



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 3, 2015

Date of Meeting: August 5, 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 5:42 p.m., on Tuesday, August 5, 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:

Martha Durkin	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Eric Fritz, Oro Valley Church of the Nazarene, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed the month of September as the “Month to Celebrate Wilderness.” Meg Weesner accepted the proclamation; she was accompanied by Christina Moody, Barbra Hawk, Michelle Crow and Diana Rhodes.
- b. Mayor Rothschild proclaimed August 17, 2014 to August 23, 2014 to be “Los Changuitos Feos Week,” Gilbert Velez accepted the award on behalf of Los Changuitos Feos and the group played a song.
- c. Mayor Rothschild recognized the new Commander and crew of the USS Tucson Captain Michael Beckette, Lieutenant John Underhill, Master Chief John Adams, Chief of the Boat and Petty Officer Kevin Shwalbach, USS Tucson Sailor of the Year and Chief Select. Ben Buehler Garcia presented the crew and Captain Michael Beckette. Captain Beckette presented Mayor Rothschild with a traditional plaque, ball cap and coin.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 229, dated August 5, 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 and Council Members Scott 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 230, dated August 5, 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.

Current event report was provided by Martha Durkin, City Manager. A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 258, dated August 5, 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. Yogi's Indian Cafe & Market, Ward 3
2537 N. Stone Ave.
Applicant: Satye Singh Bhati
Series 12, City 41-14
Action must be taken by: August 1, 2014

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

2. Viva's Bistro, Ward 3
1929 E. Grant Rd.
Applicant: Vasilios Viores
Series 12, City 43-14
Action must be taken by: August 8, 2014

Revenue Investigations has indicated the applicant is in compliance with city requirements.

Tucson Police Department and Planning and Development Services have indicated the applicant is not in compliance with city requirements.

City Clerk's Office has indicated the applicant is not in compliance with city requirements.

This application was withdrawn at the request of the applicant.

3. Sunrise Liquors, Ward 5
6130 S. Nogales Hwy
Applicant: Tha Tuy
Series 10, City 44-14
Action must be taken by: August 10, 2014

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

4. Kalina Restaurant, Ward 2
8963 E. Tanque Verde Rd. #201
Applicant: Kevin Arnold Kramber
Series 12, City 45-14
Action must be taken by: August 10, 2014

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

5. Food Store, Ward 3
1345 N. Stone Ave.
Applicant: Suresh Kumar Thathi
Series 10, City 47-14
Action must be taken by: August 14, 2014

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

6. Casa Video, Ward 6
2905 E. Speedway Blvd.
Applicant: Thomas Robert Aguilera
Series 10S, City 50-14
Action must be taken by: August 16, 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)

7. Reilly Craft Pizza & Drink, Ward 6
101 E. Pennington St.
Applicant: Tyler Daru Fenton
Series 6, City 48-14
Action must be taken by: August 10, 2014

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

8. Ermanos, Ward 6
220 N. 4th Ave.
Applicant: Thomas Robert Aguilera
Series 7, City 42-14
Action must be taken by: August 2, 2014

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

9. Grand Luxe Hotel Resort, Ward 1
1365 W. Grant Rd.
Applicant: Sbeidee Zabalza
Series 6, City 49-14
Action must be taken by: August 1, 2014

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

10. Thunder Canyon Brewery, Ward 6
220 E. Broadway Blvd.
Applicant: Stephen Vincent Tracy
Series 7, City 52-14
Action must be taken by: August 23, 2014

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

Public Opinion: Written Argument in Support Filed

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)

Location Transfer(s)

11. Circle K Store #1635, Ward 3
3970 N. Flowing Wells Rd.
Applicant: Kim Kenneth Kwiatkowski
Series 9, City 46-14
Action must be taken by: August 10, 2014

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

NOTE: State law provides that for a location transfer, Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203; Rule R19-1-102)

c. Special Event(s)

1. Tucson Children's Museum, Inc., Ward 6
200 S. 6th Ave.
Applicant: Michael Joseph Luria
City T70-14
Date of Event: October 18, 2014
(Fundraiser)

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

2. Salpointe Catholic High School, Ward 3
1545 E. Copper St.
Applicant: Margaret L. Felici-Gessner
City T73-14
Date of Event: October 24, 2014
(Homecoming Celebration)

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

3. St. Margaret Mary Alacoque Parish, Ward 1
801 N. Grande Ave.
Applicant: Federico Thomas Valdenegro
City T74-14
Date of Event: October 18, 2014 - October 19, 2014
(Annual Fiesta)

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

4. St. Demetrios Greek Orthodox Church, Ward 3
1145 E. Fort Lowell Rd.
Applicant: George A. Makris
City T78-14
Date of Event: September 25, 2014 - September 28, 2014
(Greek Festival)

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

5. St. Demetrios Greek Orthodox Church, Ward 3
1145 E. Fort Lowell Rd.
Applicant: Carol G. Cantos
City T83-14
Date of Event: August 16, 2014
(Saint's Day Celebration)

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

6. Fiesta Grande of Hollywood, Inc, Ward 5
4823 S. 6th Ave.
Applicant: Margaret McKenna
City T84-14
Date of Event: August 22, 2014 - August 23, 2014
(Community Event/Mud Drags)

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

7. AERIE #180 Fraternal Order of Eagles, Ward 3
1530 N. Stone Ave.
Applicant: Charlene S. Gutierrez
City T85-14
Date of Event: August 30, 2014
(Santa Rosa Church Fundraiser)

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

8. AERIE #180 Fraternal Order of Eagles, Ward 3
1530 N. Stone Ave.
Applicant: Charlene S. Gutierrez
City T86-14
Date of Event: September 13, 2014
(Pay It Forward Christmas Toy Drive)

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

9. Downtown Tucson Partnership, Ward 6
45 N. 5th Ave.
Applicant: Brandi Renee Haga-Blackman
City T91-14
Date of Event: August 30, 2014
(Celebration of Tucson's Modern Streetcar)

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

10. Tucson Artist and Musician's Healthcare Alliance, Ward 6
311 E. Congress St.
Applicant: Heather Anne Moroso
City T92-14
Date of Event: August 29, 2014 - August 31, 2014
(Music Festival/Fundraiser)

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

11. Tucson Youth Football & Spirit Southwest Rams Association, Ward 6
45 N. 5th Ave.
Applicant: Sonia Nicole Sotelo
City T94-14
Date of Event: August 22, 2014
(Fundraiser)

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

d. Agent Change/Acquisition of Control

1. Looks Bar & Grill, Ward 3
2000 N. Oracle Rd.
Applicant: Michael Gordon Pavon
Series 6, City AC13-14
Action must be taken by: July 28, 2014

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

2. Risky Business, Ward 6
250 S. Craycroft Rd. #140
Applicant: Thomas Robert Aguilera
Series 12, City AC14-14
Action must be taken by: August 10, 2014

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

3. Magpie's Gourmet Pizza, Ward 6
605 N. 4th Ave. #603, 605, 607
Applicant: Thomas Robert Aguilera
Series 7, City AC15-14
Action must be taken by: August 16, 2014

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

4. Magpie's Gourmet Pizza, Ward 2
105 S. Houghton Rd. #149
Applicant: Thomas Robert Aguilera
Series 12, City AC16-14
Action must be taken by: August 16, 2014

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 Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to approve the Entertainment District Waiver for item 5b7.

It was moved by Vice Mayor Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b3 through 5b11, 5c1 through 5c16, and 5d1 through 5d4 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:

Brian Flagg
Andy Marshall
Paul Parisi
Clifford Rowley

Bill Essenmacher
Donna Martin
Robert Reus
Al Wiruth

Roger Score
Dan Linhart
Christopher Stevens
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 U

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 AUG05-14-231 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of February 4, 2014
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of February 4, 2014
4. Mayor and Council Regular Meeting Minutes of February 19, 2014
5. Mayor and Council Study Session Legal Action Report and Summary Minutes of February 19, 2014

b. AGREEMENT: WITH THE UNIVERSITY OF ARIZONA FOR FIELD EMERGENCY CONDITIONS TRAINING

1. Report from City Manager AUG05-14-262 CITY WIDE
2. Resolution No. 22279 relating to Agreements; approving and authorizing the execution of a Site Rotation Agreement between the City of Tucson, acting through the Tucson Fire Department, and the Arizona Board of Regents on behalf of the University of Arizona College of Medicine-Phoenix and College of Medicine-Tucson for emergency medical postgraduates; and declaring an emergency.

c. HOUSING AND COMMUNITY DEVELOPMENT: APPROVING THE GENERAL FUND ALLOCATIONS FOR HUMAN SERVICES

1. Report from City Manager AUG05-14-248 CITY WIDE

2. Resolution No. 22272 relating to Housing and Community Development; approving the General Fund Selection Committee recommendations for Fiscal Year 2015 (FY 2015) allocations; authorizing and directing the City of Tucson's Housing and Community Development Department to execute contracts in accordance with the recommendations; and declaring an emergency.

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

- d. FINAL PLAT: (S14-008) SIERRA MORADO UNIT 3, PHASE 1, LOTS 13 THROUGH 19, 43 THROUGH 49, 56 THROUGH 63, 67 THROUGH 74, 81 THROUGH 122, COMMON AREAS "A" AND "B", A RESUBDIVISION OF SIERRA MORADO UNIT 3 LOTS 948 THROUGH 1117 AND COMMON AREAS "A" THROUGH "C"
 1. Report from City Manager AUG05-14-245 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.
- e. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY LOCATED ON THE NORTH SIDE OF 18TH STREET, EAST OF THE NORTHBOUND FREEWAY FRONTAGE ROAD
 1. Report from City Manager AUG05-14-242 WARD 6
 2. Ordinance No. 11190 relating to Real Property; declaring property located on the north side of 18th Street, east of the northbound Freeway Frontage Road to be surplus property; authorizing the sale thereof to Daniel J. Duke; and declaring an emergency.
- f. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH SALON SALON TUCSON, LLC FOR SPACE LOCATED IN THE HISTORIC DEPOT AT 410 NORTH TOOLE AVENUE
 1. Report from City Manager AUG05-14-239 WARD 6
 2. Ordinance No. 11187 relating to Real Property; authorizing and approving a lease agreement with Salon Salon Tucson, LLC, for space located in the Historic Depot at 410 North Toole Avenue, Suite 120; and declaring an emergency.

g. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE OPERATION AND MAINTENANCE OF THE TUCSON MODERN STREETCAR PROJECT (CONTINUED FROM THE MEETING OF JULY 8, 2014)

1. Report from City Manager AUG05-14-260 WARDS 1 AND 6

Material for this item will be available on the City's website and in the City Clerk's Office as soon as it becomes available.

(This item was continued to the September 9, 2014 meeting.)

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

1. Report from City Manager AUG05-14-244 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 22271 relating to Intergovernmental Agreements (IGA); approving and authorizing execution of Amendment No. 2 to the IGA between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for the Provision of Fixed-Route Transit Service (Sun Tran) for Designated Areas of South Tucson for Fiscal Year 2015, and declaring an emergency.

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

1. Report from City Manager AUG05-14-257 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 22276 relating to Intergovernmental Agreements (IGA); authorizing and approving execution of Amendment No. 2 to the IGA between the City of Tucson (City) and the 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 Year 2015, and declaring an emergency.

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

1. Report from City Manager AUG05-14-236 CITY WIDE AND OUTSIDE CITY

2. Resolution No. 22268 relating to Intergovernmental Agreements (IGA); authorizing and approving execution of Amendment No. 2 to an IGA between the City of Tucson (City) and Regional Transportation Authority of Pima County (RTA) for the Provision of Fixed Route Transit Service (Sun Tran) for Designated Areas of Marana for Fiscal Year 2015, and declaring an emergency.
- k. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR WEEKDAY EVENING BUS SERVICE EXPANSION
1. Report from City Manager AUG05-14-235 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 22267 relating to Intergovernmental Agreements (IGA); approving and authorizing execution of Amendment No. 5 to the IGA between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for Weekday Evening Bus Service Expansion for Fiscal Year 2015; and declaring an emergency.
- l. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR WEEKEND BUS SERVICE EXPANSION
1. Report from City Manager AUG05-14-234 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 22265 relating to Intergovernmental Agreements (IGA); approving and authorizing execution of Amendment No. 5 to the IAG between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for Weekend Bus Service Expansion for Fiscal Year 2015; and declaring an emergency.
- m. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE BUS FREQUENCY AND AREA EXPANSION PROJECT
1. Report from City Manager AUG05-14-237 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 22266 relating to Intergovernmental Agreements (IGA); approving and authorizing execution of Amendment No. 5 to the IGA between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for Bus Frequency and Area Expansion (Overcrowding Relief-Plugs) and Improvements for Fiscal Year (FY) 2015; and declaring an emergency.

- n. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR SUN VAN PARATRANSIT SERVICE
 - 1. Report from City Manager AUG05-14-232 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22263 relating to Intergovernmental Agreements (IGA); authorizing and approving execution of Amendment No. 2 to the IGA for transportation funding between the City of Tucson (City) 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 Year 2015; and declaring an emergency.
- o. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR P-48 NEIGHBORHOOD CIRCULATOR BUS SYSTEM
 - 1. Report from City Manager AUG05-14-233 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22264 relating to Intergovernmental Agreements (IGA); authorizing and approving execution of Amendment No. 1 to the IGA between City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for Regional Transit Service Improvements: P-48 Neighborhood Circulator Bus System (RTA-Funded Sun Shuttle and Sun Shuttle Dial-A-Ride Marketing, Customer Service Support, and Electronic Fare Collection) for Fiscal Year (FY) 2015, and declaring an emergency.
- p. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR EXPRESS BUS SERVICE EXPANSION IMPROVEMENTS
 - 1. Report from City Manager AUG05-14-255 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22274 relating to Intergovernmental Agreements (IGA); authorizing and approving execution of Amendment No. 5 to the IGA between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for Express Bus Service Expansion Improvements for Fiscal Year 2015; and declaring an emergency.
- q. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR P-50 MODERN STREETCAR TRANSPORTATION IMPROVEMENTS
 - 1. Report from City Manager AUG05-14-243 CITY WIDE

2. Resolution No. 22270 relating to Intergovernmental Agreements (IGA); authorizing and approving execution of an IGA for Transportation Funding between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for Regional Transit Service Improvements: P-50 Modern Streetcar Transportation Improvements (Sunk Link) through Fiscal Year (FY) 2024; and declaring an emergency.

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

- r. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR DESIGN AND CONSTRUCTION OF A NEW BUS BAY FOR THE LAOS TRANSIT CENTER
 1. Report from City Manager AUG05-14-253 WARD 5
 2. Resolution No. 22273 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 design and construction of a new bus bay for the Laos Transit Center; and declaring an emergency.
- s. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE SILVERBELL ROAD - GORET ROAD TO GRANT ROAD PROJECT
 1. Report from City Manager AUG05-14-256 WARDS 1 AND 3
 2. Resolution No. 22275 relating to Intergovernmental Agreements (IGA); authorizing and approving Amendment No. 1 to the Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (CITY) for construction of the Silverbell Road: Goret Road to Grant Road Project; and declaring an emergency.
- t. BOARDS, COMMITTEES AND COMMISSIONS: AMENDING RESOLUTION NO. 20171 TO EXTEND THE TERM OF THE DOWNTOWN LINKS CITIZEN ADVISORY COMMITTEE
 1. Report from City Manager AUG05-14-240 WARDS 1 AND 6
 2. Resolution No. 22269 relating to Boards and Commissions; amending Resolution No. 20171 to extend the term of the Downtown Links Citizen Advisory Committee to August 24, 2016; and declaring an emergency.

u. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA TO DEVELOP COMMUNICATION METHODS RELATING TO DRINKING WATER CONTAMINANTS

1. Report from City Manager AUG05-14-254 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 22277 relating to Intergovernmental Agreements; authorizing and approving the Intergovernmental Agreement (IGA) between the City of Tucson and the Arizona Board of Regents on behalf of the University of Arizona's Southwest Environmental Health Sciences Center at the College of Pharmacy to develop a health education model and outreach methodology addressing exposure to drinking water contaminants of emerging concern; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, and passed by a voice vote of 7 to 0, that Consent Agenda Items a – u, with the exception of Items c and q, which were considered separately and Item g, which was continued, be passed and/or adopted and proper action taken.

7. CONSENT AGENDA – ITEM C

c. HOUSING AND COMMUNITY DEVELOPMENT: APPROVING THE GENERAL FUND ALLOCATIONS FOR HUMAN SERVICES

1. Report from City Manager AUG05-14-248 CITY WIDE
2. Resolution No. 22272 relating to Housing and Community Development; approving the General Fund Selection Committee recommendations for Fiscal Year 2015 (FY 2015) allocations; authorizing and directing the City of Tucson's Housing and Community Development Department to execute contracts in accordance with the recommendations; and declaring an emergency.

Council Member Uhlich expressed concerns regarding the new human services allocations. She noted established groups, such as COPD, have been defunded and she found it difficult to support new allocations of funding without deliberation from Mayor and Council. She was unsure the City of Tucson would have responded to an RFP issued to secure funds if it meant defunding existing proposals. She then requested additional consideration of the line item of \$152,437, to better understand the implications for partner agencies in the community.

Mayor Rothschild requested a history of this fund allocation.

Albert Elias, Assistant City Manager, responded that part of this funding was the City of Tucson's match requirement for the ESG program and in the past general funding had been used to meet this ESG match.

Council Member Uhlich requested additional information, clarification and further discussion at the September 9, 2014, meeting regarding the \$152,437 allocation to the Support for Agencies partnering for Homelessness.

Mayor Rothschild asked if this item was set aside until September did this create a problem for any of the matching funds.

Mr. Elias responded postponing this item would not create a problem in executing the other contracts and he offered to provide additional information for the next meeting regarding this particular item.

It was moved by Council Member Uhlich, duly seconded, to approve the recommendation with amendment.

Vice Mayor Cunningham requested a matrix to see what programs were defunded from last year to the current year. He believed this was a critical omission and asked for more information on who was defunded and the process of how the defunding occurred. He stated he could not support this item.

Mr. Elias explained every year there was a new application process and not everyone received the same funding as years prior.

Vice Mayor Cunningham acknowledged a few of the programs funded in prior years have changed or self-closed and there should have been money left over so the programs which received funding last year received funding again this year.

Council Member Uhlich expressed concern in approving every item besides the one hundred fifty-two thousand four hundred thirty-seven dollars because approval of every other item would still lock them into that amount to some extent. She said typically the Mayor and Council have indicated some preference toward maintenance of effort, especially in cases of necessary services. She said she was unsure if explicit direction was given to Staff, but it was assumed and part of the conversation to try to maintain the funding. She stated she would prefer to err on the side of better information for this item.

Mr. Elias responded the fundamental problem was \$3 million in request for funding and only \$1.4 million available.

Council Member Uhlich commented that well established programs should not be defunded at the expense of a new line item without the deliberation of the Mayor and Council.

Mayor Rothschild emphasized the timeline of when these monies were expected out to these programs and the delay that had already occurred. He then spoke about the independent group, appointed by Mayor and Council to make these recommendations, and the inevitable competition among good agencies from year to year. He also said he would like to relook at the one hundred fifty-two thousand four hundred thirty-seven dollars and get more explanation of the number but did not want to delay this money any further.

Council Member Uhlich questioned if the committee believed they were working with \$1.4 million. She also asked if the committee placed the Public Housing Administration (PHA) proposal on an even playing field or was it a late removal of funds by the administration.

Mr. Elias explained this process was the same used each year. He stated the issue was funding. He thought there were questions about what the allocation from the General Fund for Human Services would have been.

Council Member Uhlich asked how the one hundred fifty-two thousand four hundred thirty-seven dollars came before the committee. She also asked if the committee considered this as an actual proposal for funding.

Mr. Elias stated he would be happy to clarify the one hundred fifty-two thousand four hundred thirty-seven dollars, the process and exactly how much money in federal funds was leveraged.

It was moved by Council Member Uhlich, duly seconded, and passed by a voice vote of 6 to 1 (Vice Mayor Cunningham dissenting), to pass and adopt Resolution 22272 with the exception of the Support for Agencies partnering for Homeless for one hundred fifty-two thousand four hundred thirty-seven dollars.

7. CONSENT AGENDA – ITEM Q

q. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR P-50 MODERN STREETCAR TRANSPORTATION IMPROVEMENTS

1. Report from City Manager AUG05-14-243 CITY WIDE
2. Resolution No. 22270 relating to Intergovernmental Agreements (IGA); authorizing and approving execution of an IGA for Transportation Funding between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for Regional Transit Service Improvements: P-50 Modern Streetcar Transportation Improvements (Sunk Link) through Fiscal Year (FY) 2024; and declaring an emergency.

Council Member Kozachik expressed concerns in locking into the \$1.2 million for nine years. He stated if the RTA's revenue increased or if some other variable changed, Mayor and Council may want to exercise the option to increase the funding realizing there was ultimately a \$12.7 million dollar cap the RTA was responsible for. He said he would be more comfortable with the language of "no less than \$1.2 million" dollars a year in recognition of the cap.

Michael Rankin, City Attorney, advised the direction of the agreement be amended to include the specific language for funding levels as indicated in Exhibit A, attached to the IGA, represented figures of no less than. He pointed out under paragraph 6A, of the existing language, the IGA acknowledged these were estimated costs in the

exhibit and the actual reimbursement may be less than or greater than the amounts listed in the IGA. He explained this emphasized and pointed to the possibility that if additional revenue became available funding may increase to the proposed cap.

Mayor Rothschild stated he spoke to Farhad Moghimi, RTA Executive Director, and he was acceptable to taking the amendment back to the RTA to assure, by this agreement, the lock in of the \$12.7 million cap. He recommended adding clear language in the agreement to set the cap at \$12.7 million but no less than \$1.2 million a year.

It was moved by Council Member Kozachik, duly seconded, and passed by a voice vote of 7 to 0, to pass and adopt Resolution 22270 with an amendment to Exhibit A to the Intergovernmental Agreement to state the funding levels figures would be a minimum of \$1.2 million and a maximum of \$12.7 million.

8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 3) THE PEDESTRIAN BUSINESS DISTRICT OF THE SIGN CODE TO ESTABLISH THE PEDESTRIAN BUSINESS DISTRICT – MERCADO

Mayor Rothschild announced City Manager's communication number 238, dated August 5, 2014, was received into and part of the record. He announced this was the time and place legally advertised for a public hearing on the proposed amendments to the Pedestrian Business District of the Sign Code to establish the Pedtestrian Business District- Mercado. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Michael Keith, CEO of Downtown Tucson Partnership, spoke in support of this Sign Code admendment.

It was moved by Council Member Fimbres, duly seconded, to close the public hearing.

Kira Dixon-Weinstein, Mercado San Augustine, spoke in support of passing this Sign Code admendment.

Council Member Romero requested an indication of what businesses were being represented from Mercado San Augustine.

Ms. Dixon-Weinstein introduced Isabel Montana from La Estrella Bakery, Tana Fryer from Blue Wine and Cheese Stop, Curtis Zimmerman from Stella Java, and Duncan Benning from Transit Cycles.

Adam Weinstein, Mercado San Augustine, spoke in support of this Sign Code Admendment.

Motion to close the public hearing was carried by a voice vote of 7 to 0.

Mayor Rothschild asked the City Clerk to read Ordinance 11188 by number and title only.

Ordinance No. 11188 relating to Sign Code; amending Sign Code district boundaries in the area located on the south side of Congress Street approximately one-quarter mile west of Interstate 10 in case SCA-14-04 proposed amendments to Sec. 3-82 Pedestrian Business District, designating a Pedestrian Business District - Mercado, amending district boundaries, and setting an effective date.

Council Member Romero requested to add a couple of points. She spoke about the area surrounding Mercado San Augustine and their vision of becoming pedestrian transportation oriented development. She said three of the major areas along the streetcar route already were Pedestrian Business Districts, including Downtown, North Fourth Avenue and Park Avenue, west of University of Arizona. She continued by saying this district was the only other part along the streetcar route that did not have Pedestrian Business District status. She felt it was only proper to offer the same advantages as other businesses on the street car route to Mercado San Augustine.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 11188.

Council Member Kozachik asked if the Congress Street Frontage was included in the motion.

Ernie Duarte, Planning and Development Services Department Director, responded Congress Street frontage was included in the motion.

Ordinance 11188 was passed and adopted by a roll call vote of 7-0.

9. ZONING: (C9-13-11) ATLAS COPCO – CAMPBELL AVENUE, P-I TO I-1, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 252, dated August 5, 2014, was received into and part of the record. He also announced this was a request to rezone the property located on the east side of Cambell Avenue, north of Valencia Road. He said the Zoning Examiner and staff recommend authorization of the I-1 zoning subject to certain conditions.

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

Michael Steele, South Central Industrail Properties 13 LP, replied they were agreeable to the recommended conditions as attached to the ordinance.

Mayor Rothschild asked the City Clerk to read Ordinance 11194 by number and title only.

Ordinance No. 11194 relating to Zoning: amending zoning district boundaries in the area located on the east side of Campbell Avenue approximately 550 feet north of Valencia Road in case C9-13-11 Atlas Copco – Campbell Avenue, P-I to I-1; and setting an effective date.

Michael Rankin, City Attorney, announced Section 1 of the Ordinance should be amended to change the date of October 11, 2014, to August 5, 2019, and to remove the last sentence referring to a six month extension.

It was moved by Council Member Fimbres, 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 11194 as amended.

10. ZONING: (C9-14-01) QUIKTRIP – VALENCIA ROAD, P-I AND I-2 TO C-2, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 250, dated August 5, 2014, was received into and part of the record. He announced this was a request to rezone 3.9 acres located on the southwest corner of Valencia Road and Interstate 19 Frontage Road. He said the Zoning Examiner and staff recommend the authorization of the C-2 zoning subject to certain conditions.

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

Kari Silvyn, representing QuikTrip, stated they were amendable to all the conditions.

Mayor Rothschild asked the City Clerk to read Ordinance 11193 by number and title only.

Ordinance No. 11193 relating to Zoning: amending zoning district boundaries located on the southwest corner of Valencia Road and the Interstate 19 Frontage Road in case C9-14-01, QuickTrip – Valencia Road, P-I and I-2 to C-2; 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 11193.

11. ZONING: (C9-14-03) BROADWAY FESTIVAL – LEONORA AVENUE, R-3 TO C-1, CITY MANAGER'S REPORT

Mayor Rothschild announced City Manager's communication number 249, dated August 5, 2014, was received into and part of the record. He announced this is a request to rezone the northern portion of the development site located on the northwest corner of Broadway Boulevard and Lenora Avenue.

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

Steve Shenitzer, Ina Road Group LLC, stated they were agreeable to proposed requirements subject to clarification related to condition number 27.

Council Member Kozachik requested clarification from the Zoning Examiner regarding condition number 27 and the possible increase of traffic specifically attributed to the development at 10th and Leonora.

Linus Kafka, Zoning Examiner, agreed if a new traffic study did not indicate a substantial increase in traffic then no traffic mitigation or remediation would be warranted.

Mr. Shenitzer agreed with anything attributable to this property that triggered additional mitigation.

It was moved by Council Member Kozachik, duly seconded, and passed by a voice vote of 7 to 0, to authorize the request for rezoning with the conditions, as recommended by the Zoning Examiner.

12. ANNEXATION: CENTURY PARK MARKETPLACE ANNEXATION DISTRICT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 247, dated August 5, 2014, was received into and made part of the record. He asked the City Clerk to read Ordinance 11192 by number and title only.

Ordinance No. 11192 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 Century Park Marketplace Annexation District property, more particularly described in the body of this ordinance.

Council Member Scott requested clarification regarding comments made during call to the audience by Mr. Wiruth. These included taking over problems from Pima County and issues with Davis Monthan Air Force Base not having input other than to not object.

Chris Kaselemis, Economic Initiatives Director, explained the current zoning Pima County had already approved in terms of a specific plan. He stated all the City was doing was taking over the exact same entitlements and giving them to the developer. State law allowed no additional intensity or uses than already given by the county. The annexation would not change any of this.

It was moved by Council Member Scott, duly seconded, and passed by a roll vote of 7 to 0, to pass and adopt Ordinance 11192.

13. ZONING: (C15-14-01) ESTABLISHING ORIGINAL CITY ZONING FOR THE CENTURY PARK MARKETPLACE ANNEXATION DISTRICT, COUNTY SP AND CI-1 TO PAD-26 AND I-1, CITY MANAGER'S REPORT AND DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 246, dated August 5, 2014, was received into and made part of the record. He also announced this is a request to establish Original City Zoning for property located south of Davis- Monthan Air Force Base and east of Kolb Road. He said the Zoning Examiner and staff recommend the authorization of of the rezoning and the extension of the Major Streets and Routes Plan and Airport Environs Zone within the annexation district.

Mayor Rothschild asked the City Clerk to read Ordinance 11191 by number and title only.

Ordinance No. 11191 relating to Zoning: establishing original City zoning in the area located south of Davis – Monthan Air Force Base and east of Kolb Road in case C15-14-01, Century Park Marketplace Annexation District, County SP and CI-1 to City PAD-26 and I-1; and setting an effective date.

Council Member Scott reiterated her request for clarification regarding comments made during call to the audience by Mr. Wiruth. These included taking over problems from Pima County and issues with Davis Monthan Air Force Base not having input other than to not object. She asked if this did have an effect on the Airport Environs Zone or any other encroachment issues.

Ernie Duarte, Planning and Development Services Department Director, explained the action in this item was to translate the zoning that was currently in place in Pima County to the zoning that was similar in the City of Tucson. This included the Airport Environs Zone as well as the same Major Streets and Routes plans that exist in Pima County.

It was moved by Council Member Scott, 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 11191.

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

Mayor Rothschild announced City Manager's communication number 261, dated August 5, 2014, was received into and made part of the record. He asked the City Clerk to read Resolution 22278 by number and title only.

Resolution No. 22278 relating to Finance; a Resolution of the Mayor and Council of the City of Tucson, Arizona, approving amendments to the \$15,000,000 the Industrial Development Authority of the City of Tucson, Arizona and the Industrial Development Authority of the County of Pima Joint Revolving Taxable Single Family Mortgage Program of 2012; approving the Second Amendment to Standards and Requirements; the Second Amendment to the Intergovernmental Agreement; approving Amendments to Program Documents related thereto; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, to pass and adopt Resolution 22278.

Council Member Fimbres asked why this program was only being proposed for a two year extension.

Chris Kaselemis, Economic Initiatives Director, referred to responses provided by the Industrial Development Authority staff. The IDA believed a two year term was sufficient to allow mortgage lenders to learn about and use the program while preserving the authorities' ability to respond to changes in the market as they occurred.

Council Member Fimbres then asked how recommendations dealing with down payment assistance would be implemented.

Mr. Kaselemis responded that down payment assistance was set at 4% and the IDA was asking for the flexibility to go between 2.5% and 6%, based on the preference of the people receiving the mortgages loans. If the buyer wanted larger down payment assistance they would pay a higher mortgage rate and for a lower mortgage rate they would receive less down payment assistance.

Resolution 22278 was declared passed and adopted by a roll call vote of 7 to 0.

15. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY LOCATED ALONG THE NORTHBOUND FREEWAY FRONTAGE ROAD NORTH OF 22ND STREET

Mayor Rothschild announced City Manager's communication number 241, dated August 5, 2014, was received into and made part of the record. He asked the City Clerk to read Ordinance 11189 by number and title only.

Ordinance No. 11189 relating to Real Property; declaring City-owned property located north of 22nd Street, east of the northbound Freeway Frontage Road to be surplus; authorizing the sale thereof; and declaring an emergency.

Council Member Romero emphasized the importance of the type of development on the corner. She said the corner was an entry way to south side Tucson and Downtown. It was one-third mile from the street car route and the heart of the gem show. She supported Eons Expos proposal as the best proposed use of the land and supported their

vision. She also voiced her concerns about the proposed use of land recommended by InterGem.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 11189 authorizing the sale of the subject property to Eons Expos, LLC in the amount of \$1,602,001.

Council Member Kozachik stated he could not support this motion. He said this item was a straight land deal with a clear winner at “best and final” and he supported InterGem’s proposal.

Ordinance 11189 was declared passed and adopted by a roll call vote of 5 to 2 (Mayor Rothschild and Council Member Kozachik dissenting).

16. INTEGRATED PLANNING: ADOPTING THE DEVELOPMENT (IMPACT) FEE LAND USE ASSUMPTIONS AND INFRASTRUCTURE IMPROVEMENT PLANS FOR STREETS, PARKS AND RECREATION, POLICE, AND FIRE

Mayor Rothschild announced City Manager's communication number 251, dated August 5, 2014, was received into and made part of the record. He asked the City Clerk to read Resolution 22280 by number and title only.

Resolution No. 22280 relating to Development Impact Fees; adopting the Land Use Assumptions and the Infrastructure Improvements Plans for Fire Facilities, Parks and Recreational Facilities, Police Facilities, and Streets Facilities for the City of Tucson; declaring intent to assess the proposed development impact fees.

Council Member Kozachik clarified the intent of the vote was to keep the process moving along to achieve the December 23 deadline. He stated that with respect to the fees, the legislative intent was to achieve a reduction in the fees and yet all but two have gone up significantly. He asked how this complied with respect to what was being proposed and the legislative intent.

Michael Rankin, City Attorney, responded the legislative intent was to make the imposition of development impact fees more difficult. He continued by saying the legislative intent was also set to address some state wide fees which were perceived as over-reaching and imposed by jurisdictions for types of services the legislature felt should not be funded through development impact fees. He then commented on the changes to the statues and the specifications to limit the number of necessary public services to be funded by development impact fees. He said one driver for increased fees was the additional procedural rigor added into the statute and administrative cost associated with it. He agreed the legislature’s expectation of fees were to ultimately go down. But the fees were so jurisdictionally dependent on the end result in terms of the analysis of what the necessary public services were and what amount of those cost were going to be attributable to new growth. It became difficult to predict on a jurisdiction to jurisdiction basis.

Council Member Kozachik questioned some of the language included in the resolution. He felt declaring the intent to assess the proposed development impact fees was not a fair representation of what he felt the resolution was intended to be. He said his intent was to continue the conversation until Mayor and Council reached an agreement on the impact fees.

Mr. Rankin responded the language was included in the resolution because it was the “magic language” in the statute. He also said in order to move forward to the public hearing and to the consideration of the adoption of the fee; it had to be characterized as a notice of intent in order to adopt the fees. He continued by saying adoption of the resolution would not lock into approving any fees and simply facilitated staying on the proposed schedule.

Nicole Ewing-Gavin, Office of Integrated Planning Director, offered a summary of the fees and the total new potential maximum fees the City could set by this resolution.

Mayor Rothschild confirmed what was being asked was to approve the reports estimating what cost was going to be in these development areas for many years. He then said from here they would have a public hearing and then have an opportunity to discuss the fees before any fee adoption.

Mrs. Ewing-Gavin explained the request to have Council approve five reports which were required by state statute. The reports also set the maximum fees to be charged. She then answered why fees had gone up. She said with the cost per lane mile of roadway going up from \$1.3 million to \$1.4 million since 2004 and since Council did not set the fees at the highest level they could have then; these are the reasons why fees have gone up. These new reports show the highest level the fees could be set. She said it was ultimately up to Mayor and Council where these fees were set.

Council Member Kozachik stated there were stakeholders still wanting to be engaged in this process and the reports.

Mrs. Ewing-Gavin responded if the five reports were to be amended this entire process would have to be restarted.

Mayor Rothschild clarified the reports would not be amended but Mayor and Council would have the opportunity to change the fees at time of adoption.

Mrs. Ewing-Gavin responded the fees and content of the ordinance would still be discussed with stakeholders but everything in those reports, including the maximum fees, could not be changed by stakeholders or by staff after these reports were approved.

It was moved by Council Member Kozachik, duly seconded and passed by a roll to pass and adopt Resolution 22280.

Council Member Fimbres clarified a public hearing would be held on September 9, 2014, an adoption of an ordinance would happen in October and discussion would continue with stakeholders.

Mrs. Ewing-Gavin responded that was correct.

Resolution 22280 was declared passed and adopted by a roll call vote of 7 to 0.

17. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 259 dated August 5, was received into and made part of the record. He asked if there were any personal appointments to be made.

Council Member Scott announced her personal appointment of George White to the Citizens' Water Advisory Committee.

Vice Mayor Cunningham announced his personal nomination of Max Parks to the Civil Service Commission.

18. ADJOURNMENT 7:42 PM

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 9, 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 5th day of August 2014, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:drg:sf