



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 8, 2016

Date of Meeting: August 5, 2015

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:33 p.m., on Wednesday, August 5, 2015, all members having been notified of the time and place thereof.

1. ROLL CALL

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

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Richard G. Fimbres	Vice Mayor, Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

Shirley C. Scott	Council Member Ward 4
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Staff Members Present:

Michael J. Ortega	City Manager
Michael Rankin	City Attorney
Suzanne Mesich	Assistant City Clerk

Mayor Rothschild requested a moment of silence for Tucson Firefighter Joe Nielson and Tucson Police Officer Isaac Rosario, both who had recently passed away.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor David Drum, 4 Tucson Church, after which the Pledge of Allegiance was led by the Boy Scout Troop 733.

Presentations:

- a. Mayor Rothschild presented awards to the recipients of the “Mrs. Rosa Louise Parks Scholarship” and the "Ray Davies Student Community Services Scholarship” sponsored by the Human Relations Commission.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 275, dated August 5, 2015, 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, Cunningham, and Vice Mayor 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 276, dated August 5, 2015, 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 Michael J. Ortega, 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 302, dated August 5, 2015, 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. Thunder Canyon Distillery, Ward 6
220 E. Broadway Blvd. #B
Applicant: Stephen Vincent Tracy
Series 18, City 56-15
Action must be taken by: July 24, 2015

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

Public Opinion: Written Argument in Support Filed

2. Thunder Canyon Brewery, Ward 6
220 E. Broadway Blvd. #A
Applicant: Stephen Vincent Tracy
Series 3, City 57-15
Action must be taken by: July 24, 2015

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

Public Opinion: Written Argument in Support Filed

3. Bear Track U, Ward 6
943 E. University Blvd. #101
Applicant: Ricky Lynn Riddle
Series 12, City 58-15
Action must be taken by: August 9, 2015

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

4. K Japanese Restaurant, Ward 3
2962 N. Campbell Ave.
Applicant: Hoi Wa Kwan
Series 12, City 59-15
Action must be taken by: August 13, 2015

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

5. Rincon Market, Ward 6
2513 E. 6th St.
Applicant: John Ronald Abbott
Series 10, City 61-15
Action must be taken by: August 22, 2015

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)

6. Hagen, Ward 2
8740 E. Broadway Blvd.
Applicant: Patrick Joseph Paul
Series 9WS, City 53-15
Action must be taken by: July 24, 2015

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

7. Hagen, Ward 2
10380 E. Broadway Blvd.
Applicant: Patrick Joseph Paul
Series 9WS, City 54-15
Action must be taken by: July 25, 2015

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

8. Hagen, Ward 1
1350 N. Silverbell Rd.
Applicant: Patrick Joseph Paul
Series 9WS, City 55-15
Action must be taken by: July 25, 2015

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

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

Person/Location Transfer(s)

9. China Szechwan, Ward 3
1800 E. Fort Lowell Rd. #134
Applicant: Richard B. Liu
Series 7, City 60-15
Action must be taken by: August 20, 2015

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

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

Location Transfer(s)

10. Fry's Food & Drug #83, Ward 1
1801 W. Valencia Rd.
Applicant: Lauren Kay Merrett
Series 9, City 11-15
Action must be taken by: April 2, 2015

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. Garden Youth Development Project, Inc., Ward 6
220 S. 5th Ave.
Applicant: Tanishia D. Hamilton
City T59-15
Date of Event: August 8, 2015
(Music Festival)

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

2. St. Augustine Cathedral, Ward 6
192 S. Stone Ave.
Applicant: Michael Steven Gutierrez
City T60-15
Date of Event: October 3, 2015
(Fundraiser)

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 T62-15
Date of Event: September 19, 2015 - September 20, 2015
(Annual Parish Fiesta)

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

4. Salpointe Catholic High School, Ward 3
1545 E. Copper St.
Applicant: Margaret L. Felici-Gessner
City T63-15
Date of Event: October 23, 2015
(Homecoming Celebration)

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

5. Southern Arizona Arts and Cultural Alliance, Ward 3
4502 N. 1st Ave.
Applicant: Jonas Wes Hunter
City T65-15
Date of Event: September 12, 2015
(Car Show/Fundraiser)

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

6. Living Streets Alliance, Ward 6
215 N. Hoff Ave.
Applicant: Emily G. Yetman
City T66-15
Date of Event: August 14, 2015 - August 15, 2015
(Tophoy Courtyard Opening)

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

7. Garden Youth Development Project, Inc., Ward 6
220 S. 5th Ave.
Applicant: Tanishia Hamilton
City T67-15
Date of Event: September 12, 2015
(Music Festival)

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

8. St. Demetrios Greek Orthodox Church, Ward 3
1145 E. Fort Lowell Rd.
Applicant: Earl Cantos
City T68-15
Date of Event: September 24, 2015 - September 27, 2015
(Greek Festival)

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

9. Ronald McDonald House Charities of Southern Arizona, Inc., Ward 3
3838 N. Campbell Ave. #6
Applicant: Scott A. Matlick
City T69-15
Date of Event: September 25, 2015
(Fundraiser)

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 Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to forward liquor license applications 5b1 through 5b10 and 5c1 through 5c9 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:

Mark Brown	Lynn Brown	Willie Blake
Chet Phillips	Mark Spear	Wolfe Crowe
Ronald Johnson	Larry Hoyle	Katya Fritsche
Keith Murfe-DeConcini	Karla VanDrunen Littooy	Bob Sanford
Robert Fischer	Katharine Kent	

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 Q

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 AUG05-15-278 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of December 16, 2014
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of December 16, 2014

b. BUDGET AND INTERNAL AUDIT: APPROVING THE INTERNAL AUDIT PLAN FOR FISCAL YEAR 2016

1. Report from City Manager AUG05-15-285 CITY WIDE
2. Resolution No. 22437 relating to Budget and Internal Audit; approving the Internal Audit Plan for Fiscal Year 2016; and declaring an emergency.

- c. ELECTIONS: DESIGNATING VOTING LOCATIONS AND APPOINTING ELECTION BOARDS FOR THE PRIMARY ELECTION TO BE HELD AUGUST 25, 2015
1. Report from City Manager AUG05-15-286 CITY WIDE
 2. Resolution No. 22441 relating to Elections; designating the voting locations for the City of Tucson's August 25, 2015 Primary Election; and declaring an emergency.
 3. Resolution No. 22440 relating to Elections; appointing officials who will serve as members of Election Boards required for the City of Tucson's August 25, 2015 Primary Election; and declaring an emergency.
- d. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA FOR COMPOST SERVICES (CONTINUED FROM THE MEETING OF JULY 7, 2015)
1. Report from City Manager AUG05-15-287 CITY WIDE
 2. Resolution No. 22431 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Board of Regents, on behalf of the University of Arizona's Compost Cats, to establish a program to divert organic waste material from the Los Reales Landfill through an organics collection and composting program; and declaring an emergency.
- e. GRANT APPLICATION: TO THE GILA RIVER INDIAN COMMUNITY IN SUPPORT OF NATIVE SEEDS/SEARCH
1. Report from City Manager AUG05-15-283 CITY WIDE
 2. Resolution No. 22434 relating to Finance; authorizing and approving a Grant Application to the Gila River Indian Community in support of Native Seeds/ SEARCH and disbursement of gaming monies; and declaring an emergency.
- f. GRANT APPLICATION: TO THE AK-CHIN INDIAN COMMUNITY IN SUPPORT OF THE UNIVERSITY OF ARIZONA'S OFFICE OF TRIBAL RELATIONS
1. Report from City Manager AUG05-15-288 CITY WIDE
 2. Resolution No. 22443 relating to Finance; authorizing and approving a Grant Application to the Ak-Chin Indian Community in support of the University of Arizona's Office of Tribal Relations and disbursement of gaming monies; and declaring an emergency.

- g. FINANCE: APPROVAL OF FISCAL YEAR 2015 INVOLUNTARY TORT JUDGMENTS
 - 1. Report from City Manager AUG05-15-289 CITY WIDE
 - 2. Resolution No. 22442 relating to Fiscal Year ("FY") 2017 Primary Property Tax Levy; retroactively approving involuntary court ordered tort judgments from litigation awards from FY 2015; and declaring an emergency.

- h. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH NORTHWEST FIRE DISTRICT FOR DISPATCHING SERVICES
 - 1. Report from City Manager AUG05-15-290 OUTSIDE CITY
 - 2. Resolution No. 22439 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment Number Five to the Intergovernmental Agreement with the Northwest Fire District for dispatching services; and declaring an emergency.

- i. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT AGE FOR RICHARD KAYE
 - 1. Report from City Manager AUG05-15-280 CITY WIDE

- J. TUCSON CODE: AMENDING (CHAPTER 10) FISCAL YEAR 2016 COMPENSATION PLAN SCHEDULES
 - 1. Report from City Manager AUG05-15-281 CITY WIDE
 - 2. Ordinance No. 11291 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service - Human Resources, Article II, Compensation Plan, Section 10-31, amending Ordinance No. 11273 to approve revised position compensation schedules for certain Tucson Fire Department Employees and Tucson Police Department Employees, beginning with the pay period that includes July 12, 2015; amending Section 10-31(8) payment of uniform maintenance; repealing Section 10-53.6 additional compensation to defray housekeeping costs for commissioned fire personnel; otherwise reaffirming the provisions of Ordinance No. 11273; and declaring an emergency.

- k. TUCSON CODE: AMENDING (CHAPTER 22) RELATING TO THE LEAVE BENEFIT PLAN
 - 1. Report from City Manager AUG05-15-282 CITY WIDE

2. Ordinance No. 11292 relating to leave and other benefits; the Tucson Code, Chapter 22, Pension, Retirement, Group Insurance, Leave Benefits and other Insurance Benefits, Article V, Leave Benefit Plan, amending Section 22-95(a) through (e) to remove Sick Leave Incentive Program and eliminate incentive payment and personal leave days and replace with Wellness Attendance Incentive providing for incentive payment; and declaring an emergency.
1. INTERGOVERNMENTAL AGREEMENT: WITH THE CITY OF SOUTH TUCSON FOR POLICE AND FIRE SERVICE CALL TAKING AND DISPATCHING SERVICES
 1. Report from City Manager AUG05-15-291 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 22430 relating to Intergovernmental Agreements (IGA); approving and authorizing renewal of current IGA between the City of South Tucson (COST) and the City of Tucson (COT) for police and fire call taking and dispatching services provided by COT; and declaring an emergency.

Suzanne Mesich, Assistant City Clerk, stated that the City Attorney had a correction to reach into the record for Item l.

Michael Rankin, City Attorney, indicated that two lines on the first page of the Intergovernmental Agreement got cut off in the materials that went out to the Mayor and Council. He said at the bottom of page one the following language should be inserted to the existing language; *"the parties may renew this Agreement for additional terms of five years each, by mutual agreement of their governing bodies. The parties shall provide written notice to the...other one year before the termination of the five year term as to whether they intend to renew or discontinue the agreement for an additional term."*

- m. ECONOMIC DEVELOPMENT: INCENTIVES FOR REPURPOSING CLOSED TUSD SCHOOL SITES
 1. Report from City Manager AUG05-15-292 CITY WIDE
 2. Resolution No. 22435 relating to Economic Development; approving certain development incentives for the redevelopment and/or repurposing of closed Tucson Unified School District (TUSD) sites; and setting an effective date.

(This item was considered separately at the request of Vice Mayor Fimbres and Council Member Kozachik)

- n. LEASE AGREEMENT: APPROVAL OF LEASE WITH SEEDS OF THE HEART, INC. DBA: REFUGEE RESOURCE CENTER
 1. Report from City Manager AUG05-15-293 WARD 1

2. Resolution No. 22433 relating to Real Property and Parks; authorizing and approving the Lease Agreement between the City of Tucson (City) and Seeds of the Heart, Inc., dba Refugee Resource Center, for the property located at 1390 West Speedway, Building C, in the El Rio Neighborhood Center; and declaring an emergency.
- o. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE HUGHES ACCESS/ALVERNON WAY BIKE LANE PROJECT
1. Report from City Manager AUG05-15-294 WARD 5
 2. Resolution No. 22432 relating to Transportation; authorizing and approving Amendment No. 1 to the Intergovernmental Agreement ("IGA") for transportation funding between the City of Tucson ("City") and the Regional Transportation Authority of Pima County ("RTA") for the Hughes Access/Alvernon Way Bike Lane Project; and declaring an emergency.
- p. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR TREATING EFFLUENT AND WHEELING RECLAIMED WATER
1. Report from City Manager AUG05-15-295 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 22436 relating to Water; authorizing and approving the execution of an Agreement between the City of Tucson and Pima County that serves as both a second addendum to the supplemental Intergovernmental Agreement relating to effluent and a first Addendum to the Intergovernmental Agreement for treating effluent and wheeling reclaimed water; and declaring an emergency.

(This item was continued at the request of staff on behalf of Pima County.)

- q. TUCSON CODE: AMENDING (CHAPTER 20) PARKING FINES
1. Report from City Manager AUG05-15-303 CITY WIDE
 2. Ordinance No. 11295 relating to Transportation and Parking; reducing parking fines by amending Chapter 20, Article VII, Stopping, Standing and Parking, Sections 20-221, 20-246, and 20-271.

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

It was moved by Council Member Uhlich, duly seconded, and passed by a voice vote of 6 to 0 (Council Member Scott absent/excused), that Consent Agenda Items a – q, with the exception of Item p, which was continued, and Items m and q, which were considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM M

- m. ECONOMIC DEVELOPMENT: INCENTIVES FOR REPURPOSING CLOSED TUSD SCHOOL SITES
 - 1. Report from City Manager AUG05-15-292 CITY WIDE
 - 2. Resolution No. 22435 relating to Economic Development; approving certain development incentives for the redevelopment and/or repurposing of closed Tucson Unified School District (TUSD) sites; and setting an effective date.

Council Member Kozachik stated when the building code self-certification language was first considered there was conversation about excluding issues that related to safety and health from the self-certification planner's view but that language was not reflected in the documents in front of him.

Mayor Rothschild asked if self-certifications were done, how was safety and health factored in.

Ernie Duarte, Planning and Development Services Department (PDSD) Director, responded the self-certification program was where design professionals were certified through the International Code Council to certify that their plans met International Code Council requirements. He said this was the same review process his staff did when they performed project reviews.

Mayor Rothschild asked to clarify that safety and health were not exempted from the review process, which Mr. Duarte affirmed.

Council Member Kozachik repeated they were not self-certifying safety and health issues, only building structure and architectural elements.

Mr. Duarte responded they were looking at life, safety, health, mechanical, plumbing, electrical and structural issues. He also indicated that self-certification was one of the incentives the applicant could choose if they had an architect that was certified by the City's program to perform that function.

Council Member Kozachik added the Mayor and Council were cautious about not getting to far ahead of the Tucson Unified School District (TUSD) School Board on the process, as well as, council offices not getting too far ahead with the permitting process. He said specifically, there was talk about ensuring the council offices got their "oar in the water" with respect to proposed changes in use. He added within the last few weeks he was involved in conversations with TUSD about Townsend Elementary, Fort Lowell Elementary, and Duffy Elementary.

Council Member Kozachik wanted to make sure for the record, that when the Mayor/Manager Action Team kicked into play, the council offices already had an opportunity to reach out to their constituents and engaged them, so the developer was not

sent off on a prolonged development process which was expensive and time consuming, when initially the conversation should have been about what the proposed uses were.

Council Member Kozachik requested assurance that they were not going to step beyond what was acceptable in an area. Additionally, council offices had to have a role early on in the processes so as to not waste people's time and money and ensure that the development being proposed for these repurposed sites fit in with the character, context and the impact on the local areas.

Mr. Duarte advised that the assignment of the Mayor/Manager Action Team, in no way, precluded that action from taking place. He said staff expected discussions with the council offices and the community take place before the Mayor/Manager Action Team entered into the process.

Mayor Rothschild said his recollection was that the several times the review had been done; it was after everything had been approved. He added that the ward office could be present as well, but the idea was to bring transportation, water, planning and zoning together in a room.

Mayor Rothschild stated it should be clear in the Ordinance, as it is being designed, that the incentive kicks in after the approvals and the ward offices should be included.

Council Member Kozachik stated he was in favor of all the players being in a room to do a plan review that was efficient with people's time, so that a developer was not sent to six different inspectors and/or plan reviewers. He said he wanted to make sure as plans were being reviewed in a legitimately expedited fashion, to the extent that the proposed use fits contextually in the area, conversations be held prior to the rest of the process kicking in.

Council Member Fimbres asked what assurances the City had to retain the ability for zoning decisions for the parcels in question.

Michael Rankin, City Attorney, responded zoning applied as the property was redeveloped and left the hands of the school district to be put into private uses. He said the application of the zoning codes was not affected by the implementation of any of the proposed incentives. He stated he did not think the resolution needed to be amended in any fashion but stated that the Mayor and Council, if they chose to approve the resolution, could give direction to the City Manager and staff to ensure council offices were made aware of any potential re-developments of the school sites early on in the process.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Consent Agenda Item m.

Council Member Romero asked for clarification on if the process would be very deliberate in terms of saying neighborhood input and ward input would be used in the process.

Mr. Duarte stated that PDSD's experience showed there was a lot of predevelopment discussion that took place with council offices and surrounding properties before entering into the development review process. He said it was very deliberate and written in to the process.

Consent Agenda Item m was passed and adopted and the proper action taken by a voice vote of 6 to 0 (Council Member Scott absent/excused).

7. CONSENT AGENDA – ITEM Q

q. TUCSON CODE: AMENDING (CHAPTER 20) PARKING FINES

1. Report from City Manager AUG05-15-303 CITY WIDE
2. Ordinance No. 11295 relating to Transportation and Parking; reducing parking fines by amending Chapter 20, Article VII, Stopping, Standing and Parking, Sections 20-221, 20-246, and 20-271.

Council Member Cunningham thanked staff for their work on the Ordinance. He stated, before implementing the Ordinance, he wanted to be sure there was a definition of nuisance, safety and accessibility fines and the different offenses in those categories. He said it seemed some of the accessible fines were the most severe for parking fines, yet in other jurisdictions they were considered nuisance fines. He said he wanted to make sure information was available to measure up which fines were considered accessibility level fines, the City's highest fines, and which were consistent with other jurisdictions.

Council Member Cunningham explained that currently, if someone was parked more than six inches from the curb they were subject to a two hundred eighty-five dollar fine. He said while that may be appropriate on the streetcar route, in a neighborhood, being eight inches from the curb would probably be more of a nuisance fine.

Carlos DeLeon, Transportation Department Deputy Director, stated last year a review of the various violations was conducted to see how they fit in the different categories. He said, at that time, it was decided not to make any changes, but he indicated staff would be happy to take another look and make any recommendations as the Ordinance change came forward.

Council Member Cunningham reiterated that he did not want to see where the City was taking an accessible fine and making it something where, in any other jurisdictions, it was not. He wanted to be sure the City was in line with everyone else and not charging a four hundred dollar fine where New York was charging twenty-five dollars for being eight inches from the curb. He said that would totally defeat the whole purpose of what was done.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), that Consent Agenda Item q be passed and adopted and the proper action taken.

8. PUBLIC HEARING: LIMBERLOST AND FAIRVIEW ANNEXATION DISTRICT

Mayor Rothschild announced City Manager's communication number 279, dated August 5, 2015, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed Limberlost and Fairview Annexation District. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on the item.

There were no speakers.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to close the public hearing.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to proceed with the Limberlost and Fairview Annexation District process.

RECESS: 6:51 p.m.

RECONVENE: 7:00 p.m.

All members present as they were at the beginning of the meeting.

9. PUBLIC HEARING: CONSIDERATION OF WATER SERVICE AREA REVIEW BOARD RECOMMENDATION OF WATER SERVICE FOR 5350 WEST CRESTVIEW DRIVE

Mayor Rothschild announced that the petitioners had requested the item be continued.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to continue the item to the meeting of September 9, 2015.

10. WATER: AMENDING THE TUCSON WATER SERVICE AREA POLICY BY AMENDING RESOLUTION 21602 AND ORDINANCE 11106 (CONTINUED FROM THE MEETING OF JULY 7, 2015)

Mayor Rothschild announced City Manager's communication number 284, dated August 5, 2015, was received into and part of the record. He asked the City Clerk to read Resolution 22407 by number and title only.

Resolution No. 22407 relating to Water; amending the Tucson Water Service Area Policy to: (1) specify certain timeframes applicable to the administrative review process; (2) replace the policy's current general references to an "Administrative Review Board" with specific references to the "Water Service Area Review Board" created by Ordinance No. 11106; and (3) add language allowing applicants to present their case to the Water Service Area Review Board through a designated representative; amending Subsection D of Section 1 of Resolution No. 21602; and declaring an emergency.

Ordinance No. 11276 relating to Boards and Commissions; amending Ordinance No. 11106, creating ordinance for the Water Service Area Review Board, to specify timeframes applicable to the Administrative Review process, and to provide that the City Manager's Office shall "assign" support staff to the Board; and declaring an emergency.

Council Member Uhlich stated there was good discussion at the Study Session earlier that day regarding the annual review of the policy. She said although the item was about procedure, she asked when the annual review of the actual policy would be taking place.

Albert Elias, Assistant City Manager, indicated the review of the policy was done every two years and it was last done in 2013. He said the next one was due this year and staff could certainly wrap everything together if the Mayor and Council chose to do that.

Council Member Uhlich said she thought that was what should be done, given the questions brought up during the Study Sessions, the good conversation that took place, and wanting to make sure it was done right. She said she did not want to miss anything that really should be taken under consideration.

It was moved by Council Member Uhlich, duly seconded, and passed by a voice vote of 6 to 0 (Council Member Scott absent/excused), to continue the item and incorporate it with a future item regarding the review of Tucson Water Service Area Policy.

11. TUCSON CODE: AMENDING (CHAPTER 28) PROCUREMENT CODE

Mayor Rothschild announced City Manager's communication number 296, dated August 5, 2015, was received into and part of the record. He asked the City Clerk to read Ordinance 11296 by number and title only.

Ordinance No. 11296 relating to Procurement; amending Tucson City Code, Chapter 28, Procurement Code; and declaring an emergency.

It was moved by Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Ordinance 11296.

12. ELECTIONS: CALLING A CHARTER AMENDMENT ELECTION FOR NOVEMBER 3, 2015

Mayor Rothschild announced City Manager's communication number 297, dated August 5, 2015, was received into and part of the record. He asked the City Clerk to read Ordinance 11294 by number and title only.

Ordinance No. 11294 relating to Elections: calling a special election on November 3, 2015, to submit to the City's qualified electors a question relating to amending Sections 8 and 9 of Chapter V of the Charter of the City of Tucson to increase the Mayor's salary from \$3,500 per month to \$4,030 per month and to increase the Council Members' salary from \$2,000 per month to \$2,288 per month, as recommended by the 2015 Citizen's Commission on Public Service and Compensation; and declaring an emergency.

Mayor Rothschild stated it was his understanding the Ordinance was strictly an administrative act on the part of the Mayor and Council.

Michael Rankin, City Attorney, confirmed that was correct.

It was moved by Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Ordinance 11294.

13. ELECTIONS: CALLING A SPECIAL ELECTION FOR NOVEMBER 3, 2015

Mayor Rothschild announced City Manager's communication number 298, dated August 5, 2015, was received into and part of the record. He asked the City Clerk to read Ordinance 11297 by number and title only.

Ordinance No. 11297 relating to Elections; pursuant to Article XIII, Section 2 of the Arizona Constitution and to Chapter IV, Section 1(20), Chapter XVI, Section 6, and Chapter XIX of the Charter of the City of Tucson, calling a special election to be held on November 3, 2015, for the purpose of submitting to the City's qualified electors a question submitted through Initiative Petition number 2013-I005, relating to amending Tucson Code Section 20-2; and declaring an emergency.

Mayor Rothschild restated his understanding that the Ordinance was only due to an administrative act needed by the Mayor and Council.

Michael Rankin, City Attorney, responded affirmatively. He said due to a sufficient number of signatures on the petition and certification by the City Clerk, the only action needed was to move the Ordinance forward to be placed on the ballot.

It was moved by Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Ordinance 11297.

14. MAYOR AND COUNCIL RULES AND REGULATIONS: ELECTRONIC ATTENDANCE

Mayor Rothschild announced City Manager's communication number 299, dated August 5, 2015, was received into and part of the record. He asked the City Clerk to read Ordinance 11293 by number and title only.

Ordinance No. 11293 relating to Mayor and Council; amending Section IG9 of the Mayor and Council Rules and Regulations, relating to Electronic Attendance; and declaring an emergency.

Council Member Kozachik acknowledged the accommodation was reasonable for Commission on Disability Issues (CODI). He questioned, if electronic participation did not count towards quorum, why would CODI be limited to only one person participating electronically.

Michael Rankin, City Attorney, stated what staff tried to accomplish was to have the rule, the same one that that applied to the Mayor and Council, apply to CODI as well. He said the quorum should not be dependent on someone who was participating over the telephone because if they dropped off the line and the meeting continued, they would unintentionally walk into an open meeting law violation.

Council Member Kozachik stated he understood the quorum issue, but what the Mayor and Council were looking at was limiting electronic attendance to a maximum of one person.

Mr. Rankin responded that going back, when the rule was created for the Mayor and Council, it was purely logistical in trying to manage multiple people calling in from different locations at the same time to the same meeting.

Mayor Rothschild indicated he had some of the same concerns, but given the modern age and better technology, was it possible to expand that rule to allow particular commissions, especially the ones where there was a disability and members had trouble getting to the meetings, to have more than one person attend electronically.

Mr. Rankin replied it could be considered since it was not a legal issue so much as a practical issue.

Council Member Fimbres stated he wanted to see it expanded to other commissions as well, not just CODI.

Mr. Rankin replied the rule change allowed for that.

Council Member Cunningham said he understood about having it uniform throughout the committees, but this was specific to CODI. He commented about the quorum issues CODI that were conveyed earlier in the day. He said utilizing FaceTime or Skype gave another level of digital communication as a visual and perhaps could count towards quorum. He asked to take a look into the legalities at that level at least for CODI or the other commissions where there were members that had transportation needs that precluded attendance.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Ordinance 11293.

15. MAYOR AND COUNCIL: SELECTION OF VICE MAYOR

Mayor Rothschild announced City Manager's communication number 300, dated August 5, 2015, was received into and made part of the record. He asked the City Clerk to read Resolution 22438 by number and title only.

Resolution No. 22438 relating to the Vice Mayor of the Mayor and Council selecting a Vice Mayor.

It was moved by Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Resolution 22438, selecting Council Member Uhlich as Vice Mayor effective August 6, 2015.

16. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 301, dated August 5, 2015, was received into and made part of the record. He asked if there were any personal appointments to be made.

It was moved by Council Member Uhlich, duly seconded, and carried by a vote of 6 to 0 (Council Member Scott absent/excused), to approve the appointments of Manuel Abril, Rachel Bridgeman, Tom Litwicki and Kim Marie Ward to the Pima County/Tucson Commission on Addiction, Prevention and Treatment (CAPT), Jeff Singleton to the Metropolitan Housing Commission (MHC), Sam Alboy, Erika Mitnik-White, Kris Vrolijk, Robert Ojeda, Kara Jones, Debbie Winegarten, Cie'na Schaepli, Kelly Watters, Dora Martinez, Dr. Maribel Alvarez, Chet Phillips, Dr. Gary P. Nabhan, Jesus Garcia, Dr. Douglas Taren, Dr. Daniel McDonald and Dr. David Ludwig to the Commission on Food Security, Heritage, and Economy (CFSHE) and the reappointment of Sandra Fimbres to Environmental Services Advisory Committee (ESAC).

Vice Mayor Fimbres announced his personal appointment of Boyd Gertz to the Tucson Rodeo Grounds/Parade Citizens' Oversight Committee (RODEO)..

17. ADJOURNMENT: 7:06 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, September 9, 2015, 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, 2015, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ddl:drl