



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on February 18, 2015.

Date of Meeting: October 9, 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 5:38 p.m., on Thursday, October 9, 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
Paul Cunningham
Karin Uhlich
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

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

Absent/Excused:

None

Staff Members Present:

Martha Durkin
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Larry Munguia, The S.O.B.E.R. Project, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed October 15th as “National Latino AIDS Awareness Day” .
- b. Mayor Rothschild proclaimed October as “Solar Awareness Month”. Bruce Plenk and Claire Zucker accepted the proclamation.
- c. Mayor Rothschild recognized the City of Tucson Finance Department for receiving a Certificate of Achievement for Excellence in Financial Reporting.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 311, dated October 9, 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 Council Members Romero, Uhlich, Scott, Fimbres, Vice Mayor Cunningham, and Mayor Rothschild. 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 312, dated October 9, 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 reports were given by Martha Durkin, City Manager and Albert Elias, Assistant 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 317, dated October 9, 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. Goodness, Ward 6
1011 N. Tyndall Ave.
Applicant: Thomas Robert Aguilera
Series 12, City 72-14
Action must be taken by: October 10, 2014

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

Public Opinion: Written Arguments Opposed Filed.

This item was considered separately.

2. Viva's Bar & Grill, Ward 3
1929 E. Grant Rd.
Applicant: Viviana Lopez-Laden
Series 12, City 73-14
Action must be taken by: October 11, 2014

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

Public Opinion: Written Arguments in Opposition/Support Filed

3. BK Carne Asada & Hotdogs, Ward 3
2680 N. 1st Ave.
Applicant: Benjamin L. Galaz
Series 12, City 74-14
Action must be taken by: October 12, 2014

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

4. Thai China Bistro, Ward 2
5121 E. Grant Rd.
Applicant: Chu Tin Chan
Series 12, City 75-14
Action must be taken by: October 17, 2014

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

5. Cheddar's Casual Cafe, Ward 6
3455 E. Broadway Blvd.
Applicant: Thomas Robert Aguilera
Series 12, City 78-14
Action must be taken by: October 19, 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 Transfer(s)

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

c. Special Event(s)

1. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Graham Michael Thompson
City T117-14
Date of Event: December 6, 2014
(Art & Craft Beer Festival)

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

2. Gut Check Foundation, Ward 6
119 E. Toole Ave.
Applicant: Dwight G. Rees
City T122-14
Date of Event: November 2, 2014
(Fundraiser)

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

3. St. Ambrose Catholic School, Ward 6
300 S. Tucson Blvd.
Applicant: Sonia Valencia
City T123-14
Date of Event: November 7, 2014 - November 9, 2014
(Fiesta/Carnival)

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

4. Many Mouths One Stomach, Ward 1
201 N. Court Ave.
Applicant: Paul J. Weir
City T125-14
Date of Event: November 8, 2014
(Night of the Living Festival)

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

5. Tucson Screammers, Ward 3
1102 W. Grant Rd.
Applicant: Bobby G. Sutton Jr.
City T126-14
Date of Event: October 24, 2014 - October 25, 2014
(Haunted House)

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

6. Tucson Screammers, Ward 3
1102 W. Grant Rd.
Applicant: Bobby G. Sutton Jr.
City T127-14
Date of Event: October 31, 2014 - November 1, 2014
(Haunted House/Concert)

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

7. India Society of Southern Arizona, Ward 2
8625 E. Tanque Verde Rd.
Applicant: Arvind Maddur
City T128-14
Date of Event: November 1, 2014
(Social Festival)

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

8. Tucson Hebrew Academy, Ward 3
3800 E. River Rd.
Applicant: Julee Marie Dawson
City T129-14
Date of Event: November 2, 2014
(Fundraiser)

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

9. Borderlands Theater, Ward 1
525 N. Bonita Ave.
Applicant: Patricia M. Benton
City T130-14
Date of Event: November 1, 2014
(Tribute Dinner/Fundraiser)

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

10. Aviva Children's Services, Ward 5
242 S. Park Ave.
Applicant: Robert Edward Heslinga
City T131-14
Date of Event: October 25, 2014
(Cholla High School 30 Year Reunion)

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

11. Blue Adobe Project dba Sky Islands, Ward 6
6000 E. 14th St.
Applicant: Shari Popen
City T132-14
Date of Event: October 24, 2014
(Fundraiser)

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

12. S.S. Peter and Paul Parish, Ward 6
1946 E. Lee St.
Applicant: Michael X. Sanchez
City T133-14
Date of Event: November 1, 2014
(Fundraiser)

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

13. Rialto Theatre Foundation, Ward 6
320-350 E. Congress St. (Herbert Alley)
Applicant: Curtis McCrary
City T134-14
Date of Event: October 25, 2014
(Deschutes Street Fare)

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

14. Tucson Artist and Musician's Healthcare Alliance, Ward 6
311 E. Congress St.
Applicant: Tom Prezelski
City T136-14
Date of Event: October 24, 2014 - October 25, 2014
(Holiday Fundraising Awareness Event)

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

d. Agent Change/Acquisition of Control

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

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2 through 5b5 and 5c1 through 5c14 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

1. Goodness, Ward 6
1011 N. Tyndall Ave.
Applicant: Thomas Robert Aguilera
Series 12, City 72-14
Action must be taken by: October 10, 2014

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

Public Opinion: Written Arguments Opposed Filed.

Council Member Kozachik announced item 5b1, Goodness Restaurant, would be considered separately, due to oppositions being filed. He asked if Maqsood Ahmad and Ahmad Gaber, the persons opposing the liquor license, wanted to speak.

Maqsood Ahmad, Islamic Center of Tucson, stated the location was within fifty feet of the Congregation he was concerned about. He stated the issue was very clear for them because their Congregation was an alcohol and drug free environment. He explained there were many programs offered at the Mosque that brought in a lot of kids to the area. He also stated that during the month of Ramadan, the Islamic Center had a lot of attendance in the evenings for fasting. He said having a business within fifty feet that sold alcohol would severely limit their ability to conduct activities. He requested the City to uphold the three hundred foot requirement, which according to state law, was required for churches and schools.

Council Member Kozachik asked if Mr. Gaber wanted to speak as well.

Ahmad Gaber, Islamic Center of Tucson, stated he was there in opposition of granting a liquor license for the same reasons Mr. Ahmad had mentioned. He added the Islamic Center of Tucson was the only place for Muslims to go to practice their religion and to bring their families and children for their education and religious activities. He explained there were members at the Center during many different times of day who

gathered outside. He stated allowing liquor to be served within a close proximity could allow many things to happen which would disturb the amenities of the neighborhood.

Mr. Gaber said he felt there was a reason the law stated there needed to be three hundred feet between a place that sold alcohol and a place of worship. He said irresponsible drinkers could cause vandalism, disturbing of the peace and increase noise levels that could all lead to crime. He appealed to the Mayor and Council to consider those concerns and deny the license.

Council Member Kozachik stated he respected and appreciated all the comments. He provided more clarification, stating that the request for a license was for a restaurant. He asked the City Clerk if the three hundred foot perimeter rule applied to restaurants.

Roger W. Randolph, City Clerk, replied it did not apply to a restaurant location.

Council Member Kozachik asked the City Attorney to confirm that the Mayor and Council only had two reasons they could oppose a liquor license before it went to the State. One was location, which the City Clerk identified did not apply and the other was the personal characteristics of the person applying for the liquor license application. He said nothing had come before them with respect to the applicant that gave them grounds to oppose the request on the basis of personal characteristics.

Michael Rankin, City Attorney, confirmed that the two criteria were the capability, qualification or reliability of the applicant or the location issue.

Council Member Kozachik said given that they did not have grounds to oppose the request before it went to the State, he asked what remedies existed for those in opposition to pursue once it passed at the evening's meeting.

Mr. Rankin stated they could file letters of protest with the State Department of Liquor License and Control and ask for a hearing at that level before the license was issued.

Council Member Kozachik said they were honor bound to recommend approval. He requested the City Clerk's Office to let those in opposition know the process by which they could file a protest.

Council Member Uhlich stated that if the state statute was clear with regard to places of worship, then the Mayor and Council needed to make sure they were looking at all places of worship, such as mosques and synagogues.

Vice Mayor Cunningham wanted clarification on the material received by the Mayor and Council. He read the following from the materials that there was no church, public or private school, building with kindergarten programs of any grades 1 through 12, or fenced recreational area adjacent to such school building was within three hundred feet of the premises of where the liquor license is to be located. He asked if that was a moot

point, why was it included it in the Mayor and Council material and why was it inaccurate.

Mr. Rankin stated he did not know it was inaccurate. He thought they were identifying churches but could not answer his specific question. The information was provided because, in the context of a number of series of licenses, it was criteria for the basis of denial. He explained even if it were not an automatic basis in connection with a Series 12 license for a restaurant, it was probably information they would want to be aware of in making their recommendation in case there were other location issues at play that were influencing their decision.

Vice Mayor Cunningham said he felt the material should be accurate, which he felt was not and there had not been an opportunity for a meeting of the minds between the owners of the restaurant and Mosque.

Council Member Kozachik stated it was a question of the law, not a meeting of the minds.

Thomas Aguilera, Applicant, explained the three hundred foot restriction only applied to certain series of liquor licenses and the different series. He said a Series 12 license, which he was applying for, was not one of the series. He stated they had tried to get in touch with members of the Mosque and they would be cognizant of the close proximity. He said there would be a patio which the City had approved for use of full service. He stated that it would not be going in for six months and during that time, they wanted to work with the members of the Mosque to discuss all of their concerns.

Mr. Aguilera stated that from a legal perspective they were not exempt. He questioned whether or not the Mayor and Council had voted to have that area as an overlay in an Entertainment District.

Council Member Kozachik explained they had pulled the Entertainment District to the South of that location.

Mr. Aguilera stated the Mayor and Council had granted liquor licenses in the past to businesses very close to the Mosque. He explained that legally a Series 12 liquor license could be there. He wanted to assure the Mayor and Council and the Mosque that it was a restaurant and would be exciting for Downtown. Food was being served and there were signs posted that said "No Alcohol Beyond This Point". The signs were made in bright orange and yellow and could not be missed. He stated they wanted to make sure the students who came there were respectful because there were people living above the restaurant. He said they wanted to take deliberate steps to be respectful of the fears they had and take every step possible to work with the Council and Mosque. He requested the Mayor and Council grant the license.

Vice Mayor Cunningham thanked Mr. Aguilera. He explained that in the material it said there could not be anything within three hundred feet.

Mr. Aguilera agreed and said he had met with Council Member Kozachik's office and kept them abreast of what they had been doing.

Council Member Uhlich asked Mr. Aguilera to elaborate on the extension of premises that had been approved by the City. She said she felt that had the current issue been a factor or been talked about during the extension of premises process, the plans for the patio or the dialogue might have been different. She questioned whether or not the extension of premises had been approved.

Mr. Aguilera stated they had not done an extension of premises.

Council Member Uhlich questioned the outdoor service area stating that typically, that required some type of approval.

Mr. Aguilera stated that the City had granted them a TRE, Temporary Revocable Easement. The use of the TRE was for the patio. They had gone through the process with the Design Review Board (DRB) and thought they had followed the rules.

Council Member Uhlich asked if there had been any discussion about alcohol during that process.

Mr. Aguilera confirmed there had. He explained that the Planning and Development Services (PDS) Department had to provide a Memorandum of In-Compliance to the Mayor and Council and had to look at all the issues associated with the use of a patio in that area. He said he relied on PDS to educate them if something was not done correctly.

Mr. Aguilera said he received the Memorandum of In-Compliance, a copy of which should be in the Mayor and Council's packet. He stated they had gone through the process with their architect, who worked closely with the City. He stated the State Liquor Department had their application with the drawing and PDS had approved it for that use.

Council Member Uhlich asked Mr. Aguilera to elaborate on his stated timeline of six months out before this issue would be an element of concern.

Mr. Aguilera explained they had approved plans to put railings up around the patio but had not put them up yet because they were not going to be using the patio at that point. He felt it was appropriate they got the use of the inside of the restaurant down pat first before installing railing on the patio. He explained they wanted to work with the students who parked their bikes in the patio area to make it both safe and aesthetically pleasing.

Council Member Uhlich asked if a two week delay would be a problem in terms of affecting Goodness' timeline for serving alcohol.

Mr. Aguilera questioned if Council Member Uhlich meant inside the restaurant.

Council Member Uhlich confirmed she was referring to inside the restaurant.

Mr. Aguilera said it would absolutely affect them as they were currently behind schedule.

Council Member Uhlich questioned when the license application was expected to go before the Liquor Board.

Mr. Aguilera said it would not go before the Liquor Board, unless the Mayor and Council did not grant approval for the license.

Council Member Uhlich asked what the Liquor Board schedule was and if they attended to this license request in two weeks, would it affect the Liquor Board's schedule.

Mr. Randolph stated action had to be taken by October 10, 2014.

Council Member Uhlich stated it concerned her that Mr. Aguilera said maybe some of the notifications did not go out.

Mr. Aguilera responded that he suspected they did, but it was the City's responsibility to send the notifications out, not them. He said they started the mitigation process, although it was not required because of their zoning, R3 or C2, and had mailed out approximately three hundred certified letters. He stated they did the mailing to everyone, including the Mosque.

Mr. Aguilera also said that there was a big green sign posted within clear view of the mosque as well. He said they had already talked with some people from the Mosque, and if they had not spoken to the correct people, that could certainly be rectified.

Council Member Kozachik asked if they had made their presentation through the Design Review Board.

Mr. Aguilera confirmed they had and said he felt like they had done everything that the City had asked of them and more.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 6 to 1 (Council Member Uhlich dissenting), to forward liquor license application 5b1 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:

Lisette Eckman	Katya Peterson	Linda Dobbyn
Stephen Pompea	Shawn Cote	Patricia Richardson
Arnold Rodriguez	Mike Leung	Jessica Shuman
Ruth Beeker	Miguel Escalante	Roger Score

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 G

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 OCT09-14-313 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of April 23, 2014
3. Mayor and Council Study Session Legal Action Report and Summary minutes of April 23, 2014

b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR TUCSON CONVENTION CENTER ARENA REPAIRS

1. Report from City Manager OCT09-14-310 WARD 6
2. Resolution No. 22297 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 1 to an Intergovernmental Agreement ("IGA") between the City of Tucson ("City") and Rio Nuevo Multipurpose Facilities District (Rio Nuevo) for Tucson Convention Center Arena repairs concurrent with Rio Nuevo Arena restoration construction; and declaring an emergency.

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

- c. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE TRANSFER OF PIMA COUNTY WIRELESS INTERGRATED NETWORK (PCWIN) SUPPORT EQUIPMENT
 - 1. Report from City Manager OCT09-14-309 CITY WIDE
 - 2. Resolution No. 22296 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement ("IGA") between the City of Tucson ("City") and Pima County for the transfer of equipment and property regarding furtherance of the Pima County Integrated Network (PCWIN); and declaring an emergency.

- d. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR PREPARATION AND SUBMISSION OF THE FISCAL YEAR 2016 FIVE-YEAR HOUSING AND URBAN DEVELOPMENT CONSOLIDATED PLAN
 - 1. Report from City Manager OCT09-14-316 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22300 relating to Public Housing; approving the Intergovernmental Agreement (IGA) between the City of Tucson (City) and Pima County (County) for preparation and submission of the FY2016 Five-Year Consolidated Plan required by the United States Department of Housing and Urban Development (HUD) for the City and County to continue receiving Entitlement Grant Funds; and declaring an emergency.

- e. HOUSING AND COMMUNITY DEVELOPMENT: APPROVING THE GENERAL FUND ALLOCATIONS FOR HUMAN SERVICES
 - 1. Report from City Manager OCT09-14-315 CITY WIDE
 - 2. Resolution No. 22299 relating to Housing and Community Development; approving the General Fund Fiscal Year 2015 (FY 2015) Human Services funding set-aside for a limited homeless preference; authorizing and directing the City of Tucson's Housing and Community Development Department to proceed with a request for proposal; and declaring an emergency.

- f. WATER: AUTHORIZING THE SUBMISSION OF TUCSON WATER'S AVRA VALLEY HABITAT CONSERVATION PLAN TO THE U.S. FISH AND WILDLIFE SERVICE FOR COMPLETION OF THE HABITAT CONSERVATION PLAN PROCESS
 - 1. Report from City Manager OCT09-14-320 OUTSIDE CITY

(This item has been continued at the request of Staff.)

g. MAYOR AND COUNCIL: MEETING SCHEDULE FOR 2015

1. Report from City Manager OCT09-14-321 CITY WIDE
2. Ordinance No. 11202 relating to Administration; establishing the Mayor and Council 2015 meeting schedule; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a through g, with the exception of Item b, which was considered separately, and item f, which was continued, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM B

b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR TUCSON CONVENTION CENTER ARENA REPAIRS

1. Report from City Manager OCT09-14-310 WARD 6
2. Resolution No. 22297 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 1 to an Intergovernmental Agreement ("IGA") between the City of Tucson ("City") and Rio Nuevo Multipurpose Facilities District (Rio Nuevo) for Tucson Convention Center Arena repairs concurrent with Rio Nuevo Arena restoration construction; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item b at the request of Council Member Romero.

Council Member Romero asked what the thinking process was for the project, if there were any contingencies outside of the project, and where they would find the money to pay for them.

Ron Lewis, General Services Director, stated the project was another example of neglected facilities, which was the root of the problem. He explained the conditions in the kitchen and the concession stands in the south Exhibit Hall of the Tucson Convention Center (TCC) had been in disrepair for quite some time and had been getting worse. He said there were health and safety risks in the kitchen and concession stands that if not repaired quickly, could jeopardize the food safety in those areas. He stated to him, it was a legitimate use of the contingency fund.

Mr. Lewis explained that as they looked at how to get the work done, the quickest and most cost effective way was to add it into the existing construction contractor's work on the arena. In order to do that, he said, an amendment to the IGA agreement with Rio Nuevo was needed. He explained it was the basic background of the project and for more details in regards to the finance he would have to defer to the Chief Financial Officer.

Kelly Gottschalk, Assistant City Manager/Chief Financial Officer, stated while they had tried to reduce the contingency down, this project came up and wiped out the entire contingency. She explained every year they monitored all departments' expenditures on a quarterly basis, and some departments would be stressed while others would come out ahead. She stated they monitored that and hoped nothing else came up throughout the year or departments did not spend their budget as quickly as planned.

Council Member Romero questioned if potential departmental savings could be used for other contingencies that could happen at the TCC.

Ms. Gottschalk confirmed it could.

Mayor Rothschild stated what caught his attention on the item was that it exhausted the contingency fund for the year. He stated, in the past, financial considerations were always put on the memo from the Manager. He said if any staff wanted a program that included more money or one that reduced money from a program, it needed to be identified on the Manager's memo where that money came from. He wanted all interested groups to be aware that the current budget year was a tough one.

Council Member Romero asked staff, if there were any other emergencies or contingencies, could staff let the Mayor and Council know how they would be taken care of.

Ms. Gottschalk replied in the affirmative and stated she had asked the Budget Department to come up with a standard report that would get passed through the Manager's Office every time they were in a position to move money from one department to another.

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

8. INTEGRATED PLANNING: ADOPTING THE DEVELOPMENT IMPACT FEE RATES AND FEE REPORTS FOR STREETS, PARKS AND RECREATION, POLICE AND FIRE

Mayor Rothschild announced City Manager's communication number 322, dated October 9, 2014, was received into and made part of the record. He asked the City Clerk to read Ordinance 11203 by number and title only.

Ordinance No. 11203 relating to Development Impact Fees for Fire Facilities, Parks and Recreational Facilities, Police Facilities and Street Facilities; repealing Tucson Code, Chapter 23A, Development Compliance Code, Article III, Impact Fees, Divisions 1, 2, and 3; adopting a new Article III, Development Impact Fee Regulations, Divisions 1, 2, and 3; adopting a new Division 4 of Article III, Chapter 23A, Development Fee Schedules and Effective Dates; repealing Tucson Code Chapter 23A, Development Compliance Code, Article IV, Division 2, "Listing of Words and Terms"; and establishing an effective date.

Vice Mayor Cunningham asked for clarification on whether the fees and rates were lower than the current existing rates.

Michael Rankin, City Attorney, stated the phase in rates were equal to or in certain instances less than the fee schedules that were in effect prior to August 1, 2014.

Vice Mayor Cunningham stated he wanted to pass the recommendation and felt it was appropriate, but he also wanted to make sure the phase in rates that take effect July 1, 2016, were heard about one more time before that date.

Mr. Rankin stated that the Ordinance, as drafted, gave flexibility to the Mayor and Council to push the effective date of the fully authorized fees either forward or backward of the July 1, 2016 date. He said the Ordinance had to include a date, which in the absence of any other action, the full fees would go into effect. He explained it was only if they did not take any action that the rates would automatically go to the fully authorized rates effective July 1, 2016.

Mr. Rankin stated the Mayor and Council had already given direction following the last public hearing that they wanted to revisit the issue in connection with the City's budget and also review the status of the Impact Fees and Infrastructure Improvement Plans which were related to the fees. He stated the Mayor and Council would have the opportunity to review it prior to the phase-in period.

Vice Mayor Cunningham confirmed it was on record that the Mayor and Council would revisit implementing the new fees prior to them taking affect.

It was moved by Vice Mayor Cunningham, duly seconded, to pass and adopt Ordinance 11203.

Council Member Kozachik asked if there needed to be a date or could it be another threshold.

Mr. Rankin stated, from the direction of the last meeting, it could be another threshold. He stated that in order to incorporate something meaningful into the Ordinance, staff used the date that was discussed. He said, ultimately, the Mayor and Council could decide to move the date up sooner or later based on appropriate economic or development indicators when they review it in 2015 and looking at the way permits are issued, how many are being pulled, how many are in the pipeline and all those types of things.

Council Member Kozachik stated he read there were predictions that there was a potential \$1 billion deficit in Arizona for fiscal year 2016 and the last thing the City wanted to do was participate in tamping down the economic viability of the region. He stated there were only two hundred sixty-four single family permits through September 2014, but historically in the early part of the 2000s, the permits were all over two thousand per year. He explained the metric he was talking about was potentially

assigning a threshold of about one quarter, or six hundred permits, of what it used to be. He wanted to know how to incorporate that so that the fees were not reviewed or increased until that threshold was reached.

Mr. Rankin suggested that, if the Mayor and Council approved the Ordinance, direction be given to staff that when the status of the impact fees is reviewed, information be made available on where the City was on permits being pulled and how it compared historically. He explained having that information, at the time of review, allowed them to have some measure of what the market was and what the status of building was at that time. He also noted that part of the earlier discussion was to continue to explore if there were other ways to generate comparable revenue that had less of a direct impact on the types of construction that Impact Fees applied to, such as a more general application through a construction sales tax. He shared that the Charter Review Committee was examining the Charter provisions with respect to City Taxation Authority and would be providing information about construction sales tax as a possible alternative or at least a credit against impact fees.

Council Member Kozachik stated he had asked for that topic to be part of a study session in early December. He asked if it was an acceptable friendly amendment to require information on single family resident permits as part of the review.

Vice Mayor Cunningham asked for clarification on the friendly amendment.

Council Member Kozachik stated that staff would incorporate, in the review, where the City was in terms of single family resident permits.

Vice Mayor Cunningham accepted the friendly amendment.

Council Member Uhlich stated she was just as concerned about multi-family developments and the broader market and felt a full permit update would be helpful.

Mayor Rothschild stated he had looked at everything and the City's numbers were less than Marana and about equivalent to Oro Valley. He explained the State Legislature gave the City a very specific formula, which was followed. The City should have been looking at it on a regular basis and seen a gradual increase instead of the current shock. He stated he had been in contact with the Multi-Housing Association, who had some concerns, which was why staff had put in the Ordinance that the Mayor and Council would review the projects. He said for the next year, because the City was either equivalent or lower, there was a great opportunity for building in the City. He suggested if building took place within the City, it might affect their review. He explained they had also incorporated it into the budget process and would continue to look at it. He reiterated it was nothing brought on by the City, but by certain people going to the State Legislature. He said the City was following the law and had no real choice in the matter.

Council Member Uhlich stated she felt, during this era, that everything needed to be looked at again. She explained the notion that growth pays for itself was also tied to

the notion of sprawl and that growth always required new infrastructure. She said in an established urban environment like Tucson, everyone hoped they could build upon and leverage existing infrastructure and replace or maintain it without being tied to the old way of growing as a community.

Council Member Uhlich stated that in conversations with the Planning and Development Services Department (PDSD) and Transportation Department (TDOT), her staff found out that the Federal Transit Administration (FTA) had just issued a Request for Proposal (RFP) in order to be able to study transit-oriented development. She stated she thought this was an interesting element proposal for some funding for the City to look at what were the strategies for partnering to inspire quality infill development that replaced or restored infrastructure. She stated there was time to study opportunities to approach things differently and looked forward to that.

Council Member Kozachik agreed and felt it was all about relationships. He stated it was important industries understood it was not an automatic trigger simply because they had reached a particular date on the calendar. He said they would be looking more in-depth and with greater metrics than that.

Vice Mayor Cunningham stated they were currently experiencing an Impact Fee “holiday”, and questioned when that would end.

Mr. Rankin stated the Ordinance did not go into effect for seventy-five days or December 23, 2014. He explained anyone that secured their permit prior to that date did not have to pay the impact fee per the schedule.

Ordinance 11203 was passed and adopted by a roll call vote of 7 to 0.

9. REAL PROPERTY: ACQUISITION OF RIGHTS OF WAY FOR THE BROADWAY BOULEVARD - EUCLID AVENUE TO COUNTRY CLUB ROAD IMPROVEMENT PROJECT

(NOTE: This item was continued at the request of Staff.)

10. BOARDS, COMMITTEES AND COMMISSIONS: CREATING THE CITY MANAGER APPOINTMENT ADVISORY COMMITTEE

Mayor Rothschild announced City Manager’s communication number 319, dated October 9, 2014, was received into and made part of the record. He asked the City Clerk to read Resolution 22302 by number and title only.

Resolution No. 22302 relating to Boards, Committees and Commissions; creating the City Manager Appointment Advisory Committee and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution 22302.

Council Member Romero requested clarification on whether the resolution had any mention of participation by city residents.

Michael Rankin, City Attorney, stated the Resolution did not include a requirement that the members appointed by the Mayor and Council must be a resident or qualified elector of the City. He stated if that was a criteria or qualification they wanted to require, they could be written into the Resolution.

Council Member Romero offered a friendly amendment that they put language in the Resolution that the majority of the participants on the Committee be City of Tucson residents.

Council Member Fimbres asked for clarification on what constituted a majority.

Mayor Rothschild stated there were fifteen members on the Committee, so a majority would be eight.

Mr. Rankin clarified there were fourteen members on the committee, but a majority could still be eight.

Mayor Rothschild confirmed that eight was a majority of the Committee.

Resolution 22302 was passed and adopted by a voice vote of 7 to 0.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 318, dated October 9, 2014, 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 re-appointment of Carianne Funicelli Campbell to the Landscape Advisory Committee (LAC).

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

Council Member Romero announced her personal appointment of Judge Margarita Bernal and Paul Rubin to the City Manager Appointment Advisory Committee (CMAAC).

Vice Mayor Cunningham announced his personal appointment of Carol West and Joan Lionetti to the City Manager Appointment Advisory Committee (CMAAC).

Council Member Uhlich announced her personal appointment of Donna Liggins to the City Manager Appointment Advisory Committee (CMAAC).

Council Member Scott announced her personal appointment of David Godlewski and Byron Howard to the City Manager Appointment Advisory Committee (CMAAC).

12. TUCSON CODE: AMENDING (CHAPTER 4) AUTHORIZING IMPLEMENTATION OF A "COMMUNITY CAT PROGRAM"

Mayor Rothschild announced City Manager's communication number 323, dated October 9, 2014, was received into and made part of the record. He asked the City Clerk to read Ordinance 11204 by number and title only.

Ordinance No. 11204 relating to Animals; amending the Tucson Code, Chapter 4, Article I, to allow for disposition of animals by transfer to animal-welfare organizations; and for implementation of a community cat program, by amending Section 4-12; and declaring an emergency.

Michael Rankin, City Attorney, stated he had a slight revision to the Ordinance in Section 4-12, to remove the phrase referencing a written agreement with the City enforcement agent. He said subsection D would now read: "If a City enforcement agent disposes of animals by transfer of the animals pursuant to subsection (a) (3) of this Section, the City enforcement agent may dispose of animals in that manner and charge the cost to the City only to the extent that the City has previously approved the appropriation of funds for that specific purpose". He stated the balance of the Ordinance would remain the same.

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 11204, as amended.

13. ADJOURNMENT: 7:36 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, October 21, 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 9th day of October 2014, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:mg:dd