service Improvements: Project 49 - Express Bus Service Expansion Improvements; and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Kozachik.)

k. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE PROVISION OF FIXED-ROUTE TRANSIT SERVICE FOR DESIGNATED AREAS OF PIMA COUNTY (CONTINUED FROM THE MEETING OF MAY 15, 2012)

1. Report from City Manager MAY22-12-215 OUTSIDE CITY
2. Resolution No. 21900 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the City of Tucson and Regional Transportation Authority of Pima County (RTA) for the provision of Fixed-Route Transit Service (Sun Tran) for Designated Areas of Pima County for Fiscal Years 2011 through 2013, and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Kozachik.)

l. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE PROVISION OF FIXED-ROUTE BUS SERVICE FOR DESIGNATED AREAS OF SOUTH TUCSON (CONTINUED FROM THE MEETING OF MAY 15, 2012)

1. Report from City Manager MAY22-12-216 OUTSIDE CITY
2. Resolution No. 21894 relating to Intergovernmental Agreements; approving and authorizing the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the provision of Fixed-Route Bus Service (Sun Tran) for Designated Areas of South Tucson for Fiscal Years 2011 through 2013, and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Kozachik.)

m. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR SUN VAN PARATRANSIT SERVICE (CONTINUED FROM THE MEETING OF MAY 15, 2012)

1. Report from City Manager MAY22-12-217 CITY WIDE AND OUTSIDE CITY

2. Resolution No. 21893 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement for transportation funding between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the provision of Regional Transit Service Improvements Project 47 - Special Needs Transit for Elderly and Disabled Citizens - Sun Van Paratransit Service for Fiscal Years 2011 through 2013; and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Kozachik.)

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 – m, including the correction to item a, and with the exception of items b, e – m, which were considered separately, be passed and adopted and the proper action taken.

## **7. CONSENT AGENDA – ITEM B**

### **b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE DOWNTOWN LINKS PROJECT**

1. Report from City Manager MAY22-12-197 WARDS 1, 5, AND 6
2. Resolution No. 21903 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 4 to the Intergovernmental Agreement for Transportation Funding between the City of Tucson and the Regional Transportation Authority (RTA) of Pima County for funding to begin design of the final segment of the Downtown Links Project from the intersection of Sixth Street/Church Avenue to Broadway Boulevard/Aviation Parkway; and declaring an emergency.

Mayor Rothschild announced that the first item to be considered separately was Consent Agenda Item b at the request of Council Member Romero.

Council Member Romero spoke about her concerns regarding the alignments of the Downtown Links project, specifically Dunbar Springs Neighborhood and West University Neighborhood Association (WUNA) through Ninth and Seventh Avenues. She stated that a value analysis study was done and she did not want the cost savings that were suggested to impact the bike and pedestrian connections between the neighborhoods. She asked if any changes were made to the alignment due to the value analysis.

Andrew McGovern, Transportation Department Engineer Manager, commented on the alignment and stated public input would be sought.

Council Member Romero reiterated that public input would continue to be sought in the design element.

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

**7. CONSENT AGENDA – ITEM E**

e. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE KOLB ROAD EXTENSION TO SABINO CANYON ROAD IMPROVEMENT PROJECT

1. Report from City Manager MAY22-12-200 WARD 2
2. Resolution No. 21906 relating to Intergovernmental Agreements; authorizing and approving Amendment No. 3 to the Intergovernmental Agreement for Transportation Funding between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for funding Phase 2 of the Kolb Road Extension to Sabino Canyon Road Improvement Project; and declaring an emergency.

Mayor Rothschild announced that the next item to be considered separately was Consent Agenda Item b at the request of Vice Mayor Kozachik.

Vice Mayor Kozachik stated that the Regional Transportation Authority (RTA) held a technical management committee meeting on the history of the Kolb Road project and identified a series of steps that they went through to get a cost proposal. He said the RTA hired HDR Engineering to prepare the initial cost for the ballot, the plan, and to fine tune those they hired URS Corporation.

Vice Mayor Kozachik commented that URS came up with a \$10 million project cost and what appeared on the ballot was a \$9.1 million cost. He said in the Mayor and Council material it indicated that there was another \$11 million added to the fund. He asked for an explanation of what the substantial change in the cost was that appeared in the ballot.

Jim DeGrood, Regional Transportation Authority Transportation Services Director said the cost, as he understood it, was associated with expanding the landfill. He said he believed that in the original cost estimate it was not considered that the landfill be extended underneath the roadway alignment that was being considered. When it was noted, RTA requested additional funds through Pima Association of Governments (PAG) and \$11.6 million of additional funds were brought to the project.

Vice Mayor Kozachik was asked whether a National Environmental Policy Act (NEPA) study was required.

Mr. DeGrood confirmed that it was required.

Andrew McGovern, Transportation Department Engineering Manager, said they were in the NEPA process and completed all of the public hearings and were now in the individual studies, biology, hazardous materials. He said they expected the environmental clearance to be approved by the end of the calendar year.

Vice Mayor Kozachik said that in the RTA plan there were four elements; roadway improvement, safety, environmental and transit. He said roadway improvements were \$1.2 billion of the RTA plan, despite the 100% cost increase, he asked the City Attorney, in terms for the ballot for that one element, did the City have to go back to voters for a \$120 million cost estimate, not a single project.

Michael Rankin, City Attorney, responded that the requirement for an amendment to the approved plan is based on a substantial change to an element not to an individual project.

Vice Mayor Kozachik said that when asked, the Mayor and Council were given an update on RTA projects with current engineering estimates. He said in the roadway element, there were thirty-five projects, seven had current cost estimates, and the combined total of those cost estimates were \$241 million over what appeared on the ballot for that one element. He said Subsection d of the Plan called for the Board of Supervisors to reconsider the element if there was a ten percent cost increase in one element. He said there was a twenty percent cost increase in this element.

Mr. Rankin said that increase would trigger the reconsideration plan or the submission for voter approval to the RTP if there was an increase cost to the RTA.

Vice Mayor Kozachik said he was not asking for the element to be reconsidered on the ballot but was suggesting that the Mayor and Council not approve the Kolb project until answers from PAG, as to what their plans were to pull these things back into budget, were received. He commented that this was one project of thirty-five, and based on those cost estimates, they were blowing a hole in the budget already for that one element.

Mr. DeGrood replied that two and a half years ago this very issue was discussed and explained that the RTA did such as a project review, identified project costs, implemented a project charter and began a value analysis program.

Vice Mayor Kozachik said he watched the 2005 Mayor and Council hearing where value engineering was discussed. He said the discussion focused on citizen input into these elements. What was beginning to happen when citizen input was given and a hole gets blown in the budget, the first thing that gets cut from the projects were some of the elements that the citizens said were the most important to them. He said seven of the

thirty-five projects in the roadway element were the only ones that had current engineering cost estimates and they were \$241 million over what appeared in the ballot. This alone should trigger Subsection d of the *Plan*.

It was moved by Vice Mayor Kozachik, duly seconded that Mayor and Council not move forward with the Kolb Road project until PAG responded on what their plans were with respect to bringing things back into budget without value engineering out the things that seemed to matter the most to the community.

Mayor Rothschild asked if Amendment #3 being considering at the evening's meeting regarding the Kolb Road project was for an intergovernmental agreement to be signed to allow the RTA to receive \$1.4 million which also allowed them to get 5.7% matching federal funds. He asked staff to confirm that the RTA project did not require a local match, and the project was being designed to fit within the allotted budget.

Andrew Quigley, Assistant City Manager, responded affirmatively and that the memorandum correctly identified what was being set aside for this phase of the project. He said this was not the entire project; it was just the next phase.

Council Member Uhlich and Vice Mayor Kozachik asked what happened if the roadway was not constructed, did the City have to reimburse the RTA. Council Member Uhlich said she believed that was part of the stipulation in multi-layered governance.

Mr. Quigley said the City was the lead agency, and if the lead agency did not construct the roadway, then the RTA could construct it.

Mayor Rothschild asked the City Attorney if there was a reimbursement requirement.

Mr. Rankin said he did not recall.

Council Member Uhlich said that is something she wanted to get answered before the Mayor and Council approved any further design work.

Council Member Scott asked what happens to the money if the design work was not completed.

Mr. Quigley said as he currently understood the motion, any further design work was being deferred until staff could get more information to the Mayor and Council to outline all of the options. He said at some point the project would go forward and someone else, the RTA or Pima County, could become the lead agency and spend the allocation.

Mayor Rothschild reiterated the motion that the Mayor and Council not approve the project until PAG answers the question posed by Vice Mayor Kozachik regarding the \$241 million.

Council Member Cunningham reiterated his understanding of the motion and explained the reason as to why he seconded the motion.

Council Member Scott asked if there was a consequence or ripple affect by delaying the project and was there a time constraint based on the fact that federal funds were involved.

Mr. DeGrood responded he did not have the answer and had to get back to the Mayor and Council. He said the funds were in the program for 2015 and if there was no movement, regionally, they would discuss what to do with the funds.

Mayor Rothschild asked if Vice Mayor Kozachik's motion was defeated and they approved the \$1.5 million, was there still adequate time to address the questions posed by the Council.

Mr. DeGrood responded absolutely. He said there were a lot of potential stop points going forward and all this did was make available the remaining funds the RTA had on the project.

Council Member Romero said that on page 2 of 3 of Exhibit D, the total project by funding source was listed under Item 18. She asked what the \$11.75 million of non-RTA funds were and if the City had any funding contribution to the project.

Mr. McGovern stated they were PAG funds identified through the PAG TIP process. He said the City had no funding contribution to the project.

The motion to not move forward with the Kolb Road project until PAG responded on what their plans were with respect to bringing things back into budget without value engineering out the things that seemed to matter the most to the community was passed by a roll vote of 4 to 3 (Council Members Scott and Fimbres and Mayor Rothschild dissenting).

## **7. CONSENT AGENDA – ITEM F**

### **f. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE GRANT ROAD - STONE AVENUE TO PARK AVENUE PROJECT**

1. Report from City Manager MAY22-12-202 WARD 3
2. Resolution No. 21907 relating to Intergovernmental Agreements (IGA); authorizing and approving the Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for implementation of the Grant Road: Stone Avenue to Park Avenue Project; and declaring an emergency.

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

Mayor Rothschild announced the next item to be considered separately was Consent Agenda Item f at the request of Council Member Uhlich.

Council Member Uhlich stated that on Exhibit A on page 2, it indicated that recommendations made by the 2011 Value Analysis Study would be considered by the Design Team and implemented where appropriate. She asked who the Design Team was and what was the formal process for authorization.

Andrew McGovern, Department of Transportation Engineering Manager, responded that the Design Team had not been selected, but a request for qualifications had been prepared to be advertised through the Procurement Office. He said the Design Team would consist of a team of consultants along with City staff. Part of their contract would be to review each of the value analysis proposals and recommendations ultimately ending up with a deliverable that was a report for public consumption, the Mayor and Council and the Regional Transportation Authority (RTA) that looked at each of those recommendations.

Mr. McGovern stated that during the process, the City would also convene the citizen's task force for Grant Road to discuss these measures with them, with the ultimate decision whether or not to implement them would fall on the Director of Transportation after consultation with the appropriate management staff.

Council Member Uhlich stated her reasons for asking the question. She stated that she was not comfortable with having the Task Force lay out the plan for the roadway because of the intricacies regarding the project. She asked at what point was the City "on the hook" for costs associated with the project.

Mr. McGovern stated the City was obligated through the agreement with the RTA to contribute a proportionate share of local matching funds, \$6 million in total, in the case of Grant Road at the time of each segment. He said they currently opened bids for Project One of the Grant Road/Oracle Road project and the City had to deliver approximately \$1.2 million of Central District Impact Fee Funds which were currently budgeted. He also explained the next phase of the project and what the impact was for the budget.

Council Member Uhlich asked that, as the project proceeded and all funding was expended, could a decision be made to eliminate a segment.

Mr. McGovern stated that he could not answer the question at that time. However, as the project proceeded, the City would be aware of where they stood against the RTA numbers.

Discussion continued.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Item f be passed and adopted with the amendment to Exhibit A to the IGA on page 2, Section 10, the last sentence should include with the concurrence of the Mayor and Council with regard to implementing recommendations from the 2011 Value Analysis Study.

**7. CONSENT AGENDA – ITEM G -M**

g. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR WEEKDAY EVENING BUS SERVICE EXPANSION (CONTINUED FROM THE MEETING OF MAY 15, 2012)

1. Report from City Manager MAY22-12-211 CITY WIDE AND OUTSIDE CITY
2. 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.

(This item was considered separately at the request of Vice Mayor Kozachik)

Mayor Rothschild announced the next item to be considered separately was Consent Agenda Item g at the request of Vice Mayor Kozachik.

Vice Mayor Kozachik stated if there were no objections from the Mayor and Council, Consent Agenda Items g – m could be considered together as they all dealt with the same issue. He said the issue was with respect to the Preventative Maintenance allocations.

h. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE WEEKEND BUS SERVICE EXPANSION PROJECT (CONTINUED FROM THE MEETING OF MAY 15, 2012)

1. Report from City Manager MAY22-12-212 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 21897 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 Weekend Evening Bus Service Expansion for Fiscal Years 2012 and 2013; and declaring an emergency.

- i. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE BUS FREQUENCY AND AREA EXPANSION PROJECT (CONTINUED FROM THE MEETING OF MAY 15, 2012)
  - 1. Report from City Manager MAY22-12-213 CITY WIDE AND OUTSIDE CITY
  - 2. Resolution No. 21898 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 Bus Frequency and Area Expansion (Overcrowding Relief-Plugs) and Improvements for Fiscal Years 2012 and 2013; and declaring an emergency.
  
- j. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR EXPRESS BUS SERVICE EXPANSION IMPROVEMENTS (CONTINUED FROM THE MEETING OF MAY 15, 2012)
  - 1. Report from City Manager MAY22-12-214 CITY WIDE AND OUTSIDE CITY
  - 2. Resolution No. 21896 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. 3 to the Intergovernmental Agreement between the Regional Transportation Authority of Pima County and the City of Tucson for Regional Transit Service Improvements: Project 49 - Express Bus Service Expansion Improvements; and declaring an emergency.
  
- k. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE PROVISION OF FIXED-ROUTE TRANSIT SERVICE FOR DESIGNATED AREAS OF PIMA COUNTY (CONTINUED FROM THE MEETING OF MAY 15, 2012)
  - 1. Report from City Manager MAY22-12-215 OUTSIDE CITY
  - 2. Resolution No. 21900 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the City of Tucson and Regional Transportation Authority of Pima County (RTA) for the provision of Fixed-Route Transit Service (Sun Tran) for Designated Areas of Pima County for Fiscal Years 2011 through 2013, and declaring an emergency.

1. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE PROVISION OF FIXED-ROUTE BUS SERVICE FOR DESIGNATED AREAS OF SOUTH TUCSON (CONTINUED FROM THE MEETING OF MAY 15, 2012)
  1. Report from City Manager MAY22-12-216 OUTSIDE CITY
  2. Resolution No. 21894 relating to Intergovernmental Agreements; approving and authorizing the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the provision of Fixed-Route Bus Service (Sun Tran) for Designated Areas of South Tucson for Fiscal Years 2011 through 2013, and declaring an emergency.
  
- m. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR SUN VAN PARATRANSIT SERVICE (CONTINUED FROM THE MEETING OF MAY 15, 2012)
  1. Report from City Manager MAY22-12-217 CITY WIDE AND OUTSIDE CITY
  2. Resolution No. 21893 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement for transportation funding between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the provision of Regional Transit Service Improvements Project 47 - Special Needs Transit for Elderly and Disabled Citizens - Sun Van Paratransit Service for Fiscal Years 2011 through 2013; and declaring an emergency.

Vice Mayor Kozachik stated his reasoning for wanting to consider the items separately and said that we are charging the RTA for Preventative Maintenance (PM) and the fully loaded costs to the extent that we give it back to the RTA with the new formula, it was a wash to the RTA and a cost to the City.

George Caria, Department of Transportation Transit Administrator, responded that if you looked at the PM grant monies, it was a formula for the entire region and in fairness the RTA received a credit because they were regional formula funds. He said in the City's regular PM, bus part cost, etc., and the City received 23% of the service back.

Mayor Rothschild said in Fiscal Year 2012, \$5.5 million was budgeted for PM and the following year an additional five hundred thousand would be added. He said for the current year, the RTA credit was to be \$1.2 million for PM and next year it would go up by about seventy thousand dollars and, for the City, five hundred thousand dollars. He said he wanted to make sure he understood it correctly that, at least in the past, the same

credit was being given to both Pima County and South Tucson (half of the \$1.2 million). He said there were other items listed such as weekday, weekend, plugs and express. He asked if those were also things where credits were given before giving to other agencies.

Mr. Caria stated that historically those had always been given to South Tucson and Pima County.

Council Member Uhlich spoke about shared Federal Transit Authority (FTA) resources with RTA on mass transit and its effects on the City's budget. She asked if the RTA covered its proportionate share of any liability and insurance costs in the transit system and depreciation.

Mr. Caria stated that there were twenty to twenty-five percent costs back to the City. He said, as far as depreciation, there was no way to track that information back and forth.

Discussion continued

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 5 to 2 (Council Member Uhlich and Vice Mayor Kozachik dissenting), that Consent Agenda Items g – m be passed and adopted and the proper action taken.

**8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 27) RELATING TO AN INCREASE IN WATER RATES**

Mayor Rothschild announced City Manager's communication number 210, dated May 22, 2012, was received into and made part of the record. He said this was the time and place legally advertised for a public hearing on the proposed increase in water rates. He staff wanted to make a brief statement before beginning the public hearing.

Sandy Elder, Tucson Water Interim Director, gave a brief presentation explaining the process used and the proposed increase in water rates.

Mayor Rothschild announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Mikki Niemi spoke in opposition to the rate increase.

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

Mayor Rothschild asked the City Clerk to read Ordinance 10987 by number and title only.

Ordinance No. 10987 relating to Water; amending certain portions of the Tucson Code, Chapter 27, Water, Article II, Rates and Charges; Section 27-32.1, Monthly

Reclaimed Water Service Charges; Section 27-33, Monthly Potable Water Service Charges; Section 27-34, Charges for Fire Protection Service; and setting an effective date.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10987, Option B.

Council Member Uhlich asked Mr. Elder and the Citizen's Water Advisory Council to consider the feasibility of an urban agriculture rate or if there was another rate category that applied.

**9. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 15) RELATING TO ENVIRONMENTAL SERVICE'S LONG TERM FINANCIAL SUSTAINABILITY PLAN, INCLUDING FEE CHANGES TO COMMERCIAL AND HOUSEHOLD HAZARDOUS WASTE SPECIAL COLLECTION EVENTS**

Mayor Rothschild announced City Manager's communication number 209, dated May 22, 2012, was received into and made part of the record. He said this was the time and place legally advertised on a review of Chapter 15 Code Revisions relating to Environmental Services Long Term Financial Sustainability Plan. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Nancy Peterson, Environmental Services Department Interim Director, gave a brief presentation regarding the proposed changes.

Margot Garcia, Environmental Services Advisory Committee (ESAC) Chair, spoke in support of the proposed changes and referred to the letter submitted by ESAC to the Mayor and Council.

It was moved by Council Member Scott, 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 10986 by number and title only.

Ordinance No. 10986 relating to Environmental Services; amending Chapter 15 of the Tucson City Code; amending existing fees and services and updating a cost of service plan in regards to commercial, residential refuse collection, disposal and groundwater protection by amending Tucson Code Sections 15-10.1, 15-16.1, 15-16.6, 15-31.1, adding Sections 15-31.4, 15-31.5, 15-31.6, 15-31.7, 15-31.8, 15-31.9, amending Sections 15-32.2, 15-32.5, 15-33.1, 15-33.2, 15-34.3, 15-34.6, 15-34.7, 15-34.8, 15-36, 15-70, and 15-70.1; and setting an effective date.

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 10986.

**10. ANNEXATION: VALENCIA CROSSING ANNEXATION DISTRICT, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF MAY 15, 2012)**

Mayor Rothschild announced City Manager's communication number 208, dated May 22, 2012, was received into and made part of the record. He asked the City Clerk to read Ordinance 10988 by number and title only.

Ordinance No. 10988 relating to Annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing thereto the Valencia Crossing Annexation District property in the vicinity of Valencia Road and Interstate 10, more particularly described in the body of this Ordinance; and establishing original City zoning classifications for the annexation area.

Discussion was held.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10988.

Michael Rankin, City Attorney, clarified for the record that the map attached to the Mayor and Council Communication was incorrect; the map attached to the Ordinance and delivered with the agenda was correct.

**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 (CONTINUED FROM THE MEETING OF MAY 15, 2012)**

Mayor Rothschild announced City Manager's communication number 218, dated May 22, 2012, was received into and made part of the record. He said this was a request to establish original City zoning for property located near Interstate 10 and Valencia Road interchange and extending applicable overlay zones. He said the Zoning Examiner and staff recommend authorization of the rezoning.

Mayor Rothschild asked the City Clerk to read Ordinance 10982 by number and title only.

Ordinance No. 10982 relating to zoning: establishing original City zoning in the area located near the Interstate 10 and Valencia Road Interchange in case C15-12-01, Valencia Crossing Annexation District, Pima County CR-3, CB-2 and CI-1 to City of Tucson R-1, C-2 and I-1, extending overlay zones; and setting an effective date.

Council Member Fimbres asked staff if there was anyone who attended the Zoning Examiner hearing that was opposed to the rezoning. He also asked what happened to Pima County zoning.

Linus Kafka, Zoning Examiner, responded that no one was opposed to the zoning request.

Chris Avery, Assistant City Attorney, responded that for the County parcels, a hearing was also held with the Zoning Examiner. He said those County parcels were currently zoned CI-1 which translated to City I-1 Zoning and would be brought back to the Mayor and Council at a future 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 for rezoning as recommended by the Zoning Examiner and pass and adopt Ordinance 10982.

**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 (CONTINUED FROM THE MEETING OF MAY 15, 2012)**

Mayor Rothschild announced City Manager's communication number 219, dated May 22, 2012, was received into and made part of the record. He said this was a request to rezone property at the Valencia Road and I-10 interchange. He said the Zoning Examiner and staff recommend approval subject to certain conditions. He asked if the applicant or representative was present and agreeable to the proposed requirements.

Michael Grassinger, The Planning Center, stated they were agreeable to the proposed requirements and conditions.

Mayor Rothschild asked the City Clerk to read Ordinance 10984 by number and title only.

Ordinance No. 10984 relating to zoning: amending zoning district boundaries in the area located at the Valencia Road and Interstate 10 interchange in case C9-12-03 Valencia Crossing, R-1, C-2 and I-1 to Planned Area Development (PAD) zone; and setting an effective date.

Council Member Fimbres asked if City staff had been in contact with Pima County regarding this annexation.

Byron Howard, Special Projects Coordinator, stated that per State law the City was required to contact Pima County. This was done both verbally and in writing. He said, additionally, all other notifications as required by law were made.

Ernie Duarte, Planning and Development Services Director, stated that Pima County had reviewed and commented on the PAD proposal. Several of their comments were taken into consideration in the final proposal, particularly regarding areas along the Julian Wash.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request for rezoning as recommended by the Zoning Examiner and pass and adopt Ordinance 10984.

**13. ZONING: (C9-12-02) AUTO ZONE – IRVINGTON ROAD, O-3 AND C-2 TO C-1, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager's communication number 201, dated May 22, 2012, was received into and made part of the record. He said this was a request to rezone the property at the southeast corner of Irvington Road and 13th Avenue. He said the Zoning Examiner and staff recommend approval subject to certain conditions. He asked if the applicant or a representative were present and if they were agreeable to the proposed requirements.

Zach Hilgart, Hilgart Wilson, stated he was in agreement with the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 10985 by number and title only.

Ordinance No. 10985 relating to Zoning: amending zoning district boundaries in the area of the southeast corner of Irvington Road and Thirteenth Avenue in case C9-12-02 Auto Zone - Irvington Road, C-2 and O-3 to C-1; and setting an effective date.

It was moved by Council Member Romero, 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 10985.

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

Mayor Rothschild announced City Manager's communication number 207, dated May 22, 2012, 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 Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Jim Ross representing the Tucson Veteran Home, to the Veterans' Affairs Committee (VAC).

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

Council Member Romero announced her personal appointment(s) of Kim Patten to the Planning Commission (PC).

**15. ADJOURNMENT: 7:43 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, June 5, 2012, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 22nd day of May 2012, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:rg:yl