



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 7, 2016.

Date of Meeting: November 17, 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 5:31 p.m., on Tuesday, November 17, 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	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:

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

City Clerk Note: The minutes of November 17, 2015, as approved by the Mayor and Council, contained a clerical error on pages one and two. Within the text of the corrected document, deleted text is ~~strikethrough~~ and corrected text is in **bold**. RWR:yl 6/14/16

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Ed Eddingfield, First Southern Baptist Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild presented Eduardo Fontes, Tucson Water, the Employee Recognition Certificate for saving the life of his co-worker, Alma Garcia.
- b. Council Members Romero, Scott, Fimbres and Kozachik presented Certificates of Appreciation to the Sunnyside Unified School District, for their work with the free dog and cat spay and neutering on October 9th through 11th, 2015 .

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 421, dated November 17, 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 Cunningham and Fimbres. A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 422, dated November 17, 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 ~~City Manager~~, 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 437, dated November 17, 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. Hooters, Ward 2
7280 E. Broadway Blvd.
Applicant: H. J. Lewkowitz
Series 12, City 73-15
Action must be taken by: October 9, 2015

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

Public Opinion: Written Argument in Support Filed

2. Tenx Cafe, Ward 3
2727 N. Fairview Ave.
Applicant: Theresa June Morse
Series 12, City 83-15
Action must be taken by: November 23, 2015

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

3. Best Western Hotel Tucson Airport, Ward 5
6801 S. Tucson Blvd.
Applicant: Kevin Arnold Kramber
Series 11, City 84-15
Action must be taken by: November 23, 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)

4. Ramada Inn & Suites Foothills, Ward 2
6944 E. Tanque Verde Rd.
Applicant: Kevin Arnold Kramber
Series 7, City 85-15
Action must be taken by: November 26, 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. Congregation Anshei Israel, Ward 6
5550 E. 5th St.
Applicant: Robert V. Dietz
City T136-15
Date of Event: December 5, 2015
(Holiday Fun)

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

2. La Fiesta de Los Vaqueros, Ward 5
4801 S. 6th Ave.
Applicant: Gary G. Williams
City T137-15
Date of Event: February 20, 2016 - February 28, 2016
(Annual Tucson Rodeo)

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

3. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Mary Ann Confrey
City T138-15
Date of Event: December 4, 2015 - December 6, 2015
(Annual Luminaria Nights)

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

4. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Mary Ann Confrey
City T139-15
Date of Event: December 11, 2015 - December 13, 2015
(Annual Luminaria Nights)

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

5. BICAS, Ward 3
1122 N. Stone Ave.
Applicant: Matthew Justin Harmon
City T140-15
Date of Event: December 4, 2015 - December 5, 2015
(Art Auction Fundraiser)

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

6. System Coalition, Ward 6
33 S. 5th Ave.
Applicant: Cynthia Grace Smith
City T141-15
Date of Event: December 5, 2015
(Fundraiser)

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

7. Arthritis Foundation, Ward 6
900 S. Randolph Way
Applicant: Laura Rolfe
City T143-15
Date of Event: December 12, 2015
(Jingle Bell Run/Walk for Arthritis)

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

d. Agent Change/Acquisition of Control

1. Dorado Country Club, Ward 2
6601 E. Speedway Blvd.
Applicant: Kevin Arnold Kramber
Series 7, City AC23-15
Action must be taken by: November 23, 2015

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

2. Vudu Lounge, Ward 6
110/112 E. Congress St.
Applicant: Kevin Arnold Kramber
Series 6, City AC24-15
Action must be taken by: November 23, 2015

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

3. Zen, Ward 6
121 E. Congress St.
Applicant: Kevin Arnold Kramber
Series 6, City AC25-15
Action must be taken by: November 23, 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 5b4, 5c1 through 5c7 and 5d1 through 5d3 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:

Charles Rockman	Bill Beard	Martha Gerganoff
Sarah Sjoberg	Keith Van Heyningen	Lynne Brown
Robert Reus	Roderick McOwan	Richard Hernandez
Ken Scoville		

Council Member Romero asked the City Attorney to clarify the Mayor and Council’s options regarding certifying the results from the General Election.

Michael Rankin, City Attorney, stated he could respond to the request since, canvassing of the election was a scheduled item, Item 16, on the evening’s agenda. He said the Mayor and Council had a legal obligation to approve the canvass as presented. He stated, under state law, election results must be canvassed twenty days after the election and this was the last scheduled opportunity to do so. He commented the only legal grounds for not proceeding with the canvass would if the voting tally had not been completed, which was not the case.

Mr. Rankin commented that Pima County had already canvassed the election and the City Clerk had the legal obligation to issue the Certificates of Election based upon the canvass.

Mayor Rothschild asked the City Manager to follow up with the Transportation Department Director regarding landscaping and facilities maintenance on the northeast end of the SunLink route.

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 I

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 NOV17-15-433 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of May 5, 2015
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of May 5, 2015

b. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AWARD

1. Report from City Manager NOV17-15-434 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 22492 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement (IGA) between the City of Tucson (City) and Pima County for the 2015 Department of Justice (DOJ) Edward Bryne Memorial Justice Assistance Grant (JAG) Program Award; and declaring an emergency.

c. REAL ESTATE: SALE OF CITY-OWNED PROPERTY FOR THE EXPANSION OF THE PIMA COUNTY ANIMAL CARE CENTER (CONTINUED FROM THE MEETING OF OCTOBER 20, 2015)

1. Report from City Manager NOV17-15-436 WARD 3
2. Ordinance No. 11313 relating to Real Property; authorizing the sale of City-owned property located adjacent to the Pima County Animal Care Center to Pima County; and declaring an emergency.

d. REAL PROPERTY: ACQUISITION OF RIGHT OF WAY FOR THE GRANT ROAD - PALO VERDE AVENUE TO VENICE PLACE IMPROVEMENT PROJECT

1. Report from City Manager NOV17-15-428 WARDS 3 AND 6

2. Resolution No. 22493 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 - Palo Verde Avenue to Venice Place Improvement Project; and declaring an emergency.
- e. GRANT AGREEMENT: WITH THE PIMA ASSOCIATION OF GOVERNMENTS FOR VARIOUS FEDERAL TRANSIT ADMINISTRATION GRANTS
1. Report from City Manager NOV17-15-429 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 22494 relating to Transportation; authorizing and approving the Grant Agreement between the City of Tucson (City) and the Pima Association of Governments (PAG) for Federal Transit Administration (FTA) Grants AZ-37-X016, AZ-37-X020, AZ-37-X021, and AZ-37-X023 and New Freedoms Grants AZ-57-X011, AZ-57-X015, AZ-57-X017 and AZ-57-X019 for Administrative Assistance; and declaring an emergency.
- f. INTERGOVERNMENTAL AGREEMENT: AMENDMENT 3 TO ADDENDUM 1 TO AGREEMENT WITH THE TOWN OF ORO VALLEY RELATING TO EFFLUENT AND RECLAIMED WATER
1. Report from City Manager NOV17-15-426 OUTSIDE CITY
 2. Resolution No. 22495 relating to Water; authorizing and approving the execution of Amendment Number 3 to Addendum 1 to the Intergovernmental Agreements between the City of Tucson and the Town of Oro Valley relating to effluent and reclaimed water; and declaring an emergency.
- g. FINAL PLAT: (S15-026) PARK MODERN, LOTS 1 THROUGH 37
1. Report from City Manager NOV17-15-440 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.
- h. FINAL PLAT: (S15-041) VALDATA ADDITION, LOTS 1 AND 2
1. Report from City Manager NOV17-15-441 WARD 6

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.
- i. **BOARDS, COMMITTEES AND COMMISSIONS: CREATING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT ADVISORY COMMITTEE**
 1. Mayor and Council Communication NOV17-15-442 CITY WIDE
 2. Resolution No. 22497 relating to Boards, Committees and Commissions; creating the Planning and Development Services Department Advisory Committee; and declaring an emergency.

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 – i be passed and adopted and the proper action taken.

8. PUBLIC HEARING: (C8-15-02) AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE RELATING TO FLEXIBLE LOT DEVELOPMENT

Mayor Rothschild announced City Manager's communication number 430, dated November 17, 2015, was received into and made part of the record. He announced this was the time and place legally advertised for a public hearing on proposed text amendments to the *Unified Development Code* relating to flexible lot development.

Mayor Rothschild said the hearing was scheduled to last no more than one hour and speakers were limited to five minute presentations. He asked if there was anyone that wanted to speak on this item.

There was no one.

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

Mayor Rothschild asked the City Clerk to read Ordinance 11320 by number and title only.

Ordinance No. 11320 relating to Planning and Zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Section 8.7.3 and Administrative Manual, Section 2-06.5; and setting an effective date.

Council Member Kozachik stated that if they wanted to see residential cluster development not simply be a bunch of row houses and cookie cutter designs, then they

needed to adopt the alternative compliance option that was contained in the Flexible Lot Development (FLD) ordinance.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11320.

9. ZONING: (C9-15-05) BRAKE MASTERS – HOUGHTON TOWN CENTER, C-1 TO I-2, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 431, dated November 17, 2015, was received into and made part of the record. He said this was a request to rezone property located in the interior of Houghton Town Center from C-1 to I-2. He asked the City Clerk to read Ordinance 11321 by number and title only.

Ordinance No. 11321 relating to Zoning: amending zoning district boundaries located 250 feet south of Old Vail Road and 300 feet west of Houghton Road in case C9-15-05 - Brake Masters - Old Vail Road (Ward 4), C-1 to I-2; and setting an effective date.

It was moved by Council Member Scott, duly seconded and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11321.

10. ZONING: (C9-15-01) SELF STORAGE – 1ST AVENUE, R-3 TO C-1, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 423, dated November 17, 2015, was received into and made part of the record. He said this was a request to rezone property located on the east side of 1st Avenue, north of River Road from R-3 to C-1. He asked the City Clerk to read Ordinance 11319 by number and title only.

Ordinance No. 11319 relating to Zoning: amending zoning district boundaries in the area on the east side of 1st Avenue; approximately 800 feet north of River Road in case C9-15-01 - Self Storage - 1st Avenue, R-3 to C-1; and setting an effective date.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11319.

11. ZONING: (C9-08-05) MESQUITE VALLEY GROWERS – SPEEDWAY BOULEVARD, C-1 AND RX-2 TO C-2, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 424, dated November 17, 2015, was received into and made part of the record. He asked the City Clerk to read Ordinance 11317 by number and title only.

Ordinance No. 11317 relating to Zoning: amending zoning district boundaries in the northwest corner of Speedway Boulevard and Maguire Avenue in case C9-08-05 - Mesquite Valley Growers - Speedway Boulevard, C-1 and RX-2 to C-2; and setting an effective date.

Council Member Cunningham stated he had met with Mr. Burke extensively, who had been very cooperative, regarding the traffic concerns. He said the rezoning was being done to consolidate the property and there should not be an issue. He said Mr. Burke also voluntarily removed a billboard from his property.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11317.

12. ZONING: (SE-15-59) VERIZON – GRADY AVENUE, RX-1 ZONE, WIRELESS COMMUNICATIONS FACILITY, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager’s communication number 425, dated November 17, 2015, was received into and made part of the record. He said this was a special exception land use request for property located 85 feet north of Speedway Boulevard and 90 feet east of Grady Avenue. He said the Zoning Examiner and staff recommend approval of the special exception land use with conditions.

Mayor Rothschild asked the City Clerk to read Ordinance 11318 by number and title only.

Ordinance No. 11318 relating to Zoning; a special exception land use - wireless communications facility - SE-15-59 - Verizon - Grady Avenue located 85 feet north of Speedway Boulevard and 90 feet east of Grady Avenue; approving with conditions the construction of a wireless communication tower with twelve (12) antenna panels concealed within an artificial palm tree, 60 feet in height, within an approximately 800 square foot lease area in the RX-1 zone; and setting an effective date.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as presented and pass and adopt Ordinance 11318.

13. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY LOCATED ALONG HOUGHTON ROAD, SOUTH OF IRVINGTON ROAD

Mayor Rothschild announced City Manager’s communication number 432, dated November 17, 2015, was received into and made part of the record. He asked the City Clerk to read Ordinance 11322 by number and title only.

Ordinance No. 11322 relating to Real Property; declaring 173 acres of property located along the west side of Houghton Road, south of Irvington Road (Civano Property) to be surplus city-owned property; authorizing the sale thereof to Mattamy Tucson, LLC; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11322.

**14. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT AMENDMENT:
WITH THE OWNERS OF THE DESERT WILLOW RANCH PARCELS**

Mayor Rothschild announced City Manager's communication number 439, dated November 17, 2015, was received into and made part of the record. He asked the City Clerk to read Resolution 22496 by number and title only.

Resolution No. 22496 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of First Amendment to the Pre-Annexation and Development Agreement between the City of Tucson and Desert Willow Partners, LLC, owners of the Desert Willow Ranch Parcels.

Council Member Cunningham stated this item was discussed earlier in study session and wanted to make sure that they were all set with the construction sales tax provision.

Michael Rankin, City Attorney, stated that per the agreement that was raised during the discussion in study session he wanted to add the following sentence, to read into paragraph 6a of the agreement, "The total amount of the waiver pursuant to this section shall not exceed \$44,737." He said that was to capture the cap on the waiver on the Parks impact fees.

Council Member Cunningham stated this project allowed Tucson to increase its housing stock and luxury housing stock within the City. It will add to the general fund as well as expand the City's ability to conduct business out east and was a win, win for all parties involved.

It was moved by Council member Cunningham, duly seconded, to pass and adopt Resolution 22496.

Vice Mayor Uhlich asked for clarification with regard to setting aside the first ten percent of construction sales tax for parks. She wanted to know if it was affiliated with the item and did it need to be a part of the Resolution.

Mr. Rankin commented it did not need to be part of the Resolution, but as part of the direction, that was what Council Member Cunningham referred to in his comments. He said the motion would include, as discussed in Study Session today to set aside the first ten percent of construction sales tax for parks improvements.

Mr. Rankin also corrected a scrivener's error on the date for the initial Resolution. He said the correct date was that it was adopted in 2012 not 2015.

The motion to pass and adopt Resolution 22496, was passed and adopted by a roll call vote of 7 to 0.

As discussed during Study Session, Council Member Cunningham included the following direction: The Mayor and Council direct staff to set aside the first ten percent of construction sales tax for Parks improvements.

15. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE UNIVERSITY OF ARIZONA, NORTON SCHOOL OF RETAILING AND CONSUMER SCIENCES FOR REBATE MESSAGING STUDY (CONTINUED FROM THE MEETING OF OCTOBER 20, 2015)

Mayor Rothschild announced City Manager's communication number 427, dated November 17, 2015, was received into and made part of the record. He asked the City Clerk to read Resolution 22481 by number and title only.

Resolution No. 22481 relating to Intergovernmental Agreements; approving and authorizing Amendment No. 1 to the Intergovernmental Agreement (IGA) between the City of Tucson and the Arizona Board of Regents, University of Arizona, on behalf of the Norton School of Retailing and Consumer Sciences to expand an existing study of effective messages for rebate marketing; and declaring an emergency.

Council Member Romero asked if the survey was also available in Spanish as previously discussed and had it already been done.

Fernando Molina, Tucson Water, responded that the survey was more of a broader overview. He said he was working on enhancing the Spanish language outreach that included a separate track that would assess the needs for messaging, not just with water conservations, but all the other issues within the Spanish speaking community. He stated the survey had not been completed as they were waiting for the IGA to be approved.

Council Member Romero asked if there was a reason why the survey was not being done in Spanish, was it because there were no users in the program.

Mr. Molina stated that one of the things he learned, working in Water with the Spanish speaking community, was that it needed to have a separate track and was not generally done as part of larger overall survey.

Council Member Romero stated she sensed some apprehension regarding the survey in Spanish and could not understand why.

Mr. Molina responded that they did not think about that when they sat down and planned with the University of Arizona. He said he generally takes a separate track when dealing with the Spanish community.

Council Member Romero commented she understood the need for separate tracks, but when someone is trying to evaluate the usage, the needs of a particular service the City provides, she did not understand why the City was not trying to reach the audience that was least using the products provided.

Albert Elias, Assistant City Manager, stated he would have staff look into how they could identify Spanish, monolingual speakers to participate in the process. He said staff did not think about that the beginning but assured her they would find a way to get the Spanish community to participate through a survey process. He said he understood the intent to have Spanish, monolingual participants in the process.

Mayor Rothschild reiterated that this matter was before the Council two weeks ago and the same concerns were voiced. He said there has been no outreach to the Council members regarding their concerns. He suggested that the matter be continued two weeks to give the Water Department time to respond to Council's concerns.

It was moved by Council Member Cunningham, duly seconded, to continue the item to a subsequent meeting.

Council Member Kozachik said he had a question. He said at the bottom of the first page, it said that, "department staff will continue working with established conservation partners, such as the Sonoran Environmental Research Institute (SERI), to adapt products of this study for bilingual, Spanish speaking and disadvantaged audiences." He asked if that statement could be included in the survey.

Mr. Molina stated the work being done with SERI was ongoing and was an extension of the low income water harvesting program and the research that was being done related to the loan program. He said they were including the messaging about all of the rebates through that process.

Mayor Rothschild explained that when members of the Council ask questions, or makes suggestions, it was incumbent upon staff to accept the suggestion or explain, within reason, to the Council why the suggestion was not practical.

Council Member Romero said that the purpose of the survey was to determine the efficacy of marketing messages for water conservation rebate and incentive programs. She said the areas with the worse luck in terms of usage of the programs, was in the west and south side of the City where the concentration of monolingual Spanish speaking population lives. She asked why the City would not want to include Spanish surveys to find out why these individuals were not using the incentive programs.

Council Member Romero stated it was not spelled out in the agreement what separate method was being used, what the process was, and was the Norton School putting the survey together for the City and have the same qualitative and quantitative analysis into the service and to monolingual speakers. She said she felt it was fair for the

Mayor and Council to get these answers because it was not something new being brought up.

The motion to continue the item for two weeks was passed by a voice vote of 7 to 0.

16. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY GENERAL AND SPECIAL ELECTIONS HELD NOVEMBER 3, 2015 (CONTINUED FROM THE MEETING OF NOVEMBER 9, 2015)

Mayor Rothschild announced City Manager's communication number 435, dated November 17, 2015, was received into and made part of the record. He asked the City Clerk to read Resolution 22498 by number and title only.

Resolution No. 22498 relating to Elections; Canvassing the returns and declaring the results of the General Election held in the City of Tucson, Arizona on November 3, 2015.

Mayor Rothschild asked the City Attorney if Council Members Scott and Cunningham should recuse themselves from this vote and if not, was there be any impropriety in them voting.

Michael Rankin, City Attorney said that they were free to vote on the item.

Mayor Rothschild asked what the legal obligations of the Mayor and Council were with regard to the canvass.

Michael Rankin, City Attorney, said the Mayor and Council's legal obligation was to approve the canvass as presented. He said, under State law, they had twenty days from the date of the Election to canvass the returns of the Election. He said, at this point, approving the canvass was a ministerial act and thereafter the City Clerk will certify the Election based on the canvass.

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 22498.

Mayor Rothschild asked the City Clerk to read Resolution 22499 by number and title only.

Resolution No. 22499 relating to Elections; Canvassing the returns and declaring the results of the Special Election on Proposition 201 held in the City of Tucson, Arizona on November 3, 2015.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22499.

Mayor Rothschild asked the City Clerk to read Resolution 22500 by number and title only.

Resolution No. 22500 relating to Elections; Canvassing the returns and declaring the results of the Special Election on Proposition 403 held in the City of Tucson, Arizona on November 3, 2015.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22500.

Mayor Rothschild asked the City Clerk to read Resolution 22501 by number and title only.

Resolution No. 22501 relating to Elections; Canvassing the returns and declaring the results of the Special Election on Proposition 404 held in the City of Tucson, Arizona on November 3, 2015.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22501.

Mayor Rothschild asked the City Clerk to read Resolution 22502 by number and title only.

Resolution No. 22502 relating to Elections; Canvassing the returns and declaring the results of the Special Election on Proposition 405 held in the City of Tucson, Arizona on November 3, 2015.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22502.

Mayor Rothschild said that based on the results of the canvass the vote totals for Proposition 201 which was incorporated into Resolution 22499, entitled "Traffic Justice" were YES 53,077; NO 27,471; Therefore Mayor Jonathan Rothschild, Mayor, City of Tucson proclaimed Proposition 201 entitled "Traffic Justice" and approved by a majority of those voting thereon, to be effective and operative.

17. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 438, dated November 17, 2015, was received into and made part of the record.

There were no appointments in the report.

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

Council Member Romero appointed Joseph Cesare and Jesus Bonillas to the Planning and Development Services Committee.

Council Member Scott appointed Brandy Ferrer to the Pima County/Tucson Women's Commission.

Mayor Rothschild appointed Jeff Rogers to the Charter Review Commission to replace Kasey Nye.

Council Member Cunningham appointed Steven Shell to the Planning and Development Services Committee.

18. POLICE: APPROVING THE APPOINTMENT OF CHRISTOPHER J. MAGNUS AS THE CITY OF TUCSON CHIEF OF POLICE

Mayor Rothschild announced City Manager's communication number 443, dated November 17, 2015, was received into and made part of the record. He asked the City Clerk to read Ordinance 11323 by number and title only.

Ordinance No. 11323 relating to the Tucson Police Department; approving the appointment of Christopher J. Magnus as the City of Tucson Chief of Police; fixing compensation; and declaring an emergency.

Michael Rankin, City Attorney, stated that the appointing ordinance with respect to section one failed to capture part of the negotiated agreement which was a \$10,000 annual contribution to a deferred compensation account. He said Section 1 needed to be amended to read that "In addition, the City will contribute \$10,000 annually to the Chief's deferred compensation account."

It was moved by Vice Mayor Uhlich, duly seconded, to consent and approve the appointment of Christopher J. Magnus as the City of Tucson Chief of Police.

Council Member Kozachik confirmed that the terms of the offer were public information.

Council Member Scott thanked the City Manager for the process that he used to get to that point.

Council Member Fimbres thanked everybody that participated in the process of selecting the new Chief of Police. He asked when the new Chief would be on board and what was Chief Roberto Villaseñor's last day.

Michael J. Ortega, City Manager, responded that January 1, 2016, was the start date in the Ordinance but was flexible. He said Chief Magnus expressed interest to be on the job a few days earlier or it could also be a few days later depending on the transition.

Council Member Romero thanked all of the groups that participated in the selection process. She also thanked Chief Villaseñor for his time and efforts in serving the City.

Mr. Ortega expressed his gratitude for everyone's efforts and energy in the process. He said it was never an easy decision but was an extremely important one. He said he believed they did their due diligence in selecting Chief Magnus and recommended approval on his appointment.

Mayor Rothschild spoke on Christopher Magnus' exemplary record as a Police Chief in his last position.

Council Member Cunningham acknowledged the Tucson Police Officers Association (TPOA) and the Command Officers union for participating in the process.

Ordinance 11323 appointing Christopher Magnus as Chief of Police for the City of Tucson was passed by a roll call vote of 7 to 0.

19. ADJOURNMENT: 7:03 p.m.

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, December 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 17th day of November, 2015, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:drl:jdw