



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on April 19, 2016.

Date of Meeting: September 24, 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 Thursday, September 24, 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 (arrived 5:35 p.m.)
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Vice Mayor, 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:

Michael J. Ortega	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Debra Counsellor, City Clerk's Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild presented the 2015 American Public Works Association (APWA) Project of the Year Award for the Houghton Road Project from Valencia Road to Irvington Road. M.J. Dillard, Tucson Transportation Department Senior Engineer Associate, accepted the award.
- b. Mayor Rothschild and Council Member Fimbres recognized the Tucson Police Department and the Sunnyside Unified School District for their efforts in partnering together to keep our neighborhoods and schools safe.
- c. Mayor Rothschild and Council Member Scott presented Certificates of Appreciation to the donors of the Ward 4 Back to School Bash.
- b. Mayor Rothschild proclaimed September 28, 2015 to October 5, 2015 to be "Diaper Need Awareness Week".

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 338, dated September 24, 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, Scott, Fimbres, Kozachik, and Vice Mayor Uhlich. 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 339, dated September 24, 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 given 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 340, dated September 24, 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. Finley Distributing, Ward 5
2004 S. Euclid Ave.
Applicant: Dennis Shields
Series 4, City 70-15
Action must be taken by: October 4, 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)

2. Sonesta ES Suites Tucson, Ward 2
6477 E. Speedway Blvd.
Applicant: Mark Garcia Price
Series 7, City 68-15
Action must be taken by: October 1, 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)

c. Special Event(s)

1. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Mary Ann Confrey
City T95-15
Date of Event: October 18, 2015
(Butterfly Gala)

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

2. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Mary Ann Confrey
City T96-15
Date of Event: October 24, 2015
(Feast with the Dearly Departed)

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

3. Many Mouths One Stomach, Ward 1
201 N. Court Ave.
Applicant: Paul J. Weir
City T98-15
Date of Event: November 7, 2015 - November 8, 2015
(All Souls Procession Weekend)

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

4. Handi-Dogs, Inc., Ward 2
3231 N. Craycroft Rd.
Applicant: Jo Ann Turnbull
City T99-15
Date of Event: October 25, 2015
(Fundraiser)

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

5. Our Mother of Sorrows, Ward 2
1800 S. Kolb Rd.
Applicant: Argelia Saavedra
City T100-15
Date of Event: October 9, 2015 - October 11, 2015
(Annual School Parish Fiesta)

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

6. Rotary Club of Tucson Foundation, Ward 2
3231 N. Craycroft Rd.
Applicant: Wayne L. Meyer
City T103-15
Date of Event: October 16, 2015 - October 17, 2015
(Classic Car Show)

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

7. St. Ambrose Catholic School, Ward 6
300 S. Tucson Blvd.
Applicant: Sonia Valencia
City T104-15
Date of Event: October 23, 2015 - October 25, 2015
(Fundraising Fiesta)

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

8. Blair Charity Group, Ward 1
283 N. Stone Ave.
Applicant: Joseph Blair
City T105-15
Date of Event: October 9, 2015
(Fundraiser)

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

9. The University of Arizona Alumni Association, Ward 6
1303 E. University Blvd.
Applicant: Melinda Burke
City T106-15
Date of Event: October 24, 2015
(2015 Homecoming)

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

10. Tucson Historic Preservation Foundation, Ward 2
530 N. Wilmot Rd.
Applicant: Demion Sergus Clinco
City T107-15
Date of Event: October 10, 2015
(Fundraiser)

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

Public Opinion: Written Argument Opposed Filed

This item was considered separately

11. WAMO, Ward 6
222 #A E. 6th St.
Applicant: Tara L. Moen
City T108-15
Date of Event: October 15, 2015
(Tucson Fashion Week-Launch Event)

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

Public Opinion: Written Argument in Support Filed

12. COAH Tucson, Ward 6
191 E. Toole Ave.
Applicant: Thomas C. Collins
City T109-15
Date of Event: October 15, 2015 - October 16, 2015
(Fundraiser)

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

13. Tucson Hebrew Academy, Ward 3
3800 E. River Rd.
Applicant: Julee Marie Dawson
City T110-15
Date of Event: November 1, 2015
(Fundraiser)

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

14. University of Arizona Alumni Association, Ward 6
1303 E. University Blvd.
Applicant: Melinda Burke
City T111-15
Date of Event: October 22, 2015
(50 Year Reunion Reception)

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

15. Habitat for Humanity Tucson, Ward 5
7077 S. Camino de Albergue
Applicant: Theresa Constance VanHook Schuld
City T113-15
Date of Event: October 17, 2015
(Fundraiser)

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

16. Fox Tucson Theater Foundation, Ward 1
115 N. Church Ave.
Applicant: Daniel Thomas Cavanaugh
City T121-15
Date of Event: September 27, 2015
(Fundraiser)

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

d. Agent Change/Acquisition of Control

1. Romano's Macaroni Grill, Ward 6
5100 E. Broadway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 12, City AC22-15
Action must be taken by: September 28, 2015

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 Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b2, 5c1 through 5c9, 5c11 through 5c16 and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event(s)

10. Tucson Historic Preservation Foundation, Ward 2
530 N. Wilmot Rd.
Applicant: Demion Sergus Clinco
City T107-15
Date of Event: October 10, 2015
(Fundraiser)

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

Public Opinion: Written Argument Opposed Filed

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5c10, Tucson Historical Preservation Foundation in Ward 2.

Council Member Cunningham stated the request was for Modernism Week. He asked if the person(s) who filed the protest against the event was in attendance; they were not. He said he spoke to all three neighborhood association presidents and they all concluded that the event was a one night event at the Wilmot Library and there was no reason to believe it was a new market, nor did they anticipate a raucous crowd.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5c10 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:

Paula Huff	Robert Reus	Jobe Dickinson
Christopher Gates	Dan Linhart	Roland Gutierrez
Socorro Ruiz Smith	Barrie Pedersen	Adriana Moerkerken
Mark Brown	Margo Susco	

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 SEP24-15-341 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of January 21, 2015
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of January 21, 2015

b. FINAL PLAT: (S15-004) ROBB HILL, LOTS 1 THROUGH 53

1. Report from City Manager SEP24-15-342 WARD 2
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.

(This item was continued at the request of the applicant.)

- c. FINAL PLAT: (S15-012) ISKRA FIELDS, LOTS 1 THROUGH 4
 - 1. Report from City Manager SEP24-15-343 WARD 3
 - 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.

- d. REAL PROPERTY: APPROVING A GROUND LEASE AGREEMENT WITH RIALTO BLOCK PROJECT, LLC AT 201 EAST BROADWAY BOULEVARD FOR A REFUSE ENCLOSURE
 - 1. Report from City Manager SEP24-15-344 WARD 6
 - 2. Ordinance No. 11307 relating to Real Property; authorizing and approving the Ground Lease Agreement between Rialto Block Project, L.L.C. (Rialto) and the City of Tucson (City) for a refuse enclosure located within a portion of 201 East Broadway; and declaring an emergency.

- e. REAL PROPERTY: ACQUISITION OF REAL PROPERTY LOCATED AT 1647 EAST GRANT ROAD UNDER THE ADVANCED ACQUISITION PROGRAM FOR THE GRANT ROAD CORRIDOR IMPROVEMENT PROJECT
 - 1. Report from City Manager SEP24-15-345 WARD 3
 - 2. Resolution No. 22461 relating to Real Property and Transportation; authorizing the City Manager to acquire by negotiation certain real property located at 1647 East Grant Road under the Advanced Acquisition Program for the Grant Road Corridor Improvement Project; and declaring an emergency.

- f. REAL PROPERTY: ACQUISITION OF REAL PROPERTY LOCATED AT 2123 EAST GRANT ROAD AND 2127 EAST GRANT ROAD UNDER THE ADVANCED ACQUISITION PROGRAM FOR THE GRANT ROAD CORRIDOR IMPROVEMENT PROJECT
 - 1. Report from City Manager SEP24-15-346 WARD 3
 - 2. Resolution No. 22462 relating to Real Property and Transportation; authorizing the City Manager to acquire by negotiation certain real property located at 2123 and 2127 East Grant Road under the Advanced Acquisition Program for the Grant Road Corridor Improvement Project; and declaring an emergency.

- g. LEASE AGREEMENT: APPROVAL OF LEASE WITH LAURA TANZER, LLC, DBA: LAURA TANZER ATELIER FOR SPACE LOCATED AT 410 NORTH TOOLE AVENUE, SUITE 110
1. Report from City Manager SEP24-15-347 WARD 6
 2. Ordinance No. 11305 relating to Real Property; approving and authorizing the Lease Agreement with Laura Tanzer, LLC, dba Laura Tanzer Atelier (Tanzer) for occupancy of space located in the Historic Depot at 410 North Toole Avenue, Suite 110; and declaring an emergency.
- h. LEASE AGREEMENT: APPROVAL OF LEASE WITH SPOKEN FUTURES, INC., IN PARTNERSHIP WITH SOUTHWEST INSTITUTE FOR LEARNING, INC., FOR SPACE LOCATED AT 420 SOUTH MAIN AVENUE
1. Report from City Manager SEP24-15-348 WARD 6
 2. Ordinance No. 11309 relating to Real Property; approving and authorizing the Lease Agreement with Spoken Futures, Inc., in partnership with Southwest Institute for Learning, Inc., an Arizona non-profit corporation for occupancy of space located at 420 South Main Avenue; and declaring an emergency.
- (This item was considered separately at the request of Council Member Kozachik.)
- i. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE SUNSET ROAD - SILVERBELL TO I-10 IMPROVEMENT PROJECT
1. Report from City Manager SEP24-15-349 WARD 1
 2. Resolution No. 22467 relating to Intergovernmental Agreements and Transportation; authorizing and approving an Intergovernmental Agreement (IGA) between Pima County and the City of Tucson (City) for construction of the Sunset Road-Silverbell Road to I-10 Improvement Project; and declaring an emergency.
- j. JOINT PROJECT AGREEMENT: WITH THE STATE OF ARIZONA AND THE PIMA ASSOCIATION OF GOVERNMENTS FOR THE HOUGHTON ROAD AND UNION PACIFIC RAILROAD CROSSING PROJECT
1. Report from City Manager SEP24-15-350 WARD 4
 2. Resolution No. 22469 relating to Transportation; authorizing and approving the Joint Project Agreement (Agreement) between the State of Arizona (State), the City of Tucson (City), and the Pima Association of Governments (PAG) for construction of the Houghton Road/Union Pacific Railroad (UPRR) Widening Project; and declaring an emergency.

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

k. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE HOUGHTON ROAD/UNION PACIFIC RAILROAD WIDENING PROJECT

1. Report from City Manager SEP24-15-351 WARD 4
2. Resolution No. 22468 relating to Transportation; authorizing and approving the Intergovernmental Agreement (IGA) between Pima County (County) and the City of Tucson (City) for construction of the Houghton Road/Union Pacific Railroad Widening Project (Project); and declaring an emergency.

l. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY AT KINO PARKWAY AND 22ND STREET

1. Report from City Manager SEP24-15-352 WARD 5
2. Ordinance No. 11306 relating to Real Property; declaring property located at the southeast corner of Kino Parkway and 22nd Street (APN #129-10-1290) to be vacant surplus property; authorizing the sale thereof to El Rio Santa Cruz Neighborhood Health Centers, Inc.; and declaring an emergency.

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

m. REAL PROPERTY: ACQUISITION OF RIGHT OF WAY FOR THE GRANT ROAD - STONE AVENUE TO PARK AVENUE IMPROVEMENT PROJECT

1. Report from City Manager SEP24-15-353 WARD 3
2. Resolution No. 22463 relating to Transportation and Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain rights of way and easements necessary for the Grant Road - Stone Avenue to Park Avenue Improvement Project; and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Uhlich.)

n. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE REGIONAL TRAFFIC OPERATIONS CENTER PROJECT

1. Report from City Manager SEP24-15-354 CITY WIDE
2. Resolution No. 22466 relating to Intergovernmental Agreements and Transportation; authorizing and approving an Intergovernmental Agreement (IGA) between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Regional Traffic Operations Center Project; and declaring an emergency.

- o. GRANT APPLICATION: TO THE FEDERAL TRANSIT ADMINISTRATION FOR URBANIZED AREA FORMULA FUNDS, SURFACE TRANSPORTATION PROGRAM FUNDS, AND BUS AND BUS FACILITIES
 - 1. Report from City Manager SEP24-15-355 CITY WIDE
 - 2. Resolution No. 22465 relating to Transportation; authorizing and approving the submission of a Federal Transit Administration (FTA) (Section 5307) Urbanized Area Formula Funds Application per FTA Grant AZ-90-X140; FTA Surface Transportation Program (STP) Funds Application per FTA Grant AZ-95-X032; and (Section 5339) Bus and Bus Facilities Funds Application per FTA Grant AZ-34-0008; and declaring an emergency.

- p. LABOR AGREEMENT: WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
 - 1. Report from City Manager SEP24-15-356 CITY WIDE
 - 2. Resolution No. 22474 relating to Employee Relations; authorizing the City Manager to execute an Agreement with the Tucson Municipal Employees Division of Local 449 - AFSCME, AFL-CIO (AFSCME); and declaring an emergency.

- q. BOARDS, COMMITTEES AND COMMISSIONS: AMENDING RESOLUTION NO. 22213 TO EXTEND THE TERM OF THE CHARTER REVIEW COMMITTEE, AND AMEND ITS MISSION AND RESPONSIBILITIES
 - 1. Report from City Manager SEP24-15-364 CITY WIDE
 - 2. Resolution No. 22473 relating to Boards, Committees and Commissions; amending Resolution No. 22213 to extend the term of the Charter Review Committee and its members to December 31, 2016 and to amend the Mission and Responsible of the Committee; and declaring an emergency.

(This Item was considered separately at the request of Council Member Scott.)

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – q, with the exception of Item b, which was continued, and Items h, j, l, m and q, which were considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM H

- h. LEASE AGREEMENT: APPROVAL OF LEASE WITH SPOKEN FUTURES, INC., IN PARTNERSHIP WITH SOUTHWEST INSTITUTE FOR LEARNING, INC., FOR SPACE LOCATED AT 420 SOUTH MAIN AVENUE
1. Report from City Manager SEP24-15-348 WARD 6
 2. Ordinance No. 11309 relating to Real Property; approving and authorizing the Lease Agreement with Spoken Futures, Inc., in partnership with Southwest Institute for Learning, Inc., an Arizona non-profit corporation for occupancy of space located at 420 South Main Avenue; and declaring an emergency.

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

Council Member Kozachik stated, before he moved the lease agreement, he wanted to give Mr. Phillips and Ms. Gonzales from Spoken Futures an opportunity to introduce their program to the Mayor and Council. He said it would be in La Pilita, next to Barrio Viejo and in close proximity to Wards 1 and 5. He said he felt it would be beneficial to the area and its children.

Sarah Gonzales, Spoken Futures Co-Founder/Director, stated that she was a resident of Barrio Santa Rosa and her business partner, Logan Phillips, was a resident of Barrio Viejo. She stated that it was nice to have La Pilita in their own back yards. She said they had been running Spoken Futures, along with Eva Sierra, an employee, since 2010 and over six thousand people in Arizona had participated in the organization's events.

Ms. Gonzales explained that Spoken Futures widened access to literary arts and community engagement for youth in Southern Arizona. For example, she said, over one hundred twenty youth came to tell their stories in the season kick off of the Tucson Youth Poetry Slam. There were a variety of programs to allow youth to reflect on their culture, their communities, and families in the city, using poetry.

Logan Phillips, Spoken Futures, advised that they proposed to renovate La Pilita Museum as a community center that focused on the art of storytelling and the practice of cultural literacy with focus on Tucson's heritage and Latino cultural expression. He said initial programming would consist of weekly youth centered poetry workshops, open mic night, and a shadow puppetry youth ensemble partnership with Carrillo Elementary School. He also said that Borderland Theater would be the first project in residence that would host the Barrio Stories Project on the grounds of the Tucson Community Center in the spring.

A poem was read by Eva Sierra.

Council Member Kozachik thanked staff from the Real Estate Department for working with Spoken Futures and getting the lease put together.

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

7. CONSENT AGENDA – ITEM J

- j. JOINT PROJECT AGREEMENT: WITH THE STATE OF ARIZONA AND THE PIMA ASSOCIATION OF GOVERNMENTS FOR THE HOUGHTON ROAD AND UNION PACIFIC RAILROAD CROSSING PROJECT
1. Report from City Manager SEP24-15-350 WARD 4
 2. Resolution No. 22469 relating to Transportation; authorizing and approving the Joint Project Agreement (Agreement) between the State of Arizona (State), the City of Tucson (City), and the Pima Association of Governments (PAG) for construction of the Houghton Road/Union Pacific Railroad (UPRR) Widening Project; and declaring an emergency.

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

Council Member Kozachik said that everyone recognized the importance of the project, but some of the language in the Mayor and Council addendum stated that the City was willing to expend funds to complete the project if federal funding did not come through. He asked staff to explain the game plan in the event the funding was not available and when would the City know for sure.

Michael J. Ortega, City Manager, stated the Intergovernmental Agreement was \$11 million of federal funds. He said if for some reason the funding was not available, he would bring the item back to the Mayor and Council for a policy decision as to whether or not to move forward. He stated it was highly unlikely for him to recommend that other dollars be allocated for this project.

Mr. Ortega explained that the request was already in the TIB and expected this would continue. He said at this time there was no reason to suggest there would be any problems with the funding since it had already gone through the process and the money had been allocated.

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

7. CONSENT AGENDA – ITEM L

1. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY AT KINO PARKWAY AND 22ND STREET

1. Report from City Manager SEP24-15-352 WARD 5
2. Ordinance No. 11306 relating to Real Property; declaring property located at the southeast corner of Kino Parkway and 22nd Street (APN #129-10-1290) to be vacant surplus property; authorizing the sale thereof to El Rio Santa Cruz Neighborhood Health Centers, Inc.; and declaring an emergency.

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

Council Member Fimbres stated the proposed sale of city surplus property to El Rio Community Health Center was a positive thing for the south Park area, Ward 5 and the City of Tucson. He said Ms. Nancy Johnson and Mr. Richard Spalding were in attendance to update the Mayor and Council on the project.

Nancy Johnson, El Rio Health Center Chief Operations Officer, stated that El Rio Community Health Center had locations across Tucson and served about eighty-five thousand patients. She said about one in twelve Tucsonans received their health care treatment from El Rio. She commented that with the planned expansion for Broadway Boulevard, the Health Center located on Broadway Boulevard needed to be relocated. She said the current facility was about six thousand square feet, making it a tight working space, which is why there were interested in purchasing the parcel of land from the City of Tucson with the intention to build a new center somewhat close to the existing health center. El Rio envisioned an eighteen thousand six hundred (18,600) square foot building that would be an integrated health model, providing medical care, physical care, as well as, behavioral health counseling and wellness. She said they expected to employ about sixty to seventy additional employees.

Richard Spalding, El Rio Health Center, informed the Mayor and Council that they were on a fast track with the project. He said they received grants to hire additional employees but currently did not have the space to house them. He stated the project would take about a year to complete.

Council Member Fimbres stated the project was exciting for the Ward 5 area and thanked the Real Estate Department staff and Mr. Spalding for their efforts on the project.

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

7. CONSENT AGENDA – ITEM M

m. REAL PROPERTY: ACQUISITION OF RIGHT OF WAY FOR THE GRANT ROAD - STONE AVENUE TO PARK AVENUE IMPROVEMENT PROJECT

1. Report from City Manager SEP24-15-353 WARD 3
2. Resolution No. 22463 relating to Transportation and Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain rights of way and easements necessary for the Grant Road - Stone Avenue to Park Avenue Improvement Project; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the fourth item to be considered separately was Item m at the request Vice Mayor Uhlich.

Vice Mayor Uhlich thanked the City's Real Estate Department for moving the Grant Road items forward. She said bringing the item to a close was important, as property owners along the major corridor were uncertain about their futures. She highlighted some issues with the item that came from the property owner, Mr. Schlanger. She said the way she read the materials, was that this was a temporary easement to complete construction within the right of way. She asked the staff if that was correct.

Michael Rankin, City Attorney, stated that was correct.

Vice Mayor Uhlich said that the materials discussed a temporary easement for construction, but also mentioned the need for acquisition and potential imminent domain. She asked if there was a way to clarify the City's expectations about what would happen to the property. She stated the property owner, who was familiar with the City's processes, still found materials about the potential impact to the area unclear. She asked if the Mayor and Council should state for the record that this was, in fact, a need for a temporary easement rather than an imminent domain, full acquisition or even partial acquisition.

Hector Martinez, Real Estate Program Director, stated all of the proposed acquisitions were temporary easements for reestablishment of drivers, with the exception of sidewalk construction.

Vice Mayor Uhlich requested that in the future staff make the materials more clear and to the point so property owners could be reassured that the City was not taking their property.

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

7. CONSENT AGENDA – ITEM Q

q. **BOARDS, COMMITTEES AND COMMISSIONS: AMENDING RESOLUTION NO. 22213 TO EXTEND THE TERM OF THE CHARTER REVIEW COMMITTEE, AND AMEND ITS MISSION AND RESPONSIBILITIES**

1. Report from City Manager SEP24-15-364 CITY WIDE
2. Resolution No. 22473 relating to Boards, Committees and Commissions; amending Resolution No. 22213 to extend the term of the Charter Review Committee and its members to December 31, 2016 and to amend the Mission and Responsible of the Committee; and declaring an emergency.

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

Council Member Scott asked that the item to be continued for two weeks to the meeting of October 8, 2015.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to continue Consent Agenda Item q for two weeks.

8. ZONING (C9-13-13) SCHNEIDER – SPEEDWAY BOULEVARD, RX-1 TO R-1, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF JUNE 9, 2015) (WARD 2)

Mayor Rothschild announced City Manager's communication number 357, dated September 24, 2015, was received into and made part of the record.

Michael Rankin, City Attorney, stated for the record this item to be continued at the request of the applicant.

9. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH ROBERT C. DARLING AND EDWARD CLINE, OWNERS OF PARCEL NO. 108-24-004A (WARD 3 AND OUTSIDE CITY)

Mayor Rothschild announced City Manager's communication number 358, dated September 24, 2015, was received into and made part of the record. He requested the City Clerk to read Resolution 22472 by number and title only.

Resolution No. 22472 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Robert C. Darling and Edward Cline, owners of Parcel No. 108-24-004A.

It was moved by Vice Mayor Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22472.

10. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH JVBM PROPERTIES LLC, OWNERS OF PARCEL NO. 104-09-008C, ALSO KNOWN AS JIM CLICK KIA

Mayor Rothschild announced City Manager's communication number 361, dated September 24, 2015, was received into and made part of the record. He requested the City Clerk to read Resolution 22470 by number and title only.

Resolution No. 22470 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and JVBM Properties LLC, owners of Parcel No. 104-09-008C, also known as Jim Click Kia.

Vice Mayor Uhlich expressed appreciation to the owners of this property and the business establishment. She called it a significant piece of progress for the City of Tucson, and that it would bring people in. She thanked the Mayor and the City Manager for their development action team making this go smoothly.

It was moved by Vice Mayor Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22470.

11. ANNEXATION: LIMBERLOST AND FAIRVIEW ANNEXATION DISTRICT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 362, dated September 24, 2015, was received into and made part of the record. He requested the City Clerk to read Ordinance No. 11308 by number and title only.

Ordinance No. 11308 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 Limberlost and Fairview Annexation District Property, more particularly described in the body of this Ordinance.

Mayor Rothschild thanked Mr. Lasher and Mr. Czechowski for their work on the annexation. He stated that this item, while seemingly minor, was the most significant act that has occurred in the last couple years for the city.

It was moved by Vice Mayor Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11308.

12. ECONOMIC DEVELOPMENT: NOTICE OF INTENT TO ENTER INTO A TAX INCENTIVE DEVELOPMENT AGREEMENT WITH COMCAST CORPORATION

Mayor Rothschild announced City Manager's communication number 359, dated September 24, 2015, was received into and made part of the record. He requested the City Clerks to read Resolution 22464 by number and title only.

Resolution No. 22464 relating to Economic Development; approving a notice of intent to enter into a Tax Incentive Development Agreement ("Agreement") with Comcast Corporation ("Comcast") for its new customer service center; making certain findings with respect to that Agreement; and adopting an Independent Economic Analysis relating to the Agreement.

Vice Mayor Uhlich said she was pleased with this new development in Ward 3, along with the Auto Mall Annexation. Comcast Corporation, being just north of the Tucson mall, would have a significant economic impact for the City of Tucson. She emphasized that it would involve and create one thousand new jobs over the next four years, an investment of ten million dollars in lease holder improvements and equipment, and create forty jobs that would pay over fifty-two thousand four hundred dollars with eighty percent of employee health care costs covered

Council Member Fimbres asked if Comcast would be making efforts to use local construction to put local people to work.

Mike Czechowski, Annexation Project Manager, stated they would be using local construction workers and had already started construction at the former site of the Galleria Mall. The company would be using the standard procurement processes and local contractors for all the activities.

Council Member Fimbres applauded the efforts of all present as this project would create thousands of new jobs and reactivated a large vacant commercial property.

It was moved by Vice Mayor Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22464.

13. ECONOMIC DEVELOPMENT: NOTICE OF INTENT TO ENTER INTO A TAX INCENTIVE DEVELOPMENT AGREEMENT WITH MAIN GATE PARTNERS, LLC

Mayor Rothschild announced City Manager's communication number 360, dated September 24, 2015, was received into and made part of the record. He requested the City Clerk to read Resolution 22471 by number and title only.

Resolution No. 22471 relating to Economic Development; approving a Notice of Intent to enter into a Tax Incentive Development Agreement ("Agreement") with Main Gate Partners, LLC ("Main Gate") for construction of a Marriott Residence Inn Hotel on the southeast corner of Tyndall Avenue and East Second Street; making certain findings with respect to that Agreement; and adopting an Independent Economic Analysis relating to the Agreement.

Council Member Kozachik stated he was comfortable moving the item because the direct benefits were twice the value of the incentives with the hotel and commercial spaces along the street car line.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution 22471.

Vice Mayor Uhlich asked staff if the agreement included continued maintenance of the public spaces associated with the development, as previously discussed.

Michael Rankin, City Attorney, responded it would be included as part of the agreement.

Council Member Scott wanted to accentuate that this particular project involved a new hotel downtown with one hundred and eighty (180) suites, a restaurant, meeting spaces, retail space, and a one hundred and forty (140) space parking garage.

Resolution 22471 was passed and adopted by a roll call vote of 7 to 0.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 363, dated September 24, 2015, 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 appointment(s) of Thomas Hopkins to the Metropolitan Housing Commission (MHC) and James Sell to the Climate Change Committee (CCC).

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

Council Member Fimbres announced his personal appointment of Madeline Kiser to the Climate Change Committee (CCC).

15. AGREEMENT: APPROVING AN ESTOPPEL CERTIFICATE AND AGREEMENT WITH THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT AND NOR-GENERATIONS, LLC. RELATING TO THE ARENA SITE (CONTINUED FROM THE MEETING OF JULY 7, 2015)

Mayor Rothschild announced City Manager's communication number 365, dated September 24, 2015, was received into and made part of the record. He requested the City Clerks to read Resolution 22475 by number and title only.

Resolution No. 22475 relating to Real Property; authorizing and approving an Estoppel Certificate and Agreement with the Rio Nuevo Multipurpose Facilities District and Nor-Generations, LLC, relating to the Arena Site; and declaring an emergency.

Council Member Kozachik stated he thought there would be some discussion and clarification of this item by staff, but he would move the item.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution 22475.

Vice Mayor Uhlich acknowledged Mr. McCausker and the partners of Rio Nuevo for being at the Mayor and City Council meeting. She said it was important to recognize Greyhound as an important presence in the community, and that they served a clientele and customer base that enhanced and served the community. She asked Mr. McCausker to talk to the Mayor and Council about the importance of working with Greyhound to find a site where they could thrive and prosper in Tucson, and where customers would be well served.

Fletcher McCausker, Chairman of Rio Nuevo Board, advised they had a collective opportunity to move a major development just west of the Tucson Community Center (TCC) forward. He said they were under time constraints from a state procurement contract that expired at the end of September, forcing them to reopen the bidding process. He also reminded the Mayor and Council of the Nor-Generations proposal, which presented an opportunity to preserve the gem show, build a flagship hotel, parking garage, and a multi-use complex on the west side of Tucson. He said all parties had expected the Greyhound station to move; what they did not anticipate were the challenges with the lack of clarity regarding timing that would be created for development partners, particularly the hotel franchise lenders.

Mr. McCausker stated the way the settlement agreement read was that Greyhound would receive a year's notice to relocate after the City had approved the developer's plan, which created challenges for Rio Nuevo and the developer. He commended all the attorneys who came up with a win-win solution for everyone whereby Rio Nuevo assumed the City's rights, duties, and obligations to Greyhound under this assignment. He commented he had already spoken to Greyhound personally and believed they would take the opportunity to use the resources of Rio Nuevo and the TIF capacity to help them relocate.

Mr. McCausker stated they were on board with this plan, even if it meant they had to relocate twice. It was important to know this was not a unilateral process by the district; instead, this had to remain a cooperative effort to determine where they were located, how they interact with the other intermodal challenges, and the construction that will go on at the Ronstadt Center, as these items would ultimately impact the permanency of the Greyhound decision.

Mr. McCausker said that the Rio Nuevo Board had the ability to move quicker than the City and had TIF resources to help Greyhound facilitate their move. He noted that TIF funds were greater than they had ever been before; the last and highest quarter was reported at \$4 million of sales tax income. Additionally, he said, this project would add approximately \$5.5 million to Rio Nuevo and currently there was \$10 million in the bank. He relayed his commitment to continue working with the City Manager's Office of Integrated Planning and Department of Transportation in a coordinated effort in the relocation of Greyhound.

Mr. McCausker said he felt they have demonstrated, over the tenure of his chairmanship, their ability to partner with the City on these types of projects. his would create a \$50 million project on this property and

Council Member Uhlich thanked him for going on record and sharing his thoughts and comments. She also explained that Greyhound had played an important role in Tucson's transportation needs and she looked forward to their continued success.

Council Member Romero reiterated how important the project was for not only the downtown area but for the entire City and region. Further development and private partnerships were better for the economy. She said she wanted to make sure everyone maintained clear and transparent conversations between Rio Nuevo, the Mayor and Council, the community, and the City, in terms of the relocation of Greyhound. She expressed her belief in the importance of the development of the west side to encourage further development in the downtown area.

Council Member Kozachik expressed his gratitude to Mr. McCausker, the Rio Nuevo Board, and the Nor-Generation staff. He said it was a positive step forward and stated he was thankful of the new relationship with the Rio Nuevo Board.

Council Member Cunningham thanked everyone for their help and discussions on this project. He said the project was ten years in the making and an opportunity to succeed in getting this pivotal moment completed.

Council Member Fimbres expressed his thanks to Mr. McCausker. He stated this was a key piece of the puzzle to economic development and downtown revitalization.

Michael Rankin, City Attorney, stated a revision to include a condition that any Notice to Vacate provided to Greyhound would include a minimum of 90 days' notice per obligation under the Relocation Assistance Act.

The amendment was accepted by the motion maker and seconder.

Council Member Scott complimented the Rio Nuevo Board and the healthy relationship with them that has allowed this project to move forward.

Resolution No. 22475, as amended, was passed and adopted by a roll call vote of 7 to 0.

16. ADJOURNMENT: 7:25 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on October 8, 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 24th day of September 2015, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:agj:dl