



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on November 22, 2016.

Date of Meeting: March 22, 2016

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, March 22, 2016, 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:

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 Pastor Roy Tullgren, Gospel Rescue Mission, after which the Pledge of Allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 86, dated March 22, 2016, 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, Fimbres 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 87, dated March 22, 2016, 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 88, dated March 22, 2016, 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. MOD Pizza, Ward 2
6351 E. Broadway Blvd. #129
Applicant: Andrea Dahlman Lewkowitz
Series 12, City 107-15
Action must be taken by: February 25, 2016
Staff has indicated the applicant is in compliance with city requirements.

2. Scordato's Pizzeria, Ward 3
4911 N. Stone Ave.
Applicant: Daniel Dominic Scordato
Series 12, City 11-16
Action must be taken by: March 27, 2016

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

3. Sauce Pizza & Wine, Ward 2
6450 E. Grant Rd.
Applicant: Scott Robert Kilpatrick
Series 12, City 13-16
Action must be taken by: April 2, 2016

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

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer(s)

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

c. Special Event(s)

1. Southern Arizona AIDS Foundation, Ward 6
7th St. between 3rd & 4th Ave.
Applicant: Monique Marie Vallery
City T17-16
Date of Event: April 23, 2016
(29th Annual Reno Gannon Jell-o-Wrestling)

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

2. The Centurions of Southern Arizona Charitable Foundation, Ward 1
165 S. Linda Ave.
Applicant: Joseph C. Dhuey
City T18-16
Date of Event: May 7, 2016
(Fundraising for Big Brothers/Big Sisters)

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

3. Museum of Contemporary Art Tucson, Ward 6
265 S. Church Ave.
Applicant: Samuel Ireland
City T19-16
Date of Event: April 16, 2016
(Gala Fundraiser)

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

4. Tucson Celtic Festival Association, Ward 3
3054 N. 1st Ave.
Applicant: Sarah Lauren Mackie
City T22-16
Date of Event: April 2, 2016
(Tartan Day Scottish Festival)

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

5. Bear Track Winery, Ward 6
3400 E. Zoo Court
Applicant: Rick Riddle
City T23-16
Date of Event: April 1, 2016
(Fundraiser)

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

6. Humane Society of Southern Arizona, Ward 3
2702 N. Flowing Wells Rd.
Applicant: Kimberly Kay Holley
City T24-16
Date of Event: May 20, 2016 - May 21, 2016
(Fundraiser)

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

7. Tucson Presidio Trust, Ward 1
196 N. Court Ave.
Applicant: Amy G. Hartmann
City T25-16
Date of Event: April 3, 2016
(Fundraiser)

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

8. Tucson Presidio Trust, Ward 1
196 N. Court Ave.
Applicant: Amy G. Hartmann
City T26-16
Date of Event: April 24, 2016
(Fundraiser/Annual Meeting)

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

9. Borderlands Theater, Ward 6
420 S. Main Ave.
Applicant: Patricia Moran Benton
City T27-16
Date of Event: April 9, 2016
(Fundraiser "Pachanga")

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

10. Living Streets Alliance, Ward 5
S. Park Ave. between E. Miles St. & E. 13th St.
Applicant: Kylie M. Walzak
City T28-16
Date of Event: April 10, 2016
(Cyclovia Tucson Event)

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

11. Living Streets Alliance, Ward 6
SW corner of E. 1st St. and N. Tucson Blvd.
Applicant: Kylie M. Walzak
City T29-16
Date of Event: April 10, 2016
(Cyclovia Tucson Event)

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

12. Tucson Kitchen Musicians Association, Ward 1
140 N. Main Ave.
Applicant: Diane Patrice Perry
City T30-16
Date of Event: April 30, 2016 - May 1, 2016
(Annual Tucson Folk Festival)

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

13. Tucson Rodeo Parade Committee Inc., Ward 5
4823 S. 6th Ave.
Applicant: Boyd Gertsch
City T36-16
Date of Event: April 9, 2016
(Charitable Event)

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

- d. Agent Change/Acquisition of Control/Restructure

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

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b3 and 5c1 through 5c13, 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 at this meeting. 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:

Catherine Gale
Jason Wong
Linda Schaub

Robert Reus
Ken Scoville
Bill DuPont

Les Pierce
Laura Tabili

Council Member Kozachik asked staff to follow-up on Mr. DuPont’s concerns.

Mike Rankin, City Attorney said he would take that as direction to address the issues that were raised and report back to the Mayor and Council on the types of notices that either had or had not gone out.

Mayor Rothschild said particularly with regards to the upcoming hearing.

Mr. Rankin stated that was correct, particularly the two instances that were addressed by Mr. DuPont.

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 F

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 MAR22-16-89 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of April 7, 2015
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of April 7, 2015

b. AGREEMENT: WITH THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON PROPERTY LOCATED AT CONGRESS AND INTERSTATE 10 (CONTINUED FROM THE MEETING OF MARCH 8, 2016)

1. Report from City Manager MAR22-16-96 WARD 1
2. Resolution No. 22543 relating to Development; authorizing and approving a Cost Reimbursement and Conveyance Agreement between the Rio Nuevo Multipurpose Facilities District, Nor-Development, LLC, Nor-Gen Land Trust UA, and the City of Tucson for drainage improvements and related facilities to the Arena Site and the Exhibition Hall Site; and declaring an emergency.

c. FINAL PLAT: (S15-030) KINNISION OVERLOOK, LOTS 1 THROUGH 46

1. Report from City Manager MAR22-16-90 WARD 4
2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

d. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY AT THE NORTHEAST CORNER OF KINO BOULEVARD AND 22ND STREET

1. Report from City Manager MAR22-16-95 WARD 5

2. Ordinance No. 11348 relating to real property; declaring property located at the northeast corner of Kino Boulevard and 22nd Street to be surplus City-owned property; authorizing the sale thereof to Walter Hoge and / or his assigns; and declaring an emergency.
- e. REAL PROPERTY: ACQUISITION OF RIGHT OF WAY FOR THE COPPER STREET BIKE BOULEVARD IMPROVEMENT PROJECT
1. Report from City Manager MAR22-16-94 WARD 3 AND 6
 2. Resolution No. 22544 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 Copper Street Bike Boulevard Improvement Project; and declaring an emergency.
- f. GRANT APPLICATIONS: TO THE ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR THE BICYCLE AND PEDESTRIAN DIVERSION PROGRAM
1. Report from City Manager MAR22-16-98 CITY WIDE
 2. Resolution No. 22546 relating to Transportation; authorizing and approving submission of a Grant Application to the Arizona Governor's Office of Highway Safety for the Bicycle and Pedestrian Diversion Program; and declaring an emergency.

Mike Rankin, City Attorney, stated on Item b, there was a scrivener's error correction to one of the exhibits which was actually in the packet in two locations. Exhibit D to the agreement and Exhibit A to Exhibit F, which were the same document, mistakenly referred to the property interest being conveyed as an easement as opposed to fees. He said he had a corrected version of the Resolution that would be provided to the City Clerk.

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

8. PUBLIC HEARING: VALENCIA RESERVE ANNEXATION DISTRICT

Mayor Rothschild announced City Manager's communication number 93, dated March 22, 2016, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing for the proposed Valencia Reserve 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.

Harry Clyde spoke in opposition to the Valencia Reserve Annexation District.

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

Mayor Rothschild asked staff if they wanted to make a presentation before the Mayor and Council voted on the item.

Mike Czechowski, Annexation Project Manager, stated he did not have any formal presentation to make.

Council Member Fimbres asked what the next steps were if the Mayor and Council were to approve the item.

Mr. Czechowski stated, if approved, the next step would be starting the one year petition collection process, which would formally begin on April 1, 2016. He said they would go out and speak to at least three hundred ten of the property owners to collect petitions in favor, assuming they collected fifty percent of the assessed value. He said it would be a one year process of collecting signatures.

Council Member Fimbres asked how the annexation served citizens of Tucson in that area or currently Pima County.

Mr. Czechowski stated Tucson Fire Department (TFD) Station #22 across the street from the entrance to the neighborhood and was built in anticipation of growth in that area of town. He said the neighborhood was built roughly in 2006, so it was a relatively newer neighborhood easily served by TFD, Tucson Department of Transportation (TDOT) and Tucson Police Department (TPD). He commented the annexation would also benefit the City of Tucson, initially up front, with projected revenues of about five hundred fifty thousand dollars in state shared revenues and city property taxes, and could possibly help alleviate the concerns for hiring additional police officers and fire personnel.

Council Member Fimbres asked, for the record, what the potential projected expenses for the City were to annex the area in question.

Mr. Czechowski stated there were no projected expenses, and as mentioned the area in question was right across from TFD Station #22. He said all city departments could absorb this into their current budget without any additional costs.

Council Member Cunningham asked if Valencia Reserve currently had a homeowner's association fee and if they paid for the roads inside Rancho Valencia or would the City be responsible for paving their roads.

Mr. Czechowski said they did, but was not sure of all the details. He said the roads in the area were not private roads so the City would take over maintaining them.

Council Member Kozachik clarified there would be a cost, the City was not absorbing everything with the existing budget.

Mr. Czechowski replied there would be capital costs, but not an initial cost to each individual department.

Council Member Kozachik asked, with respect to the three hundred ten property owners, was it fifty-one percent of property owners or assessed value.

Mr. Czechowski stated he was correct, it was be three hundred-ten property owners or roughly six hundred nineteen unique property owners within that area, assuming they were to get fifty percent of the assessed value. He said if the assessed value was not received with the three hundred ten, they would have to get whatever number got them there.

Council Member Kozachik clarified it was the assessed value that was controlling.

Mike Rankin, City Attorney, interjected stating both elements had to be satisfied by fifty percent plus one of the overall number of owners as well as the assessed value.

Council Member Romero commented that on Alvernon Way and Valencia Road there were existing areas within the city limits, open land and the additional intended area the City wanted to annex. She asked why it was not continuous.

Mr. Czechowski stated that land was State Trust Land and to annex that type of land, they needed to have several intense conversations with the State Land Department which the City was beginning to have within the next two months. He stated they had a new State Land Department, with new policies and new direction on how they would handle new annexations. He said they were requiring fairly intense documentation from any city on a pending annexation for highest and best use of that property.

Council Member Fimbres asked staff to elaborate on the origin of the annexation.

Mr. Czechowski stated when they conducted the Empire Vista annexation, approximately a year and a half ago; they also reached out to several other homeowner associations in the area and had conversations with them. He said they had a handful of meetings with residents of the area, in addition to receiving numerous phone calls from residents who were not aware that TFD Station #22 could not provide first-line services for them. He said the City presently had a rough agreement, in the case if a mass incident was to occur, TFD would most definitely provide services, but they would not be the initial provider. He said there was a lot of confusion about that and asked the Mayor and Council to imagine receiving phone calls from residents who literally drove past the fire station every day and not being able to receive those primary benefit.

Council Member Kozachik asked if the item would come back to the Mayor and Council for a final vote once the signatures and the assessed values were obtained, so that they could make an informed judgment with respect to the level of police and fire staffing and the whole budgetary situation. He said he was confident they had a fair read on what the annexation would cost the City moving forward.

Mr. Rankin stated it was not the end of the process for annexation; it still required the Mayor and Council legislative approval by ordinance.

It was moved by Council Member Fimbres, duly seconded, to proceed with the Valencia Reserve Annexation District.

Council Member Cunningham stated he was pleased to have staff check on the signatures and everything else, but stated he might not be worth it. He asked staff to tread carefully because he wanted to make sure it was worth it, although it did not sound like it to him.

The motion to proceed with the Valencia Reserve Annexation District was carried by a voice vote of 7 to 0.

9. ZONING: (C9-15-07) MAINSTREET HEALTH – ROSEMONT BOULEVARD, R-1 TO R-2, CITY MANAGER’S REPORT

Mayor Rothschild announced City Manager's communication number 91, dated March 22, 2016, was received into and made part of the record. He also announced this was a request to rezone approximately 8.5 acres from R-1 to R-2 zoning; and obtain a special exception to allow the development of an extended healthcare facility and outpatient medical services. The rezoning site is located at the northeast corner of Rosemont Boulevard and Pima Street. He said the Zoning Examiner and staff recommend approval of R-2 zoning subject to certain conditions.

Mayor Rothschild asked if the applicant or representative was present and if they were agreeable to the proposed requirements as outlined in the report.

Brian Underwood, The Planning Center, stated the client was Mainstreet Health Care. He said they were agreeable to the proposed requirements as outlined in the report.

Council Member Kozachik stated he had very good exchanges with The Planning Center and with the surrounding neighborhoods. He said it looked like it was a very positive addition to the area. He questioned condition number seventeen; the recorded wall maintenance agreement required signatures from all properties owners, seven lots from the adjacent properties and in lieu of that, and a five foot wall. He asked where the developer was on that item.

Mr. Underwood stated they had not recorded any kind of agreements with adjacent property owners to the north.

Council Member Kozachik asked what the plan was for moving forward. He said it stated in lieu of a wall maintenance agreement, the developer shall construct an on-site five foot masonry wall. He also asked if they were getting the Geotech drainage for that site.

Mr. Underwood said they would either approach adjacent neighbors and get the maintenance agreement in place or construct the five foot wall. He said the Geotechnical Report was required as part of the development plan.

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

10. REAL PROPERTY: APPROVING A GOVERNMENT PROPERTY LEASE EXCISE TAX LEASE AGREEMENT WITH ONE WEST BROADWAY, LLC

Mayor Rothschild announced City Manager's communication number 97, dated March 22, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22545 by number and title only.

Resolution No. 22545 relating to Economic Development Incentives and Real Property; authorizing and approving the Government Property Lease Excise Tax (GPLET) Lease Agreement between the City of Tucson (City) and One West Broadway, LLC for the development on the southwest corner of Broadway Boulevard and Stone Avenue (Project).

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution 22545.

Council Member Fimbres asked what the potential financial benefit was for the City if approved by the Mayor and Council.

Camila Bekat, Economic Development Specialist, stated the benefit to the City of Tucson directly was six hundred ten thousand dollars over the eight year period. She said currently the City received approximately nine hundred dollars in property taxes from the vacant parking lot and once the GPLET term was completed, they would receive approximately twenty-one thousand dollars in property taxes.

Resolution 22545 was passed and adopted by a roll call vote of 7 to 0.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 92, dated March 22, 2016, 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 Vice Mayor Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Grady Scott to the City Magistrates Merit Selection Commission (CMMSC).

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

Council Member Scott announced her personal appointment of Davita Mueller to the Pedestrian Advisory Committee (PAC).

12. ADJOURNMENT: 6:26 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 5, 2016, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

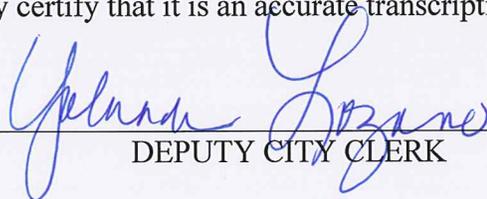
MAYOR

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 22nd day of March 2016, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR:ds:bf