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# Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on November 6, 2013.

Date of Meeting: May 14, 2013

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 5:35 p.m., on Tuesday, May 14, 2013, all members having been notified of the time and place thereof.

## 1. ROLL CALL

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

Present:

Regina Romero  
Paul Cunningham  
Karin Uhlich  
Shirley C. Scott  
Richard G. Fimbres  
Steve Kozachik  
Jonathan Rothschild

Vice Mayor, Council Member Ward 1  
Council Member Ward 2  
Council Member Ward 3  
Council Member Ward 4  
Council Member Ward 5  
Council Member Ward 6  
Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda  
Michael Rankin  
Roger W. Randolph

City Manager  
City Attorney  
City Clerk

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor Mark Parsons, New Life Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild presented Steve Anderson, Susan Basford, Madonna Felix, Beth Hannon and Goodwill’s “Good Futures Program”, Carl Stoekel and “Be Positive Tucson”, Richard Polowski, Ann Andrews and “Friends of the Reed Rose Garden”, Joseph Robinson, the Tucson Audubon Society, the Tucson Trust for Historic Preservation, Friends of Tucson’s Birthplace, The University of Arizona Alpha Epsilon Pi Fraternity, and Atria Senior Living with the Tucson Parks and Recreation Commissions Award.

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

Mayor Rothschild announced City Manager’s communication number 165, dated May 14, 2013, 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 Cunningham, Fimbres, and Kozachik. A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

**4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Rothschild announced City Manager’s communication number 164, dated May 14, 2013, 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 170, dated May 14, 2013, 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)

NOTE: There are no application(s) for new licenses scheduled for this meeting.

Person Transfer(s)

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

c. Special Event(s)

1. Southern Arizona Roadrunners, Ward 6  
200 S. 6th Ave.  
Applicant: Randy Accetta  
City T62-13  
Date of Event: June 1, 2013  
(Fundraiser)

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

2. Tucson Breakfast Lions Club, Ward 5  
4823 S. 6th Ave.  
Applicant: Wayne Francis Locke  
City T63-13  
Date of Event: June 21, 2013 - June 22, 2013  
(Fundraiser)

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

3. 2nd Saturdays, Inc., Ward 6  
110 E. Pennington St.  
Applicant: Fletcher F. McCusker  
City T65-13  
Date of Event: June 8, 2013  
(Music Festival)

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 Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5c1 through 5c3 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:

Suzanne Schafer	Rhonda K. Swineford	Ken Johnson
Mario Acedo	Paula Huff	Joann Thompson
Salomón Baldenegro	James Merkle	Robert Reus
Margaret McKenna	Steven Wind	

Vice Mayor Romero clarified that the Executive Session earlier that day was not held to make any decision on selling or leasing El Rio Golf Course to Grand Canyon University, but to let Mayor and Council know of Grand Canyon University’s interest.

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 H**

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 MAY14-13-171 CITY WIDE
- 2. Mayor and Council Regular Meeting Minutes of October 9, 2012
- 3. Mayor and Council Study Session Legal Action Report and Summary Minutes of October 9, 2012

**b. INDUSTRIAL DEVELOPMENT AUTHORITY: AMENDING THE MAXIMUM PROGRAM AMOUNT OF THE JOINT REVOLVING TAXABLE SINGLE FAMILY MORTGAGE PROGRAM OF 2012**

- 1. Report from City Manager MAY14-13-168 CITY WIDE

2. Resolution No. 22044 relating to Finance; a resolution of the Mayor and Council of the City of Tucson, Arizona, approving the increase in the maximum program amount of the \$10,000,000 Joint Revolving Taxable Single Family Mortgage Program of 2012 administered through the Industrial Development Authority of the City of Tucson, Arizona, and the Industrial Development Authority of the County of Pima to \$15,000,000; approving the First Amendment to Standards and Requirements and the First Amendment to the Intergovernmental Agreement; approving Amendments to 2012 Program Documents related thereto; and declaring an emergency.
- c. PARKS AND RECREATION: NAMING THE MULTI-USE FIELD IN GRIJALVA SCHOOL PARK THE "U.S. ARMY SPECIALIST – CHRISTOPHER J. MOON FIELD"
1. Report from City Manager MAY14-13-173 WARD 1
  2. Resolution No. 22045 relating to Parks and Recreation; authorizing and approving the naming of the Grijalva School Park Multi-Use Field the "U.S. Army Specialist – Christopher J. Moon Field"; and declaring an emergency.
- (This item was considered separately at the request of Vice Mayor Romero.)
- d. FINAL PLAT: (S12-056) GRANITE HOUSE, LOTS 1 AND 2, A RE-SUBDIVISION OF PORTIONS OF NEW DEAL ACRES
1. Report from City Manager MAY14-13-166 WARD 6
  2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- e. FINAL PLAT: (S12-052) HOUGHTON TOWN CENTER, LOTS 1 TO 33 AND BLOCKS A TO J
1. Report from City Manager MAY14-13-169 WARD 4
  2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- f. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE KOLB ROAD/UA TECH PARK SIGNALIZATION PROJECT
1. Report from City Manager MAY14-13-176 WARD 4
  2. Resolution No. 22048 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement for Transportation Funding between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Kolb Road/UA Tech Park Signalization Project; and declaring an emergency.
- g. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE VALENCIA ROAD – ALVERNON WAY TO KOLB ROAD ROADWAY IMPROVEMENT PROJECT
1. Report from City Manager MAY14-13-175 WARDS 4 AND 5
  2. Resolution No. 22047 relating to Intergovernmental Agreements; authorizing and approving the Intergovernmental Agreement for Transportation Funding between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for the Valencia Road – Alvernon Way to Kolb Road Roadway Improvement Project, RTA Roadway Element #24; and declaring an emergency.
- h. REAL PROPERTY: AQUISITION OF A RIGHT-OF-WAY FOR THE HOUGHTON ROAD CORRIDOR ROADWAY PROJECT
1. Report from City Manager MAY14-13-177 WARD 4
  2. Resolution No. 22049 relating to Transportation; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property needed as right-of-way for the Houghton Road Corridor Roadway Project, Houghton and Golf Links Roads; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – h, with the exception of Item c, which was considered separately, be passed and adopted and the proper action taken.

**7. CONSENT AGENDA – ITEM C**

- c. **PARKS AND RECREATION: NAMING THE MULTI-USE FIELD IN GRIJALVA SCHOOL PARK THE "U.S. ARMY SPECIALIST – CHRISTOPHER J. MOON FIELD"**
1. Report from City Manager MAY14-13-173 WARD 1
  2. Resolution No. 22045 relating to Parks and Recreation; authorizing and approving the naming of the Grijalva School Park Multi-Use Field the "U.S. Army Specialist – Christopher J. Moon Field"; and declaring an emergency.

Roger Randolph, City Clerk, announced that the item to be considered separately was Item c at the request of Vice Mayor Romero.

Vice Mayor Romero announced that there would be a special dedication of the newly named "U.S. Army Specialist – Christopher J. Moon Field" on May 20, 2013. After giving a description of the highlights of Specialist Moon's life and dedication to his community, Vice Mayor Romero said the completion of this portion of the Grijalva School Park was to serve as an example of community perseverance, hard work and team work. She acknowledged and thanked the many community members and city departments who worked for over a decade to complete this park.

Marsha Moon, Christopher J. Moon's mother, said she was a Gold Star Mother and was very proud of this honor placed upon her son. She expressed her pride in her son and all his accomplishments and how this would help instill a sense of pride in the students at Grijalva Elementary School.

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

**8. PUBLIC HEARING: AMENDING THE LAND USE CODE AND THE UNIFIED DEVELOPMENT CODE AND ITS SUPPORTING DOCUMENTS**

Mayor Rothschild announced City Manager's communication number 178, dated May 14, 2013, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed text amendments to the Land use Code and the Unified Development Code. He asked staff if they wanted to make any statements before the public hearing.

Ernie Duarte, Director, Planning and Development Services Department, said the Mayor and Council adopted the Unified Development Code (UDC) in October of 2012, after a four year project on the part of city staff and the community. After going into effect since January of 2013, the UDC was extremely well received.

He said it was known at the time of adoption that there would likely be needed corrections and clarifications that were being presented to the Mayor and Council for consideration that evening. He said the corrections and clarifications went before the Planning Commission in both study session and public hearings and that the commission and staff recommended their adoption.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations. He noted there were no speaker cards for this item and asked if there were anyone in the audience who wished to speak. There were no speakers.

It was moved by Council Member Fimbres, 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 11069 by number and title only.

Ordinance No. 11069 relating to Planning and Zoning: amending the Tucson Land Use Code, Chapter 23, Article III Development Regulations, Division 3 Motor Vehicle and Bicycle Parking Requirements, Section 3.3.6 Motor Vehicle Use Area Design Criteria; Article V Administration, Division 4, Procedures, Section 5.4.3, Zoning Examiner Legislative Procedure; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll vote of 7 to 0, to pass and adopt Ordinance 11069.

Mayor Rothschild asked the City Clerk to read Ordinance 11070 by number and title only.

Ordinance No. 11070 relating to Planning and Zoning: amending the Tucson Unified Development Code, Chapter 23B, Article 1, General Provisions, Section 1.1, Title and Effective Date; Section 1.7, Transition Regulations, Subsection 1.7.4, Application Commenced or Approved Under Previous Ordinances; Article 2, Review Authorities and Powers, Section 2.2, Review and Decision-Making Bodies, Subsection 2.2.6, Design Review Board; Article 3, General Procedures, Section 3.2, General Requirements, Subsection 3.2.2, Neighborhood Meeting; Subsection 3.2.3, Application Requirements, Table 3.2-1, Public Notice and Procedural Requirements; 3.2.4, Public Notice; Section 3.3, Zoning Compliance Review Procedures, Subsection 3.3.3, PDSD Director Approval Procedure; Section 3.5, Rezoning (Change of Zoning), Subsection 3.5.3, Zoning Examiner Legislative Procedure; Subsection 3.5.5, Planned Area Development (PAD) Zone; Section 10, Board of Adjustment Appeals and Variances, Subsection 3.10.2, Appeals; Subsection 3.10.3, Variances; Section 11, Administrative Modifications, adding Subsection 3.11.1.F; Article 4, Zones, Section 4.8, Use Tables, Subsection 4.8.3, Permitted Uses: Rural and Suburban Residential Zones, Table 4.8-1, Permitted Uses - Rural and Suburban Residential Zones; Subsection 4.8.4, Permitted Uses: Urban Residential Zones Table 4.8-2 Permitted Uses- Urban Residential Zones,

Subsection 4.8.5, Permitted Uses: Office Zones, Table 4.8-3 Permitted Uses - Office Zones; Subsection 4.8.6, Permitted Uses: Commercial and Mixed Use Zones, Table 4.8-4 Permitted Uses – Commercial and Mixed-Use Zones; Subsection 4.8.7, Permitted Uses: Industrial Zones, Table 4.8-5 Permitted Uses - Industrial Zones; Subsection 4.8.8, Permitted Uses - Special Use Zones (1): – OS, IR, P & RV Table 4.8-6, Permitted Uses - Special Use Zones (1): – OS, IR, P & RV; Subsection 4.8.9, Permitted Uses - Special Use Zones (2): – NC, RVC, & MU, Table 4.8-7, Permitted Uses Special Use Zones (2): – NC, RVC, & MU; Section 4.9, Use Specific Standards, Subsection 4.9.4, Commercial Service Use Group; Subsection 4.9.13, General Standards, Restrictions, and Exceptions; Article 5, Overlay Zones, Section 5.8, “H” Historic Preservation Zone (HPZ), Subsection 5.8.1, Purpose; Section 5.11, Rio Nuevo District (RND), Subsection 5.11.8, Design Review Required; Article 6, Dimensional Standards and Measurements, Section 6.3, Dimensional Standards, Subsection 6.3.4, Dimensional Standard and Exceptions Tables, Table 6.3-1.B: Exceptions to the RH, SR, SH, RX-1, & RX-2 Dimensional Standards; Table 6.3-2.A:, Dimensional Standards for the R-1, R-2, R-3, MH-1, & MH-2 Zones; Table 6.3-2.B: Exceptions to the R-1, R-2, R-3, MH-1 & MH-2 Dimensional Standards; Table 6.3-3.A: Dimensional Standards for the O-1, O-2, and O-3 Zones; Table 6.3-3.B: Exceptions to the O-1, O-2, & O-3 Dimensional Standards; Table 6.3-4.A: Dimensional Standards for the C-1, C-2, C-3, OCR-1, & OCR-2 Zones; Table 6.3-4.B: Exceptions to the C-1, C-2, C-3, OCR-1, & OCR-2 Dimensional Standards; Table 6.3-6.A:, Dimensional Standards for the OS, IR, P, & RV Zones; Table 6.3-7.A:, Dimensional Standards for the NC, RVC, & MU Zones; Section 6.4, Rules of Measurement and Exceptions to Dimensional Standards, Subsection 6.4.4, Height; Subsection 6.4.5, Perimeter Yards, Figure 6.4.5-B And Figure 6.4.5-C; Adding Section 6.4.6, Floor Area Ratio; Section 6, Accessory Uses, Buildings, and Structures, Subsection 6.6.3, Specifically Within Residential Zones; Article 7, Development Standards, Section 7.4, Motor Vehicle and Bicycle Parking, Subsection 7.4.5, Reductions and Exceptions; Subsection 7.4.6, Motor Vehicle Use Area Design Criteria; Section 7.6, Landscaping and Screening, Subsection 7.6.4, Landscape Standards; Article 8, Land Division, Land Split, and Subdivision Standards, Section 8.4, Subdivisions, Subsection 8.4.1, Block Plat; Section 8.7 Subdivision Design Standards, Subsection 8.7.1, Parks, Recreational Facilities, Fire Stations, and School Sites; Article 9, Nonconforming Uses, Buildings, and Structures, Section 9.1, General, Subsection 9.1.3, Continuation Permitted; Article 11 Definitions and Rules of Construction, Section 11.4, Other Terms Defined, Section 11.4.7 Definitions–F; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Ordinance 11070.

Council Member Cunningham spoke regarding Section 3.2.3, Table 3.2-1. He noted that there were some recent questions about the notification requirements as listed in the table and the numbers may need to be looked at in the long term.

Ordinance 11070 was passed and adopted by a roll call vote of 7 to 0.

**9. PUBLIC HEARING: AMENDING THE DEVELOPMENT REVIEW FEE SCHEDULE**

Mayor Rothschild announced City Manager's communication number 167, dated May 14, 2013, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed new or increased development review fees located in the Unified Development Code and Land Use Code. He asked staff if they wanted to make any statements before the public hearing.

Ernie Duarte, Director, Planning and Development Services Department, said the item was originally to be brought forward at the time of adoption of the Unified Development Code (UDC). However, state laws prevented it from being brought forward in October 2012. He said for the most part these were proposed fees where none existed previously and gave some examples. He said these proposals had gone before the Planning Commission in both study session and public hearings and that the commission and staff recommended their adoption.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations. He noted there were no speaker cards for this item and asked if there were anyone in the audience who wished to speak.

Robert Reus voiced his opposition to the proposals.

Shawn Cody, Southern Arizona Home Builders Association, voiced his opposition to the Planned Community Development Fee and asked for further review.

It was moved by Council Member Fimbres, 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 11068 by number and title only.

Ordinance No. 11068 relating to fees for Building and Development; amending fees charged by the Planning and Development Services Department for development, plan review, code review and permits and adding certain fees historically charged but inadvertently not included in current Development Standards; and declaring an emergency.

Council Member Cunningham pointed out that the city currently had the lowest solar panel fees in the region and state. He also asked staff to address Mr. Cody's concerns.

Mr. Duarte said when the Planned Community Development (PCD) provision was created in 2008 there was no review fee for that type of application. He said no PCD

applications were received since its creation and staff felt the fee should be put in place in anticipation of coming applications. The proposed fee mirrored that associated with Planned Area Developments (PAD), but he said he agreed it needed more analysis and review and was agreeable to set that fee aside should Mayor and Council so decide.

It was moved by Council Member Cunningham, duly seconded, to pass and adopt Ordinance No. 11068, without the Planned Community Development Fee which was set aside for review.

Council Member Uhlich asked if annual renewal of fees was required of mobile vendors.

Mr. Duarte said the annual renewal was for the Peddlers' License issued by the Finance Department. Before a license was issued, peddlers were required to provide information to the Planning and Development Services Department to ensure all requirements were met. It had been determined that the review process took as much time or more than the initial license process did.

Council Member Uhlich asked if this was because the vendors had moved to a new location.

Mr. Duarte said that was the case in most instances.

Council Member Uhlich asked that renewals be considered based upon relocation change and not on an annual basis.

Council Member Fimbres asked staff to explain the Substitution of Assurance fee and how it might be assessed.

Mr. Duarte said the Substitution of Assurance fee was typically applied to residential development when the Mayor and Council approve a subdivision plat. He said there was usually a companion item called the Assurance Agreement placing the property into a third party land trust until minimum infrastructure improvements to be made. He further explained how this process worked.

Council Member Fimbres asked how the City of Tucson fees compared with other local jurisdictions.

Mr. Duarte said they were middle of the line within the surrounding Southern Arizona jurisdictions.

Ordinance 11068 was passed and adopted by a roll call vote of 7 to 0.

**10. LICENSE AGREEMENT: WITH TW TELECOM OF ARIZONA, LLC. FOR TELECOMMUNICATIONS SERVICES**

Mayor Rothschild announced City Manager's communication number 172, dated May 14, 2013, was received into and made part of the record. He asked the City Clerk to read Resolution 22046 by number and title only.

Resolution No. 22046 relating to Information Technology; approving and authorizing execution of a Telecommunications Services Non-Exclusive License Agreement between TW Telecom of Arizona LLC and the City of Tucson; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll vote of 7 to 0, to pass and adopt Resolution 22046.

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

Mayor Rothschild announced City Manager's communication number 174, dated May 14, 2013, was received into and made part of the record. He asked for a motion to approve the appointment in the report.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to approve the reappointment of John Mirto to the Tucson-Pima County Historical Commission (TPCHC) in the category of Architect.

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

Council Member Fimbres announced his personal appointment of Michael Lundin to the Tucson Convention Center Commission (TCCC).

**11. ADJOURNMENT: 6:58 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 21, 2013, 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 14th day of May 2013, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:dp:lo