



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 21, 2014

Date of Meeting: May 6, 2014

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 5:31 p.m., on Tuesday, May 6, 2014, 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	Vice Mayor, 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	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 Rabbi Yehuda Ceitlin, Chabad of Tucson, after which the Pledge of Allegiance was led by Council Member Scott and the entire assembly.

Presentations:

- a. Mayor Rothschild recognized the Accomplishments of the 2014 Tucson High School State Soccer Champions
- b. Mayor Rothschild proclaimed May 6 – 12 as “Correctional Officers Week”
- c. Mayor Rothschild proclaimed May 6 – 12 as “National Nurses Week”
- d. Mayor Rothschild and Vice Mayor Cunningham presented a Mayor and Council Commendation to Detectives Joe Wall and Brad Cheney

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 122, dated May 6, 2014, 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 Cunningham, Council Members Romero, Uhlich, Scott, 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 123, dated May 6, 2014, 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 125, dated May 6, 2014, 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. Restaurant Depot, Ward 1
601 W. 22nd St.
Applicant: Chastina Louise Sanchez
Series 4, City 26-14
Action must be taken by: May 15, 2014

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/Location Transfer(s)

2. TownePlace Suites Tucson Williams Centre, Ward 6
384 S. Williams Blvd.
Applicant: Kirk Michael Hart
Series 7, City 24-14
Action must be taken by: May 5, 2014

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

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 Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Mary Ann Confrey
City T48-14
Date of Event: May 24, 2014
(Fundraising Concert)

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

2. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Mary Ann Confrey
City T49-14
Date of Event: June 28, 2014
(Fundraising Concert)

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

3. Southern Arizona Roadrunners, Ward 6
220 S. 5th Ave.
Applicant: Randy Accetta
City T50-14
Date of Event: May 31, 2014
(Fundraising Running Event)

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

4. Reid Park Zoological Society, Ward 6
3400 E. Zoo Ct.
Applicant: Gail Brown
City T57-14
Date of Event: June 14, 2014
(Fundraiser/Beer Tasting)

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

5. Tucson Pima Arts Council, Ward 1
140 N. Main Ave.
Applicant: Ernestine Deborah Chess
City T58-14
Date of Event: June 6, 2014
(The Lumies Arts & Business Awards)

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

6. St. Michael's Parish Day School, Ward 2
602 N. Wilmot Rd.
Applicant: Todd Sheffield Brown
City T59-14
Date of Event: May 16, 2014
(Art Expo - Children's Art)

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

- d. Agent Change/Acquisition of Control/Restructure

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

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 and 5b2 and 5c1 through 5c6 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:

Jim Hilkemeyer
Colby Henley

Naomi McIsaac
Pete Trejo

Keith Van Heyningen

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 F

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 MAY06-14-136 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of September 10, 2013
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of September 10, 2013

b. REAL PROPERTY: APPROVING THE SECOND AMENDMENT TO THE LEASE WITH NORRIS DESIGN-AZ, LLC, FOR SPACE LOCATED IN THE HISTORIC DEPOT AT 418 NORTH TOOLE AVENUE

1. Report from City Manager MAY06-14-126 WARD 6
2. Ordinance No. 11163 relating to Real Property; authorizing and approving the Second Amendment to Lease with Norris Design-AZ, LLC, for space located in the Historic Depot at 418 North Toole Avenue; and declaring an emergency.

- c. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE EMERGENCY SOLUTIONS GRANT RELATING TO HOMELESSNESS
 - 1. Report from City Manager MAY06-14-127 CITY WIDE
 - 2. Resolution No. 22217 relating to Intergovernmental Agreements; authorizing and approving the execution of the Intergovernmental Agreement ("IGA") between the City of Tucson ("City") and Pima County allocating funds for Pima County Community Services Employment and Training ("CSET") Emergency Solutions Grant Homeless Management Information System ("HMIS"); and declaring an emergency.

- d. ZONING: EXTENDING PROTECTED DEVELOPMENT RIGHTS FOR THE TENTATIVE AND FINAL PLATS FOR RINCON KNOLLS (S06-125) LOTS 1 THROUGH 502 AND COMMON AREAS "A" THROUGH "I"
 - 1. Report from City Manager MAY06-14-128 WARD 4
 - 2. Resolution No. 22218 relating to Zoning: extending the duration of protected development rights for the tentative and final plats for Rincon Knolls (S06-125) which were previously approved as protected development right plans; and declaring an emergency.

- e. AGREEMENT: AMENDMENT WITH PIMA COUNTY FOR THE NEIGHBORHOOD STABILIZATION PROGRAM 2
 - 1. Report from City Manager MAY06-14-129 CITY WIDE
 - 2. Resolution No. 22219 relating to Housing and Community Development; authorizing and approving the execution of Amendment No. Three (3) to the NSP2 Consortium Funding Agreement between the City of Tucson and Pima County for the Neighborhood Stabilization Program 2 (NSP2); and declaring an emergency.

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

- f. GRANT AGREEMENT: WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION MULTIMODAL PLANNING DIVISION FOR FEDERAL FISCAL YEAR 2014 SECTION 5310 OPERATING FUNDING FOR SUN VAN
 - 1. Report from City Manager MAY06-14-134 CITY WIDE
 - 2. Resolution No. 22223 relating to Transportation; approving and authorizing an Intergovernmental Grant Agreement ("IGA") between the City of Tucson ("City") and the Arizona Department of Transportation ("ADOT") Multimodal Planning Division, acting for and on behalf of the State of Arizona, for Federal FY 2014 Section 5310 Operating Funding; and declaring an emergency.

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

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a - d, with the exception of Consent Agenda Items e - f, which were considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM E

e. AGREEMENT: AMENDMENT WITH PIMA COUNTY FOR THE NEIGHBORHOOD STABILIZATION PROGRAM 2

1. Report from City Manager MAY06-14-129 CITY WIDE
2. Resolution No. 22219 relating to Housing and Community Development; authorizing and approving the execution of Amendment No. Three (3) to the NSP2 Consortium Funding Agreement between the City of Tucson and Pima County for the Neighborhood Stabilization Program 2 (NSP2); and declaring an emergency.

Council Member Uhlich stated it was great there were additional funds under the NSP Programs and she wanted to confirm that in the consolidated plan, would those resources be targeted to the high stress areas that were designated to the Community Development Block Grant (CDBG).

Albert Elias, Assistant City Manager, stated they would be directed to the high stress areas.

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

7. CONSENT AGENDA – ITEM F

f. GRANT AGREEMENT: WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION MULTIMODAL PLANNING DIVISION FOR FEDERAL FISCAL YEAR 2014 SECTION 5310 OPERATING FUNDING FOR SUN VAN

1. Report from City Manager MAY06-14-134 CITY WIDE
2. Resolution No. 22223 relating to Transportation; approving and authorizing an Intergovernmental Grant Agreement ("IGA") between the City of Tucson ("City") and the Arizona Department of Transportation ("ADOT") Multimodal Planning Division, acting for and on behalf of the State of Arizona, for Federal FY 2014 Section 5310 Operating Funding; and declaring an emergency.

Council Member Uhlich asked if it was a new source of funding for Sun Van.

Carlos De Leon, Department of Transportation Deputy Director, stated it was a new grant, and it was the second year applying for the grant. He said they submitted the grant application, which was awarded last year, and has been an annual process, so they would be submitting again this year.

Council Member Uhlich asked if it was part of the savings and new resources that had been identified.

Mr. De Leon stated that was correct, and it was for next year. He said the grant had already been awarded, so it would take effect for FY 2016 if they were awarded those monies, and it was a direct result of the new map.

Council Member Uhlich asked if the funding was for FY 2015 and would there be additional funding for FY 2016.

Mr. De Leon stated that was correct.

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 and the proper action taken.

8. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED ANNUAL BUDGET FOR FISCAL YEAR 2015

Mayor Rothschild announced City Manager's communication number 133, dated May 6, 2014 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 to provide the public with an opportunity to comment on the Fiscal Year 2015 recommended budget. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on this item.

The following individuals spoke at the public hearing:

Martha Lewis spoke in opposition of any funding reductions made to Core Services, specifically for police officers.

Clifford Rowley and Carolyn Jaedecke spoke in support of funding to Community Outreach Programs for the Deaf. Mr. Rowley also asked to have the visual caption returned to Channel 12 programming.

Reverend Leah Sandwell-Weiss spoke in support of Bus Riders and full funding be made to JobPath.

Argelia Martinez Parnell and Bryan Schnarr spoke in support of funding to JobPath.

Jennifer Nichols, Stuart Thomas and Beverly Seckinger spoke in support of funding to Access Tucson.

Mariluz Rangel and Cesar Aguirre spoke in opposition to raising bus fares and any changes to bus routes.

Stuart Goldberg and Roni Bader-Tables spoke in support of Leisure Class Programs provided by Tucson Parks and Recreation. Ms. Bader-Tables also spoke in support of other programs Tucson Parks & Recreation provided.

Roberto Bedoya spoke in support of funding to Outside Agency Services.

Wendy Dewey, Deborah Embry, Cecelia Centeno and Ray Clark spoke in support of funding to Human Services.

Curtis Cannon spoke in opposition of any reductions made to Tucson Parks and Recreation personnel.

Daniel Brockert spoke in support of closing Randolph Golf Course and expanding Reid Park.

Jason Winsky spoke in support of honoring Public Safety Employee Contracts.

Roger Tamietti expressed his concerns with the Public Safety Employee Contracts.

Anthony Potter addressed minimum wages in Tucson, homelessness, and Bus Riders Union.

Dan Linhart addressed wages for Sun Tran employees.

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

9. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 3), THE GENERAL BUSINESS DISTRICT OF THE SIGN CODE TO ADD THE URBAN OVERLAY DISTRICT OF THE UNIFIED DEVELOPMENT CODE

Mayor Rothschild announced City Manager's communication number 131, dated May 6, 2014, 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 amendments to the General Business District of the Sign Code to add the Urban Overlay District to the Unified Development Code. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on this item.

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 11164 by number and title only.

Ordinance No. 11164 relating to Sign Code; amending the Tucson Code, Chapter 3, Sign Code, Article VI, Signs by District, Division 2, Nonresidential Districts, Section 3-77, General Business District; and declaring an emergency.

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 11164.

10. PUBLIC HEARING: AMENDING ORDINANCE 11076 RELATING TO CANOPY SIGNS AND EXTENDING THE SUNSET DATE

Mayor Rothschild announced City Manager's communication number 135, dated May 6, 2014, 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 amendments relating to Canopy Signs and extending the sunset date. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on this item.

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 11166 by number and title only.

Ordinance No. 11166 relating to Sign Code, amending Ordinance No. 11076 relating to amending the Tucson Code extending the sunset date thereof; and declaring an emergency.

Council Member Kozachik asked why they were extending the sunset date when there were no objections and not have it adopted. He asked why not have it adopted as a regular part of the City Code.

Ernie Duarte, Planning & Development Services Department Director, stated the Citizen Sign Code Committee wanted to take a cautious approach. He said while they had not had any related issues to the six that were previously processed, it was something they wanted to continue to monitor and make sure they were maintaining control over that particular provision.

Michael Rankin, City Attorney, reminded Mayor and Council the intention of Proposition 207, it was intended for Zoning, *Land Use Code*, including Sign Code. He said if they adopted new provisions; which was more permissive, they tended to place a sunset date, because if they made it permanent and later decide that it created problems, and then tried to modify it in making it more restrictive and returned to what it previously was, it would then generate a Proposition 207 claim, it then created a new *Land Use* law that would be more restrictive.

Mr. Rankin said the idea of the sunset clause would be to protect them against that happening. He said the Citizen Sign Code Committee was recommending it be extended for three years, and if at that point, it seemed to be working well, it could then be made permanent.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11166.

11. PUBLIC HEARING: APPROVING THE CITY OF TUCSON FISCAL YEAR 2015 ANNUAL ACTION PLAN REFINING HUD'S FISCAL YEAR 2014 PROGRAM YEAR APPROPRIATIONS

Mayor Rothschild announced City Manager's communication number 132, dated May 6, 2014, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing to consider the City of Tucson's Fiscal Year 2015 Annual Action Plan refining HUD's Fiscal Year 2014 program year appropriations. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on this item.

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 Resolution 22222 by number and title only.

Resolution No. 22222 relating to Public Housing; approving the City of Tucson Annual Action Plan for City Fiscal Year 2015 (City FY 2015) and HUD Fiscal Year 2014 (HUD FY 2014); authorizing and directing submittal of that plan to the United States Department of Housing and Urban Development (HUD); and declaring an emergency.

Council Member Romero stated she wanted to comment on the five-year plan. She said in May-2013, Mayor and Council directed staff to address poverty and urban stress. She stated Council Member Fimbres had asked staff to provide an updated report on poverty and urban stress within the City of Tucson. Mayor and Council directed staff to make sure that Community Development Block Grant (CDBG) funds would be targeted for those highest poverty and highest stressed areas that had a history of twenty years or more at that level. She said when it came to the FY 2015 plan; she had supported staff's recommendation that purposed funding of facility projects and the three highest census tracks within the City.

Council Member Romero said as the City developed its next five-year plan, there should be an interdepartmental discussion, strategy development, and collaboration with Mayor and Council to address the needs in the highest stress areas of the City, and not just including CDBG funding, but infrastructure funding that the City of Tucson may be bringing into the City of Tucson coffers. She said poverty and urban stress did not help anyone, so CDBG and the Housing of Community Development Department should be working in conjunction with other city departments in defeating perseverance of poverty and urban stress.

It was moved by Council Member Romero, duly seconded, to pass and adopt Resolution 22222.

Council Member Kozachik asked if the CDBG monies that was indicated at the five-million dollars, was one-million dollars of the five-million dollars earmarked for administrative funds. He asked if it was a place holder, so they would not be obligated to spend twenty percent for administration of the five-million dollars and if half a million dollars could be shifted back into actual services.

Council Member Scott stated she had served on the Economic Development Committee for the National League of Cities for several years. She said one of the things she brought up while on the committee, was that small communities were excluded from receiving CDBG funds because it took so much money to administer the actual awarding, and at times it was oversized. She said the administration costs were greater than the value of the costs of the CDBG grants, so many communities across the country would not apply. At that time, she asked if it was part of the National League of Cities policies, and if it was included in the policy, and they wanted to apply, they should ask the Federal Government to make it easier and less costly in receiving the grants without having to pay the high administrative costs. She said as the cities sizes increased, the amounts needing to administer grants was huge and very unfortunate.

Sally Stang, Housing and Community Development Services Department Director, stated the twenty percent of the grants were capped and it was a place holder and an area where funds could be shifted from one line item to another. She said those funds were used in multiple capacities for staff administering the grants and they had some set aside that would come out of those grant funds.

Council Member Kozachik expressed if they had one-million dollars in administrative fees, out of a five-million dollar grant; it would be nice if they could trim it down to something more comparable to some of the other one's and move those into services. He said sitting through an hours worth of public hearings and this one had some significant needs in the community.

Resolution 22222 was declared passed and adopted by a roll call vote of 7 to 0.

12. PUBLIC HEARING: I-10 AND VALENCIA ANNEXATION DISTRICT

Mayor Rothschild announced City Manager's communication number 130, dated May 6, 2014, 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 I-10 and Valencia Annexation District. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on this item.

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

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to proceed with the I-10 and Valencia Annexation District.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 124, dated May 6, 2014, was received into and made part of the record. He asked if there were any personal appointments to be made.

There were no personal appointments made.

14. ADJOURNMENT: 7:50 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 20, 2014, 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 (day) day of (Month) (Year), and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ds:ms