



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on April 23, 2014

Date of Meeting: September 24, 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 5:33 p.m., on Tuesday, September 24, 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	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Vice Mayor, Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	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 Pastor Craig Coulter, Oro Valley Church of the Nazarene, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Presentations by Vice Mayor Scott regarding the Ward 4 Back to School Bash
- b. Presentation of Certificates to members of the Tucson Jazz Institute's Ellington Band for Taking the Top Prize at the Jazz at Lincoln Center's 18th Annual Essentially Ellington High School Jazz Competition in New York City
- c. Proclaiming September 24th through September 30th as "American Indian Awareness Days"

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 372, dated September 24, 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 Vice Mayor Scott, and Council Members Romero, Cunningham, Uhlich, 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 373, dated September 24, 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.

Current event report was provided by Roger W. Randolph, City Clerk.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 376, dated September 24, 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)

1. El Sur Asadero, Ward 5
4602 E. 29th St.
Applicant: Luis Omar Mejia
Series 12, City 56-13
Action must be taken by: October 4, 2013

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)

2. Throwbacks Sports Bar and Grill, Ward 3
3620 N. 1st Ave.
Applicant: Kevin Arnold Kramber
Series 6, City 58-13
Action must be taken by: October 7, 2013

Public Opinion: Written Argument Opposed Filed

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

This item was considered separately.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

Person/Location Transfer(s)

3. Pho #1 Vietnamese Restaurant, Ward 3
2226 N. Stone Ave.
Applicant: Zack Tran
Series 7, City 30-13
Action must be taken by: June 21, 2013

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

4. Civano Coffee House, Ward 4
5278 S. Civano Blvd.
Applicant: Mario Angelo Mastrosimone
Series 6, City 59-13
Action must be taken by: October 7, 2013

Tucson Police Department and Revenue Investigations have indicated the applicant is in compliance with city requirements.

Planning & Development Services Department and City Clerk's Office have indicated the applicant is not in compliance with city requirements.

This item was continued at the request of the applicant.

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Tucson Fire Fighters Chili Cook-Off, Ward 1
165 W. Alameda St.
Applicant: Roger Sloan Tamietti
City T89-13
Date of Event: November 1, 2013
(Fundraiser)

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

2. Holy Resurrection Orthodox Church, Ward 6
5910 E. 5th St.
Applicant: Maria Lucy Abdunour
City T90-13
Date of Event: November 2, 2013 – November 3, 2013
(Fundraiser)

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

3. The Mini Time Machine, Inc., Ward 3
4455 E. Camp Lowell Dr.
Applicant: Emily Suzanne Wolverton
City T91-13
Date of Event: November 2, 2013
(Fundraiser)

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

4. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Meagan E. Crain
City T95-13
Date of Event: October 10, 2013
(Art Exhibition Opening)

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

5. Tucson Originals, Ward 1
140 N. Main Ave.
Applicant: James Brady Murphy
City T96-13
Date of Event: October 25, 2013
(Fundraiser)

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

6. The Mona Private Foundation, Ward 4
10501 E. Seven Generations Way
Applicant: Mario Angelo Mastrosimone
City T98-13
Date of Event: November 2, 2013
(Fundraiser)

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

7. Rotary Club of Tucson Foundation, Ward 2
3231 N. Craycroft Rd.
Applicant: Wayne Leroy Meyer
City T99-13
Date of Event: October 18, 2013 – October 19, 2013
(Fundraiser)

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

8. Jordan Ministry Team, Inc., Ward 1
1300 N. Greasewood Rd.
Applicant: Julie C. Adamcin
City T103-13
Date of Event: November 15, 2013
(Fundraiser)

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

9. Santa Cruz Valley Heritage Alliance, Ward 1
101 W. 6th St.
Applicant: Vanessa Bechtol
City T1014-13
Date of Event: October 20, 2013
(Fundraiser)

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

10. St. Cyril of Alexandria Parish, Ward 6
4725 E. Pima St.
Applicant: Ronald A. Oakham
City T105-13
Date of Event: October 17, 2013 – October 20, 2013
(Fundraiser)

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

11. Handi-Dogs, Inc., Ward 2
3231 N. Craycroft Rd.
Applicant: Joann Turnbull
City T106-13
Date of Event: October 27, 2013
(Fundraiser)

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

12. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Melissa Rose Hougland
City T107-13
Date of Event: October 13, 2013
(Fundraiser)

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

13. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Melissa Rose Hougland
City T108-13
Date of Event: October 26, 2013
(Feast with the Dearly Departed Community Event)

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

14. Hermitage Cat Shelter, Ward 6
160 S. Scott Ave.
Applicant: Anna L. Bucyk
City T109-13
Date of Event: October 26, 2013
(Fundraiser)

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

15. YWCA Tucson, Ward 1
525 N. Bonita Ave.
Applicant: Eula Liane Hernandez
City T110-13
Date of Event: October 10, 2013
(Opening Reception for Galeria Series)

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

16. St. Augustine's Cathedral, Ward 6
192 S. Stone Ave.
Applicant: Gonzalo Villegas
City T113-13
Date of Event: October 5, 2013 – October 6, 2013
(Fundraiser)

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

17. Coyote Taskforce, Ward 6
54 E. Pennington St.
Applicant: Eugene Montes
City T114-13
Date of Event: October 6, 2013
(Fundraiser)

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

18. Tucson Lesbian and Gay Alliance, Ward 5
2500 E. Ajo Way
Applicant: April Moss
City T115-13
Date of Event: October 12, 2013
(Tucson Gay Pride / LGBT Festival)

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

19. Southern Arizona Blues Heritage Foundation, Ward 3
4502 N. 1st Ave.
Applicant: Christopher Jay Wilt
City T116-13
Date of Event: October 20, 2013
(Blues Music Festival)

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

d. Agent Change/Acquisition of Control/Restructure

1. Fox Theater, Ward 1
17 W. Congress St.
Applicant: Craig Lewis Sumberg
Series 6, City AC9-13
Action must be taken by: October 7, 2013

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

2. Empire Pizza, Ward 6
137 E. Congress St.
Applicant: Kevin Arnold Kramber
Series 12, City AC10-13
Action must be taken by: October 7, 2013

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

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Vice Mayor Scott, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b3, 5c1-19, 5d1 and 5d2 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

Person Transfer(s)

2. Throwbacks Sports Bar and Grill, Ward 3
3620 N. 1st Ave.
Applicant: Kevin Arnold Kramber
Series 6, City 58-13
Action must be taken by: October 7, 2013

Public Opinion: Written Argument Opposed Filed

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

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b2, Throwbacks Sports Bar and Grill, located in Ward 3.

Council Member Uhlich asked if the person who wrote the letter in opposition was present. She then said she did not think the issues on the letter could be looked at with regards to a person transfer and asked the City Attorney to clarify.

Michael Rankin, City Attorney, said this request was for a person to person transfer, so the only criteria for the Mayor and Council to consider was the capabilities and qualifications of the transferee and not location issues.

Council Member Uhlich said she wanted to assure the person writing the letter and the public that she spoke with the new owners and was impressed with their commitment to manage the facility well.

It was moved by Council Member Uhlich, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license application 5b2 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:

Ingrid Saber	Guadalupe Guerrero	Robert Reus
Susan Caldwell	Ken Scoville	Ken Johnson
Maria Diaz	Keith Van Heyningen	Beryl Baker
Robert Clark	Manuel Martinez	

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

(Council Members Cunningham and Kozachik departed at 6:50 p.m.)

7. CONSENT AGENDA – ITEMS A THROUGH J

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 SEP24-13-374 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of February 5, 2013
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of February 5, 2013
4. Mayor and Council Regular Meeting Minutes of February 12, 2013
5. Mayor and Council Study Session Legal Action Report and Summary Minutes of February 12, 2013
6. Mayor and Council Regular Meeting Minutes of February 20, 2013
7. Mayor and Council Study Session Legal Action Report and Summary Minutes of February 20, 2013

Roger W. Randolph, City Clerk, announced a correction to the Mayor and Council Regular Meeting Minutes of February 20, 2013, the correction should read “Council Member Kozachik thanked Davis-Monthan Air Force Base for their service and stated that he supported the “current” mission of the base and trusted that base leadership would continue to work with the community on challenging issues as they came forward in the future, as they are already doing.”

b. BUDGET AND INTERNAL AUDIT: APPROVING THE INTERNAL AUDIT PLAN FOR FISCAL YEAR 2014

1. Report from City Manager SEP24-13-378 CITY WIDE
2. Resolution No. 22140 relating to Budget and Internal Audit; approving the Internal Audit Plan for Fiscal Year 2014; and declaring an emergency.

Mr. Randolph noted this was with the amended page 11 as discussed during Study Session.

c. PARKS AND RECREATION: APPROVING THE SENTINEL PEAK REGIONAL NATURAL RESOURCE PARK MASTER PLAN

1. Report from City Manager SEP24-13-371 WARD 1
2. Resolution No. 22135 relating to Parks and Recreation: approving the Sentinel Peak Regional Natural Resource Park Master Plan as amended; and declaring an emergency.

- d. FINAL PLAT: (S13-016) EL CON MALL, LOTS 1 THROUGH 14
 - 1. Report from City Manager SEP24-13-365 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: (S13-015) 18TH & MAIN, MINOR SUBDIVISION, LOTS 1 THROUGH 3
 - 1. Report from City Manager SEP24-13-368 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.

- f. TUCSON CODE: AMENDING (CHAPTER 8) RELATING TO APPOINTMENT OF SPECIAL MAGISTRATES
 - 1. Report from City Manager SEP24-13-369 CITY WIDE
 - 2. Ordinance No. 11111 relating to City Court; amending the Tucson Code Chapter 8, City Court, Article I In General by amending Section 8-2.2, Appointment of Special Magistrates; terms of office; compensation; powers; duties; qualifications; setting an effective date; and declaring an emergency.

- g. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR RIGHT OF WAY ACQUISITION FOR THE GRANT ROAD - ORACLE ROAD TO SWAN ROAD - CORRIDOR PROJECT
 - 1. Report from City Manager SEP24-13-384 WARDS 2, 3, AND 6
 - 2. Resolution No. 22141 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement ("IGA") between the City of Tucson ("City") and the Regional Transportation Authority of Pima County ("RTA") for Right of Way Aquisition for the Grant Road - Oracle Road to Swan Road - Corridor Project; and declaring an emergency.

- h. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR IMPROVEMENTS TO SEGMENTS 3 AND 4 OF THE GRANT ROAD CORRIDOR PROJECT
 - 1. Report from City Manager SEP24-13-375 WARDS 2, 3, and 6
 - 2. Resolution No. 22136 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement ("IGA") between the City of Tucson ("City") and the Regional Transportation Authority of Pima County ("RTA") for improvements to Segments 3 and 4 of the Grant Road Corridor Project; and declaring an emergency.

- i. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR PUBLIC SEWER DESIGN AND CONSTRUCTION COSTS RELATED TO THE DOWNTOWN LINKS ROADWAY IMPROVEMENTS, AND RESCINDING RESOLUTION 22053
 - 1. Report from City Manager SEP24-13-380 WARD 1
 - 2. Resolution No. 22137 relating to Intergovernmental Agreements; approving and authorizing execution of a revised Intergovernmental Agreement between the City of Tucson and Pima County for public sewer design and construction costs associated with the Downtown Links - St. Mary's Road, I-10 to Church Avenue - Roadway Improvement Public Sewer Relocation and Replacement Modifications (the "IGA"); and declaring an emergency.

- j. TRANSPORTATION: APPROVING THE CITY OF TUCSON TRANSIT SERVICES-TITLE VI PROGRAM FOR SUBMISSION TO THE FEDERAL TRANSIT ADMINISTRATION
 - 1. Report from City Manager SEP24-13-382 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22139 relating to Mass Transit; approving City of Tucson Transit Services-Title VI Program for submission to the Federal Transit Administration ("FTA"); and declaring an emergency.

(Council Member Cunningham returned at 6:51 p.m.)

(Council Member Kozachik returned at 6:52 p.m.)

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a through j, as amended, be passed and adopted and the proper action taken.

8. PUBLIC HEARING: ZONING (C9-09-03) MERIDIAN ENGINEERING - SANTA CRUZ LANE, R-1 TO P-I AND I-1, CHANGE OF CONDITIONS, ORDINANCE ADOPTION, AND AMENDING ORDINANCE 10781

Mayor Rothschild announced City Manager's communication number 377, dated September 24, 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 a change of conditions and rezoning of the property on the southeast corner of Santa Cruz Lane and 34th Street. He said the Zoning Examiner and staff recommend approval subject to certain conditions.

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

Ted Heyworth, part owner, stated he was agreeable to the proposed requirements.

Ernie Duarte, Planning and Development Services Department Director, announced a clarification of information in the Communication; item 11 on page 3 should read: "Noise created by the applicant, both on the subject property and on Fiandaca Boulevard at the property line of the rezoning site, shall not exceed 64 decibels."

Mr. Duarte also read into the record a correction to Exhibit A to the Ordinance. Condition 31 should read: "The owner/developer shall install the necessary/additional pavement (to achieve a minimum 24 foot wide pavement section), and curbs and sidewalk along the north side of 34th Street frontage of the site."

Mayor Rothschild asked if the applicant if he was agreeable to the changes.

Ted Heyworth, stated he was agreeable to the changes.

Mayor Rothschild said he had no speaker cards, then allowed Beryl Baker to speak.

Beryl Baker said she applauded the developers for working with the neighbors and wanted to request a change to the under ground storm drainage along the north, south, and west walls as well as the use of proposed swells to catch rain run off to water the trees. She also asked where was the protest letter from the west side area, and why there was a proposal to extend the sewer system into the area that was being designated a conservation area as part of the Santa Cruz River Plan.

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

Council Member Romero thanked Mr. Duarte for keeping this project on time. She also wanted to commend Mr. Hayworth for paying for extending the sewer lines to the neighbors on 34th Street plus contributing to the habitat restoration. Finally, she said the addition of Fiandaca Boulevard and pedestrian paths was very important for the neighborhood.

Mayor Rothschild asked the City Clerk to read Ordinance No. 11112 by number and title only.

Ordinance No. 11112 relating to Zoning: amending Ordinance 10781 amending the rezoning conditions for the area located at the southeast corner of Santa Cruz Lane and 34th Street, west of the I-10 and I-19 Interchange, case C9-09-03 Meridian Engineering - Santa Cruz Lane R-1 to P-I and I-1; and setting an effective date.

It was moved by Council Member Romero, duly seconded, and passed by a roll vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance No. 11112, including the corrections read into the record.

9. ZONING: (C15-13-01) ESTABLISHING ORIGINAL CITY ZONING FOR THE TEP HOUGHTON ANNEXATION DISTRICT, COUNTY SR TO CITY SR, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION AND EXTENSION OF THE MAJOR STREETS AND ROUTES PLAN SCENIC CORRIDOR ZONE

Mayor Rothschild announced City Manager's communication number 367, dated September 24, 2013, was received into and made part of the record. He also announced this was a request to establish original city zoning for property located on the east side of Houghton Road, south of Golf Links Road. He said the Zoning Examiner and staff recommend authorization of the rezoning and the extension of the Major Streets and Routes Plan and Scenic Corridor Zone designations on Houghton Road.

Mayor Rothschild asked the City Clerk to read Ordinance No. 11108 by number and title only.

Ordinance No. 11108 relating to Zoning: establishing Original City Zoning in the area located on the east side of Houghton Road, 300 feet south of Golf Links Road in case C15-13-01, TEP Houghton Annexation District, County SR to City SR, extending overlay zone; and setting an effective date.

It was moved by Vice Mayor Scott, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance No. 11108.

Mayor Rothschild asked if there was any further discussion.

Council Member Uhlich asked Ernie Duarte if there was a process for the Environmental Resource Zone (ERZ) wash designation.

Ernie Duarte, Planning and Development Services Department Director, announced the ERZ wash would be covered under the City's floodplain ordinance.

Ordinance No. 11108 was declared passed and adopted by a roll call vote of 7 to 0.

10. ZONING: (C15-13-01) ESTABLISHING ORIGINAL CITY ZONING FOR THE HOOVER AND HUGHES ANNEXATION DISTRICT, COUNTY CI-2 TO CITY I-2, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION AND EXTENSION OF THE MAJOR STREETS AND ROUTES PLAN AND AIRPORT ENVIRONS ZONE

Mayor Rothschild announced City Manager's communication number 366, dated September 24, 2013, was received into and made part of the record. He also announced this was a request to establish Original City Zoning for property located east of Hoover Road and south of Hughes Access Road. He said the Zoning Examiner and staff recommend authorization of the rezoning and the extension of the Major Streets and Routes Plan and Airport Environs Zone.

Mayor Rothschild asked the City Clerk to read Ordinance No. 11109 by number and title only.

Ordinance No. 11109 relating to Zoning: establishing Original City Zoning in the area located east of Hoover Road and south of Hughes Access Road southwest of Tucson International Airport in case C15-13-02, Hoover and Hughes Annexation district, County CI-2 to City I-2, extending overlay zones; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, and carried by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance No. 11109.

11. ZONING: (C9-13-03) HEIGHTS PROPERTIES – BROADWAY BOULEVARD, R-3 AND C-1 TO C-1, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 370, dated September 24, 2013, was received into and made part of the record. He also announced this was a request to rezone the property located on the north side of Broadway Boulevard, south of 10th Street, east of Leonora Avenue, and west of Chantilly Drive. He said the Zoning Examiner and staff recommend approval of the C-1 zoning.

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

Jim Egean, Heights Properties, stated he was agreeable to the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance No. 11110 by number and title only.

Ordinance No. 11110 relating to Zoning: amending zoning district boundaries in the area of the north side of Broadway Boulevard, south of 10th Street, approximately 535 feet east of Leonora Avenue and 315 feet west of Chantilly Drive in case C9-13-03 Heights Properties – Broadway Blvd., R-3 and C-1 to C-1; and setting an effective date.

It was moved by Council Member Kozachik, duly seconded, and carried by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance No. 11110.

12. INDUSTRIAL DEVELOPMENT AUTHORITY: AUTHORIZATION FOR THE ISSUANCE OF THE TUCSON INDUSTRIAL DEVELOPMENT AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS, TAXABLE SERIES 2013A, AND MULTIFAMILY HOUSING REVENUE REFUNDING BONDS, SERIES 2013B

Mayor Rothschild announced City Manager's communication number 381, dated September 24, 2013, was received into and made part of the record. He also asked the City Clerk to read Ordinance No. 22138 by number and title only.

Resolution No. 22138 a resolution of the Mayor and Council of the City of Tucson, Arizona approving the issuance of the Industrial Development Authority of the City of Tucson, Arizona authorizing the issuance of its Multifamily Revenue Bonds (Catalina Village Assisted Living Apartments Project), Taxable Series 2013A, and it's Multifamily Housing Revenue Refunding Bonds Series 2013B in an aggregate principal amount not to exceed \$6,135,000 (individually and collectively the "Bonds")

Council Member Kozachik asked the City Attorney to confirm the City was not liable for the payment of either the principle or the interest amount on any of these.

Michael Rankin, City Attorney, stated that was correct by Statute the City cannot be held liable for any out standing amount on the bonds.

It was moved by Council Member Kozachik, duly seconded, and carried by a roll call vote of 7 to 0, to pass and adopt Resolution No. 22138.

13. SETTLEMENT AND DEVELOPMENT AGREEMENT: APPROVING THE SETTLEMENT AGREEMENT AND AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH BP POST DEVELOPERS, LLC AND WITH THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT (CONTINUED FROM THE MEETING OF JULY 9, 2013)

Mayor Rothschild announced City Manager's communication number 383, dated September 24, 2013, was received into and made part of the record. He also asked the City Clerk to read Resolution No. 22102 by number and title only.

Resolution No. 22102 relating to Development; authorizing and approving a Settlement Agreement and Amended and Restated Development Agreement with BP Post Developers, LLC. and with the Rio Nuevo Multipurpose Facilities District.

Council Member Kozachik asked the City Attorney if this ends the litigation related to the original deal if the Mayor and Council adopt the agreement.

Michael Rankin, City Attorney, stated that was correct and in fact one of the exhibits was the form of the stipulation that would be filed with the court to effect the dismissal.

Council Member Kozachik asked if there was any way to add compliance with the City's subcontractor apprenticeship ordinance into the agreement.

Mr. Rankin said he thought the apprenticeship program was through the permitting process. Therefore, he believed it applied in any event but he was not one hundred percent certain.

Council Member Kozachik asked the City Attorney if he could explore that. He said it should be at no cost to the development, raising no objection.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution No. 22102

Mayor Rothschild asked if there was any further discussion.

Council Member Cunningham said he was optimistic that something would be built within the next four years and he wished the developer the best of luck in getting his permits to build his building.

Resolution No. 22102 was declared passed and adopted by a roll call vote of 7 to 0.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 379, dated September 24, 2013, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointments in the report of Patrick Barrasso, Hee Ju and Natalie Morice to the Pima County – City of Tucson Commission on Addiction, Prevention and Treatment and Murray Baker to the Veterans’ Affairs Committee as a Tucson Jewish War Veteran, and the reappointments of Arthea Tate, Margaret Higgins, Carl Bedford, Larry Minguia and Mary Jo Silcox to the Pima County – City of Tucson Commission on Addiction, Prevention and Treatment and Mark F. Taylor to the Citizens’ Water Advisory Committee.

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

Council Member Cunningham announced his personal appointment of Brian Flagg to the Transit Task Force.

Vice Mayor Scott announced her personal appointments of Joe Findysz to the Citizen Sign Code Committee, and Michael Dunne to the Citizens’ Water Advisory Committee.

15. ADJOURNMENT: 7:13 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, October 8, 2013, 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 24th day of September 2013, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:rg:dp