



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 9, 2017.

Date of Meeting: August 9, 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 5:36 p.m., on Tuesday, August 9, 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	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Vice Mayor, 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 Andrew Ross, Northminster Presbyterian Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed August to be “Drowning Impact Awareness Month.” Tracy Koslowski, Drexel Heights Fire District Public Information Manager, accepted the proclamation.
- b. Mayor Rothschild proclaimed August to be “Child Support Awareness Month.” Rosa Torres, Arizona Department of Economic Security, Division of Child Support Services Program Manager, accepted proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 254, dated August 9, 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 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 255, dated August 9, 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 256, dated August 9, 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. Owl's Club, Ward 6
236 S. Scott Ave.
Applicant: Kevin Arnold Kramber
Series 6, City 55-16
Action must be taken by: July 29, 2016

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

2. Yoly's Mexico Grande, Ward 5
1015 E. Benson Hwy
Applicant: Yolanda Chavez Palomarez
Series 12, City 56-16
Action must be taken by: July 31, 2016

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

3. Jimmy Hula's Original Fish Tacos, Burgers & Beer, Ward 6
802 N. 4th Ave.
Applicant: Andrea Dahlman Lewkowitz
Series 12, City 60-16
Action must be taken by: August 21, 2016

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

Public Opinion: Written Argument Opposed Filed

This item was considered separately.

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/Location Transfer(s)

4. Catalina Market, Ward 6
2601 N. Columbus Blvd.
Applicant: Jayantibhai D. Patel
Series 9, City 57-16
Action must be taken by: August 7, 2016

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

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

Location Transfer(s)

5. Circle K Store #5540, Ward 1
1555 W. Valencia Rd.
Applicant: Kim Kenneth Kwiatkowski
Series 9, City 58-16
Action must be taken by: August 12, 2016

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

NOTE: State law provides that for a location transfer Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203; Rule R19-1-102)

c. Special Event(s)

1. Tucson Children's Museum, Inc. dba Children's Museum Tucson, Ward 6
200 S. 6th Ave.
Applicant: Michael Joseph Luria
City T60-16
Date of Event: October 8, 2016
(Evening of Play 2016)

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

2. Ronald McDonald House Charities of Southern Arizona, Inc., Ward 3
3838 N. Campbell Ave. Bldg 6
Applicant: Scott A. Matlick
City T61-16
Date of Event: September 23, 2016
(Charitable Fundraiser)

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

3. YWCA of Southern Arizona, Ward 1
525 N. Bonita Ave.
Applicant: Eula Liane Hernandez
City T62-16
Date of Event: September 11, 2016
(Arizona Local Economy Forum)

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

4. Friends of Tucson's Birthplace, Ward 1
946 W. Mission Lane
Applicant: Diana W. Hadley
City T68-16
Date of Event: August 20, 2016
(Tucson's Birthday)

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

5. The University of Arizona Athletic Department, Ward 6
1712 E. Enke Dr.
Applicant: Jaime Leigh Odom
City T69-16
Date of Event: September 24, 2016
(Arizona Athletics Tailgate)

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

This item was considered separately.

6. University of Arizona Athletic Department, Ward 6
1712 E. Enke Dr.
Applicant: Jaime Leigh Odom
City T79-16
Date of Event: September 10, 2016
(Wildcat Club Tailgate)

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

This item was considered separately.

7. The University of Arizona Athletic Department, Ward 6
1712 E. Enke Dr.
Applicant: Jaime Leigh Odom
City T80-16
Date of Event: September 17, 2016
(Wildcat Club Football Tailgate)

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

This item was considered separately.

- d. Agent Change/Acquisition of Control

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

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b1, 5b2, 5b4, 5b5, and 5c1 through 5c4 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event(s)

5. The University of Arizona Athletic Department, Ward 6
1712 E. Enke Dr.
Applicant: Jaime Leigh Odom
City T69-16
Date of Event: September 24, 2016
(Arizona Athletics Tailgate)

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

6. University of Arizona Athletic Department, Ward 6
1712 E. Enke Dr.
Applicant: Jaime Leigh Odom
City T79-16
Date of Event: September 10, 2016
(Wildcat Club Tailgate)

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

7. The University of Arizona Athletic Department, Ward 6
1712 E. Enke Dr.
Applicant: Jaime Leigh Odom
City T80-16
Date of Event: September 17, 2016
(Wildcat Club Football Tailgate)

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

Roger W. Randolph, City Clerk, announced the items to be considered separately were Items 5c5 through 5c7, The University of Arizona, located in Ward 6.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0, (Vice Mayor Kozachik recused due to conflict of interest), to forward liquor license application 5c5 through 5c7, to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

3. Jimmy Hula's Original Fish Tacos, Burgers & Beer, Ward 6
802 N. 4th Ave.
Applicant: Andrea Dahlman Lewkowitz
Series 12, City 60-16
Action must be taken by: August 21, 2016

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 5b3, Jimmy Hula's Original Fish Tacos, Burgers & Beer, located in Ward 6.

Vice Mayor Kozachik asked if the person submitting the letter of protest was present. There was no one.

Vice Mayor Kozachik then asked the owner of Jimmy Hula's Original Fish Tacos, Burgers & Bee to come forward and speak on the areas of concern in the letter of protest; the closing time and music.

David Blair, Owner, stated the proposed closing time would 10:00 p.m., during the week and preferred to have the option to close on Friday and Saturday at 11:00 p.m., however, if the liquor license was contingent on that, then he would agree to close on the weekends at 10:00 p.m., as well. He also stated they did not have any live music, but would have light background music due to his business being a restaurant first.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b3 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:

Manny Guzman
Dan Brown
Annette Laughlin
Ingrid Saber
Brian Flagg

Art Buske
Ken Scoville
Nancy Young Wright
Ann D. Pattison

Sarah Launius
Suzanne Schafer
Keith Van Heyningen
Robert Cook

Mayor Rothschild requested the City Manager to follow up with Ms. Saber on her concerns regarding transit.

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 U

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 AUG09-16-257 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of December 7, 2015
3. Mayor and Council Regular Meeting Minutes of December 8, 2015
4. Mayor and Council Study Session Legal Action Report and Summary Meeting Minutes of December 8, 2015

b. TUCSON CODE: AMENDING (CHAPTER 14) RELATING TO THE PROCEDURE FOR LABOR ORGANIZATION AND EMPLOYEE ASSOCIATION ELECTIONS

1. Report from City Manager AUG09-16-290 CITY WIDE
2. Ordinance No. 11395 relating to Tucson Code (TC): amendments to TC, Chapter 14, regarding Labor Organization and Employee Association Election Procedure, Meet and Confer, and Meet and Discuss; and declaring an emergency.

(This item was considered separately in order to read amendments to the Ordinance.)

- c. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION (AHCCCS) FOR FEDERAL MATCHING FUNDS FOR GRADUATE MEDICAL EDUCATION AT TUCSON MEDICAL CENTER
 - 1. Report from City Manager AUG09-16-284 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22609 Relating to Intergovernmental Agreements (IGAs); approving an IGA between Arizona Health Care Cost Containment System Administration (AHCCCS) and the City of Tucson (City) to allow the City to provide funding to secure federal matching funds for graduate medical education at Tucson Medical Center (TMC); and declaring an emergency.

- d. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE ARIZONA DEPARTMENT OF HEALTH SERVICES FOR REGULATING ACTIVITIES WITHIN THE CITY THAT FALL OUTSIDE THE ARIZONA MEDICAL MARIJUANA ACT
 - 1. Report from City Manager AUG09-16-279 CITY WIDE
 - 2. Resolution No. 22599 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of Amendment No. 2 to the IGA between the City of Tucson (City) and the Arizona Department of Health Services (ADHS), relating to the Arizona Medical Marijuana Act (AMMA), to extend the term of the IGA through June 30, 2017; and declaring an emergency.

- e. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH JOHN S. AND DOROTHY A. JONES, OWNERS OF PARCEL NO. 141-03-0110 FOR WATER SERVICE
 - 1. Report from City Manager AUG09-16-259 WARD 4 AND OUTSIDE CITY
 - 2. Resolution No. 22607 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 John S. and Dorothy A. Jones, Owners of Parcel No. 141-03-0110.

- f. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH JOSEPH M. SMITH III AND MARTHA D. SMITH, OWNERS OF PARCEL NO. 114-53-039G
 - 1. Report from City Manager AUG09-16-260 WARD 2 AND OUTSIDE CITY

2. Resolution No. 22608 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 Joseph M. Smith III and Martha D. Smith, Owners of Parcel No. 114-53-039G.
- g. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH ANITA SMITH BRUBAKER TRUST, OWNERS OF PARCEL NO. 205-35-078K FOR WATER SERVICES
1. Report from City Manager AUG09-16-272 WARD 2 AND OUTSIDE CITY
 2. Resolution No. 22600 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 the Anita Smith Brubaker Trust, Owners of Parcel No. 205-35-078K.
- h. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA FOR A STUDY OF URBAN AGRICULTURAL APPLICATIONS AT THE CLOSED HARRISON LANDFILL
1. Report from City Manager AUG09-16-282 WARD 4
 2. Resolution No. 22601 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Board of Regents, University of Arizona on behalf of the Department of Soil, Water and Environmental Science, for a study of urban agricultural applications at the closed Harrison Landfill; and declaring an emergency.
- i. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE UNIVERSITY OF ARIZONA FOR COMPOST SERVICES
1. Report from City Manager AUG09-16-281 CITY WIDE
 2. Resolution No. 22602 relating to Intergovernmental Agreements; authorizing and approving an amendment to the Intergovernmental Agreement between the City of Tucson and the Arizona Board of regents, on behalf of the University of Arizona's Compost Cats, for the diversion of compostable and recyclable materials generated at the special events; and declaring an emergency.
- j. MEMORIAL: RELATING TO PREDATORY PAYDAY AND CAR TITLE LENDING PRACTICES
1. Report from City Manager AUG09-16-286 CITY WIDE

2. A Memorial relating to Predatory Lending; urging the Consumer Financial Protection Bureau to issue the strongest possible rule to address high cost predatory small loan lending and car title lending to bolster, and not undermine Arizona State Law and protect the citizens of Tucson from unfair, deceptive and abusive lending practices.

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

k. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT AGE FOR RICHARD KAYE

1. Report from City Manager AUG09-16-261 CITY WIDE

l. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE INCARCERATION OF CITY PRISONERS

1. Report from City Manager AUG09-16-287 CITY WIDE
2. Resolution No. 22603 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of an IGA between the City of Tucson (City) and Pima County for the incarceration of city prisoners for Fiscal Year 2017 (FY2017); and declaring an emergency.

m. TRANSPORTATION: CERTIFICATION ACCEPTANCE AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR FEDERAL HIGHWAY ADMINISTRATION FUNDS

1. Report from City Manager AUG09-16-271 CITY WIDE
2. Resolution No. 22604 relating to Transportation; authorizing and approving the execution of a Certification Acceptance Agreement between Arizona Department of Transportation (ADOT) and the City of Tucson for Federal Aid Highway Program Projects; and declaring an emergency.

n. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE DOWNTOWN LINKS PROJECT

1. Report from City Manager AUG09-16-270 WARDS 1, 5, AND 6
2. Resolution No. 22605 relating to Transportation Funding and Intergovernmental Agreements (IGA); approving and authorizing execution of Amendment No. 6 to the IGA for Transportation Funding between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for funding to finalize the right of way phase and construct the roadway improvements for the final segment of the Downtown Links Project; and declaring an emergency.

- o. TRANSPORTATION: APPROVING THE FARE AND SERVICE EQUITY ANALYSES FOR THE PROPOSED SEPTEMBER 2016 BUS SERVICE AND TRANSFER POLICY CHANGES
 - 1. Report from City Manager AUG09-16-289 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22620 relating to Transportation and Public Transit; approving the Title VI Service and Fare Equity Analyses for proposed September 2016 Major Bus Service Changes and Transfer Policy Changes; and declaring an emergency.

- p. WATER: APPROVING A POWER SALES CONTRACT WITH THE ARIZONA POWER AUTHORITY FOR THE PURCHASE OF RENEWABLE HYDROELECTRIC POWER
 - 1. Report from City Manager AUG09-16-262 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22606 relating to Tucson Water; authorizing and approving a Power Sales Contract with the Arizona Power Authority for the purchase of renewable hydroelectric power generated by the Hoover Power Plant; and declaring an emergency.

- q. FINAL PLAT: (S15-049) COLUMBUS HOMES, LOTS 1-16
 - 1. Report from City Manager AUG09-16-258 WARD 3
 - 2. Staff recommends that the Mayor and Council approve the final plat as presented.

- r. FINAL PLAT: (S16-019) WEST GRANT CENTRE, LOTS 1 AND 2
 - 1. Report from City Manager AUG09-16-263 WARD 1
 - 2. Staff recommends that the Mayor and Council approve the final plat as presented.

- s. BUDGET AND INTERNAL AUDIT: APPROVING THE INTERNAL AUDIT PLAN FOR FISCAL YEAR 2017
 - 1. Report from City Manager AUG09-16-276 CITY WIDE
 - 2. Resolution No. 22613 relating to Budget and Internal Audit; approving the Internal Audit Plan for Fiscal Year 2017; and declaring an emergency.

- t. RESOLUTION: DESIGNATING THE "BEST 23 MILES OF MEXICAN FOOD" IN THE CITY OF TUCSON
 - 1. Report from City Manager AUG09-16-283 CITY WIDE
 - 2. Resolution No. 22614 relating to history, culture and economic development; designating the Best 23 Miles of Mexican Food in the City of Tucson; and declaring an emergency.

- u. MEMORIAL: PROCLAIMING "PET ADOPTION CELEBRATION WEEK" AND PROMOTING THE HUMANE TREATMENT OF ANIMALS
 - 1. Report from City Manager AUG09-16-291 CITY WIDE
 - 2. A Memorial relating to Animal Welfare; proclaiming August 6, 2016 through August 13, 2016 to be "Pet Adoption Celebration Week" in the City of Tucson to help raise awareness regarding the need to adopt an animal from a shelter or rescue organization.

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

(NOTE: Vice Mayor Kozachik departed at 6:07 p.m. and returned at 6:11 p.m.)

7. CONSENT AGENDA – ITEM B

- b. TUCSON CODE: AMENDING (CHAPTER 14) RELATING TO THE PROCEDURE FOR LABOR ORGANIZATION AND EMPLOYEE ASSOCIATION ELECTIONS
 - 1. Report from City Manager AUG09-16-290 CITY WIDE
 - 2. Ordinance No. 11395 relating to Tucson Code (TC): amendments to TC, Chapter 14, regarding Labor Organization and Employee Association Election Procedure, Meet and Confer, and Meet and Discuss; and declaring an emergency.

Michael Rankin, City Attorney, said this item was being considered separately to read into the record an amendment to the Ordinance due to an agreement being reached with the labor organizations. He stated there were two amendments; first was to raise the threshold with respect to the number of signatures required on a petition to initiate an election; the number was increased from 30% to 33%, and would be reflected in sections 14-5(c), and 14-10 subsections (d), (e), (h), (i), and (k).

Mr. Rankin said the second change was with respect to the ability for probationary employees to participate in election process by signing a petition and voting. He said the change to be made was to allow those probationary employees to participate in that process, if they were in a labor organization that, under their current agreement, already provided for representation of probationary employees. He advised those changes would be reflected in sections 14-2.7, 14-3(b), 14-9(a), and 14-9(b)

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

7. CONSENT AGENDA – ITEM J

j. **MEMORIAL: RELATING TO PREDATORY PAYDAY AND CAR TITLE LENDING PRACTICES**

1. Report from City Manager AUG09-16-286 CITY WIDE
2. A Memorial relating to Predatory Lending; urging the Consumer Financial Protection Bureau to issue the strongest possible rule to address high cost predatory small loan lending and car title lending to bolster, and not undermine Arizona State Law and protect the citizens of Tucson from unfair, deceptive and abusive lending practices.

Council Member Uhlich stated she wanted to highlight the item as it was an important one buried under the Consent Agenda. She commented that Tucson had been at the forefront for over a decade fighting predatory payday lending. She said Tucson had the opportunity to continue to lead on the issue because there was a proposed rule that was advanced by the Federal Consumer Finance Protection Bureau. She advised that the public had the opportunity, until October 7, 2016, to write to the Bureau regarding this issue.

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

8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 13) ADOPTION OF THE 2012 INTERNATIONAL FIRE CODE WITH LOCAL MODIFICATIONS

Mayor Rothschild announced City Manager's communication number 278, dated August 9, 2016, was received into and made part of the record. He said this was the time and place legally advertised for a public hearing on the adoption of the 2012 International Fire Code, with local modifications.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on this issue.

There were none.

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 the City Clerk to read Ordinance 11393 by number and title only.

Ordinance No. 11393 relating to Fire Code, adopting the 2012 International Fire Code, with those local modifications attached as Exhibit A to Ordinance No. 11040, and with those further local modifications attached as Exhibit A to this Ordinance No. 11393, as the Fire Code for the City of Tucson; setting forth the penalties for violation of the Fire Code, as required by A.R.S. § 9-803; amending Tucson Code Section 13-3; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 11393.

Council Member Fimbres asked if the Ordinance was passed, did it increase the workload of the Tucson Fire Department (TFD) staff in regards to inspection. He also asked if any fines levied by Revenue on top of the fifty thousand were fine amount increases or just fees.

Jim Critchley, Chief, Tucson Fire Department, expressed it did not increase the workload for TFD staff. He explained there would just be fees that were consistent with the rest of the region.

9. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 26) RELATING TO FLOODPLAIN, STORMWATER, AND EROSION HAZARD MANAGEMENT, AND APPROVING THE 2016 TUCSON FLOODPLAIN MANAGEMENT PLAN

Mayor Rothschild announced City Manager's communication number 280, dated August 9, 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 on proposed amendments to the Floodplain Ordinance, and adoption of the Floodplain Management Plan (FMP).

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on the item.

Francis Souza spoke in support of the floodplain revisions but stated he was worried about what was not included. He continued his comment as to why.

Michael J. Ortega, City Manager, expressed those were really development standard issues that could certainly be taken under advisement. He said what was before the Mayor and Council was the compliance with the Federal Emergency Management Agency (FEMA), changes to their rules and making sure that the City's rules and regulations came into compliance with those.

Council Member Uhlich stated as the City looked more specifically to what was raised; the Environmental Resource Zone (ERZ) Wash Ordinance might be an area that could be tweaked to capture some of the concern about the erosion or sediment in the washes and the rainwater harvesting guidelines for properties to reduce flow. She said she was not sure if that would interplay somehow, but there might be some intersections in the City's existing intent and legislation that could dovetail with the comments.

Vice Mayor Kozachik questioned the idea of raising the bar, with new project, new construction above a certain threshold, needs to reduce the sheet flow. He said if that meant capturing more onsite then so be it, but he was not sure what that looked like or what the bar would be. But, it was certainly consistent with some issues around town from July 1st forward. He explained the Flood Control District had spent just under \$1 million to effectively clear cut Rillito between Swan and Craycroft and he was not sure that it was necessary or advised and he questioned if it could not have been done more efficiently or effectively by simply offering it to contractors and monitoring what they were doing and diverting some of those tax dollars to more appropriate flood or storm water control projects.

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

Vice Mayor Kozachik asked what standards were being applied to projects that were currently under review and more specifically projects that could benefit by knowing these standards were moving forward in terms of flood insurance. He said the new standards should be made known to the projects currently in the pipeline. He asked, for projects currently under review, could they take advantage of the new guidelines and effectively lower their flood insurance.

Robin Raine, Tucson Department of Transportation Deputy Director, explained once they were approved, they could. She said the difficulty with something that was under way in one area was that there had to be a break over point. However, she said, as far as getting better premiums for flood insurance, this effort helped get better points so that people that had property in flood plains would get a bigger discount in flood insurance rates. She commented that as soon as the Ordinance was passed, the points went into effect on all those premiums.

Vice Mayor Kozachik said he just wanted to make sure they were aware the new standards would go into effect. Secondly, he said, in the material there was mention of unanimous support for considering a Tucson Stormwater Utility in the future. He asked what that entailed and said there were several comments made from the open house asking if there was support for a City of Tucson Stormwater Utility in the future.

Ms. Raine stated he was correct that it was a much larger discussion with many facets that would take a long time to discuss in that forum.

Vice Mayor Kozachik indicated he would touch base with the City Manager on that issue. He also indicated that in the materials, there was mention about no fill being placed in any flood way in a manner that obstructs the flow of water. He said he wanted to point out that the City was in fact doing just that in the Alamo Wash as part of a bank stabilization and if it was going to be part of the standards we needed to apply it to our own work.

Darryl Cole, Director of Transportation, said that stabilization of the slopes and maintenance fell outside of what Vice Mayor Kozachik was talking about. He said they were trying to restore the banks in Alamo Wash and other washes where they had found areas of erosion and stabilize them materials on site. He explained they were currently doing that with the Alamo Wash, which had certain issues and a very confined space as they tried to move sediment down that wash.

Council Member Cunningham stated that each time the subject of stormwater is brought up, it brings up three things. One was setting up a Stormwater District. He said it had to be citizen driven much like the Regional Transportation Authority (RTA). He said if the public was interested in having a Stormwater District set up or a utility for stormwater, his office was available to assist in any way.

Council Member Cunningham stated that as discussions about stormwater and flooding continue, there also has to be talk about stormwater harvesting. He said in the future, Tucson would continue to grow as well as the use of water per capita. He stated that a significant amount of water drains into unused farms in Pinal County every year and some of the channels were federally regulated and some were not. He spoke about being able to divert that water into several pockets throughout the City that would serve as an auxiliary water supply.

Council Member Fimbres asked staff what the financial benefits were in changing Section 26.2 of the *Code*.

Ms. Raine responded there was no direct financial benefit to the general public. She said there was a benefit to the property owner to have a little bit more flexibility so they could improve their properties and increase the value of their property. She also informed that anytime you increased the value of your property, flood insurance rates could go up as well.

Council Member Fimbres asked how much alignment had happened between FMP considerations and County Flood Map considerations. He also asked how the adoption of the changes with FMP address current problems with stormwater.

Ms. Raine stated the Floodplain Management Plan (FMP) was consistent with Pima County's Mitigation Plan and were consistent with one another. She said the *Plan* builds on the City's existing flood plain management, policies and programs and helped focus on expanding available resources and using them efficiently.

Mayor Rothschild asked the City Clerk to read Ordinance 11396 by number and title only.

Ordinance No. 11396 relating to Floodplains; amending the Tucson Code Chapter 26, Floodplain, Stormwater, and Erosion Hazard Management, Article 1. In General, Division 1. Floodplain and Erosion Hazard Area Regulations; amending Sec. 26-1 Purpose, Sec 26-1.1 Authority, Sec. 26-1.2 Applicability, Sec 26-1.3 Basis for establishing areas of special flood hazard; adding Sec. 26-1.4 Methods of Reducing Flood Losses; amending Sec. 26-2 Definitions, Sec. 26-3 Floodplain boundaries, elevations, Sec. 26-3.1 Floodplain boundary and flood elevation revisions, Sec. 26-4 Statutory Exceptions, Sec. 26-4.1 Nonconforming development, Sec. 26-5.1 Floodway development, Sec. 26-5.2 Floodway fringe development, Sec. 26-8 Subdivision and development project requirements, Sec. 26-9 Standards for manufactured homes and manufactured home parks and subdivisions, Sec. 26-10 Detention/retention systems, Sec. 26-11.1 City engineer review of floodplain and erosion hazard area development, Sec. 26-11.2 Floodplain use permit procedure, Sec. 26-11.3 Penalties, violations, unlawful acts, classifications, Sec. 26-11.4 Declaration of public nuisance; abatement, Sec 26-12 Appeals and variances; and adding Sec. 26-13 Amendments and Sec. 26-16 Severability; amending Sec. 26-18 Public hearing; 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 pass and adopt Ordinance No. 11396.

Mayor Rothschild asked the City Clerk to read Resolution 22619 by number and title only.

Resolution No. 22619 relating to Floodplain Management: updating the 1990 version of the Tucson Stormwater Management Study (Phase 5) by adopting the new 2016 Tucson Floodplain Management Plan; 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 pass and adopt Resolution 22619.

10. PUBLIC HEARING: APPROVAL OF THE NEW TRANSIT FARE TRANSFER POLICY

Mayor Rothschild announced City Manager's communication number 285, dated August 9, 2016, was received into and made part of the record. He said this was the time

and place legally advertised for a public hearing on a recommended change to the transit fare transfer policy.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on the item.

There were none.

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 the City Clerk to read Resolution 22617 by number and title only.

Resolution No. 22617 Relating to Transportation and Public Transit: Proposed change to transit fare transfer policy; eliminating paper transfers and adopting an unrestricted two-hour transfer period with the SunGo card and the SunGo ID & card; establishing an effective date for the new policy; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, to pass and adopt Resolution 22617.

Council Member Fimbres asked staff how long the transition period was during the trial period for eliminating paper transfers and what happened if a new person to the City came forward needing to ride the bus and only had cash.

Carlos de Leon, Tucson Department of Transportation Department (TDOT) Deputy Director, explained there would be an initial two-week period where a transition will take place a week prior and a week after. He said information will be disseminated quickly after the Mayor and Council approved the concept, specifically about the availability of the SunGo Card. He said staff would also be present at transit centers to give away free cards during that two-week period.

Mr. de Leon stated that if they saw demand going up after the two-week period, they would continue to handout the cards past the two-week period as they had the flexibility to do that. He advised that for cash riders there were places where a rider could pay cash to purchase a card and add value or they could download the app to their cell phone for free.

Council Member Fimbres questioned the idea of how someone with no cell phone, access to a computer or any electronic mechanism would get information of the new procedure to purchase the SunGo Card or get information on the new system off the website.

Mr. de Leon responded there would be information on the website as well as onsite at the transit centers during the two-week period. The people giving out the cards at the transit centers would be available to assist customers on new SunGo Card and where to purchase them. He said information would also be put out through social media and there were approximately thirty-five outlets throughout the City where individuals could go and purchase a SunGo Card.

Council Member Fimbres asked staff to explain how elimination of the paper transfer would save approximately two hundred twenty thousand dollars which was also based on a lost rider ship amount of one hundred fifty thousand dollars or possibly more.

Mr. de Leon explained the one hundred fifty thousand dollars was related to unrestricted travel and was an estimate to the direction of travel which was restricted to a one way within a two-hour period, within two buses. He said with the new policy they were estimating one hundred fifty thousand dollars would be lost in revenue but would be gained through the transfers that occurred for the unrestricted travelers.

Council Member Uhlich asked if cash riders paid full fare.

Mr. de Leon stated cash riders paid full fare but if they applied and qualified for low income fare, seniors or persons with disabilities, they would receive a SunGo Card ID and must go through the process.

Council Member Uhlich asked what the charge was for a SunGo Card. She asked if staff had a sense annually of how many riders there were and how many cards the City issued on an average year.

Mr. de Leon advised the cost of a SunGo Cards was two dollars. He expressed he did not have the current annual distribution of the cards, but said there was twenty-three thousand SunGo ID and Cards and thirteen thousand SunGo Cards for a totally of thirty-six thousand roughly being used.

Council Member Uhlich expressed she understood the elimination of the paper transfer and liberalization of the transfer policy. She said she had a question that she wanted to pursue for immediate follow-up if the Mayor and Council took action on the item. She said she wanted to know why the City was charging for the card if they wanted people to ride the bus and why not issue a SunGo Card or have the availability on the buses to allow bus riders to load up their SunGo Cards.

Michael J. Ortega, replied the City could certainly look into that possibility. He said maybe there was a way that someone could be issued a number of cards at no cost, but if they are lost or thrown out the window, and then a different conversation needed to be had.

Council Member Uhlich informed she would like to work with him and the Transit Task Force to come up with a plan.

Council Member Cunningham said in spirit, he agreed with Council Member Uhlich's idea but if there was not a replacement cost associated with the card, then it was going to cost the City two dollars each time to replace a card. He advised there had to be a cost to purchase and replace SunGo Cards that were issued.

Council Member Romero expressed her concern about the two week period in that she felt it was not enough time for the Task Force to promote free SunGo Cards in the community. She said she wanted to hear more about what the plan was to have the cards available on the buses. She stated other cities provided this service and was something Tucson needed to review and make a plan to move in that direction, mainly for the transit user that did not use the system every day. She promotes and supports the item but would like to more time to distribute and issue free cards to bus riders and the community.

Vice Mayor Kozachik stated all of the comments he had heard were good ideas but felt some of them deserved more consideration for the process.

Council Member Cunningham explained there should be a free SunGo Card issued once a year to replace an old one and the biggest thing would be to have free SunGo Cards issued without a proper way of charging for a new one.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 1 (Council Member Fimbres dissenting), to pass and adopt Resolution 22617.

11. PUBLIC HEARING: APPROVAL OF MAJOR BUS SERVICE ROUTE CHANGES FOR SUN TRAN

Mayor Rothschild announced City Manager's communication number 288, dated August 9, 2016, was received into and made part of the record. He said this was the time and place legally advertised for a public hearing on recommended major bus service route changes.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience that wished to be heard.

There were none.

It was moved by Council Member Scott, 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 Resolution 22616 by number and title only.

Resolution No. 22616 relating to Transportation and Public Transit: proposed major bus service changes for Sun Tran; Routes 9, 20, and 27; and establishing an effective date.

Council Member Uhlich reiterated the connectivity from the Grant Road Routes 9 and 20 combined and especially at Campbell. She said she was concerned about the five hundred foot distance and having to cross 2 major streets and advised the location should be looked at again.

Council Member Uhlich commented on the study conducted with the Pima Association of Governments (PAG). She said it was really coming to the foreground and any service changes being made through that lens was the long range plan. She stated with the increase to the frequency on the most used routes, especially Routes 6 and 1 North on 1st would improve our system.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Resolution 22616.

Vice Mayor Kozachik stated there were no south bound stops outside the eastern Terminus of the Streetcar on Campbell. He expressed if it was possible for a tight fix network.

Council Member Cunningham said previous discussions had been held regarding transit available on Harrison Road, which was a two-lane road and also on Houghton Road coming in, but the most significant gap was where there were two major high schools, St. Augustine and Saguaro High Schools with no bus service down Camino Seco. He said he hoped the route planners would be able to take a look at that and hopefully have bus service during the school year or on Sundays for those who wished to attend church.

Council Member Fimbres asked staff to explain the service changes to Routes 16 and 15 if the proposed changes to Routes 9 and 20 were approved and did the changes improve the service on those routes.

Carlos de Leon, Tucson Department of Transportation Deputy Director, advised the proposed changes to Route 6 on Euclid and 1st Avenue was to take the route to fifteen minutes service all day from 6:00 a.m. to 6:00 p.m. He said the same was true for Route 15 on Campbell which complimented what would occur on Route 9 when merged together. He said essentially there would be three routes which would go to fifteen minute high frequent transit network which was the vision for the future. He said service would be improved on the combined three routes.

Council Member Romero asked for more detail regarding Route 27 to Midvale Park. She stated it looked like the revised frequency was thirty minutes from 5:30 a.m. to 7:30 p.m.

Mr. de Leon advised that in 2006, Route 27, prior to the establishment of the Regional Transportation Authority (RTA), operated on a thirty-minute frequency. He stated that through the RTA process it was determined which routes could be improved and added frequency. He said Route 27 was one of the routes the RTA chose to make an investment in by adding frequency during the morning and afternoon peak period.

Mr. de Leon stated what was concluded after the 2006 improvement, ridership had only gone up 1% and he had not seen ridership increase since that time. He said essentially, without a significant increase in ridership with the peak period service, that funding could be shifted elsewhere to help support the system. He said staff's recommendation was to bring the funding back to the 2006 level since the ridership had not increased. He said the savings would go to the RTA which was estimated at about one hundred seventeen dollars and would go back into transit, go through another prioritization process within the transit program and be reallocated back somewhere in the system.

Vice Mayor Kozachik asked if the funds would be reallocated back into Tucson or would it wind up somewhere in Sahuarita.

Mr. de Leon stated it was a possibility it could wind up in another jurisdiction. He said that City did go through an annual evaluation process and ridership was very important to the evaluation. He stated a lot of the improvements that had occurred in Tucson were because of the high demand.

Resolution 22616 was declared passed and adopted by a roll call vote of 7 to 0.

12. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 3) SIGN CODE, TERMINATING THE SIGN CODE ADVISORY AND APPEALS BOARD AND TRANSFERRING THEIR POWERS AND DUTIES TO THE BOARD OF ADJUSTMENT

Mayor Rothschild announced City Manager's communication number 268, dated August 9, 2016, was received into and made part of the record. He said this was the time and place legally advertised for a public hearing on a proposed amendment to terminate the Sign Code Advisory and Appeals Board (SCAAB).

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience that wished to be heard.

There was none.

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 the City Clerk to read Ordinance 11392 by number and title only.

Ordinance No. 11392 relating to Planning and Zoning; amending certain portions of the Sign Code, Sections 3-121 through 3-140 terminating the Sign Code Advisory and Appeals Board (SCAAB) and transferring their powers and duties of the Board of Adjustment; and setting an effective date.

It was moved by Council Member Uhlich, duly seconded to pass and adopt Ordinance 11392.

Vice Mayor Kozachik inquired about the appeals relating to the *Sign Code* and if they would come back to Mayor and Council.

Michael J. Ortega, City Manager, advised that was correct.

Council Member Fimbres questioned how many cases SCAAB heard in 2015 and 2016.

Nicole Ewing-Gavin, Planning and Development Services Interim Director, stated approximately four cases were heard.

Ordinance 11392 was declared passed and adopted by a roll vote of 7 to 0.

13. ZONING: (C9-16-05) VOORHEES-PATTISON HOUSE VIA GOLONDRINA, RX-1 TO HLRX-1, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 269, dated August 9, 2016, was received into and made part of the record. He asked the City Clerk to read Ordinance 11391 by number and title only.

Ordinance No. 11391 relating to Zoning: amending zoning district boundaries located at 3488 East Via Golondrina in case C9-16-05, Voorhees-Pattison House, RX-1 to HLRX-1; and setting an effective date.

Roger W. Randolph, City Clerk, announced passing of the item required a three-fourths majority vote.

Vice Mayor Kozachik stated there been some concerns raised that if the Ordinance was passed; it would make things more difficult to address code concerns. He asked staff to clarify what new tools the Ordinance allowed the City in order to compel preservation and upkeep.

Jim Mazzocco, Zoning Examiner, explained the property was a well-known historic property in this particular neighborhood. He said it allowed for it to sell itself or get property owners to be interested in buying the property because it was a designated historic property. He stated they discussed this issue at the Zoning Examiner Hearing whether the property would lose value by doing this, but because of the history of the Historic Preservation Zones (HPZ) and properties within the HPZ it gained value. He said there was a market out there with buyers that wanted these types of property. He

commented that having it designated as a historic land mark increased its value and likelihood of people who buy historic properties.

Vice Mayor Kozachik asked if this was a more effective tool for the City to compel maintenance.

Mr. Mazzocco stated “yes”, and without this designation, the property was just part of a national registry district and could be demolished. He stated with the designation, it made it more difficult and at the same time marketable.

Mayor Rothschild expressed there had been concerns in the neighborhood about code enforcement with regards to this property. He said the concerns from a couple of the neighbors had been, “oh, if you give them this historic designation, that will make it harder to code enforce.” He asked if it was going to make it harder to code enforce or did it give the City more tools to code enforce.

Mr. Mazzocco stated it gave the City more tools to code enforce.

Ms. Ewing-Gavin explained that her understanding was that when improvements are made based on code violations they would be done consistent with the historic character of the home and that was the leverage given to the City.

Vice Mayor Kozachik asked if the City could actually compel the repairs in order to prevent it from losing the “H”.

Michael Rankin, City Attorney, explained what could be done was that the City could enforce code provisions with the respect to minimum housing standards and all the other code provisions that applied to the property. He said, in that context, with the “H” designation, the remedies that the responsible party had to follow, the abatement procedures, fixes had to be done in compliance with the historic requirements that applied to the property. He said because of the designation of the “H”, the whole purpose was historic preservation of the property, and any code enforcement would have that focus or emphasis to compel those types of fixes to the property.

Vice Mayor Kozachik asked Demion Clinco and Ann Pattison to speak to the intention of the plan to turning the property, selling and how the whole process would move forward.

Demion Clinco, Tucson Historic Preservation Foundation, thanked Mayor and Council for taking this issue up as it was very rare that they had an opportunity to designate a historic property because of Proposition 207. He said it made it difficult for the City to create this type of regulations without a property owner willing to go through this process. He stated the property owner was giving up their property rights, and limited the development potential of the property in the future, but they had a precedent in the community, multiple neighborhoods, Barrio Viejo, El Presidio, West University,

Fort Lowell and Armory Park that all had a HPZ and almost identical requirements when improvements were being made.

Mr. Clinco said it was the singular tool they have as a community to really protect these types of remarkable resources. He continued saying this house was designed in 1929 by Roy Place, Architect, and was an outstanding example of Spanish revival architecture in the community and was a rare opportunity to put something in place to protect it into the future and was truly a landmark.

Ann Pattison, Representative of the Frances Pattison Estate, stated the Tucson Historic Preservation Foundation had asked them not to sell the property until the historic designation had gone through. She said her goal was to have the property on the market by the end of the year.

Mr. Clinco stated when the whole process started, approximately two years ago, they approached the Pattison family about the possibility of doing a historic landmark because of the significance of the property. He said they expressed interested and it was a slow process. He said it was a rare opportunity to find a property owner who was willing to go through the process.

Mr. Kozachik asked, from a timing standpoint, if this could be put into effect immediately and not wait for the thirty days to get the whole sale restoration process moving along.

Mr. Rankin advised the Mayor and Council that it was a zoning amendment and subject to the thirty day, effective day statutorily and the Ordinance was written to play out that way. In regard to the previous question he added that with the designation of an "H" it brought in the maintenance requirements of Section 5.8.11 of the *Code*, which created a mechanism under which a Historical Commission, if they believe the property was not being maintained in an appropriate fashion with respect to its historicity, could ask the building official to inspect and compel the owner to make historically appropriate repairs to the property.

It was moved by Vice Mayor Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11391.

14. ZONING: (C9-12-01) MAIN GATE DISTRICT, URBAN OVERLAY DISTRICT, AMENDING THE DEVELOPMENT DOCUMENT TO DISALLOW BALCONIES ON GROUP DWELLINGS

Mayor Rothschild announced City Manager's communication number 275, dated August 9, 2016, was received into and made part of the record. He asked the City Clerk to read Ordinance 11394 by number and title only.

Ordinance No. 11394 relating to Zoning: amending Exhibit A to Exhibit A to Ordinance 11015 at Section C-19.1 of the Main Gate Development Document - the Zoning regulations of the Main Gate District for the area bounded by East Speedway

Boulevard on the north, North Park Avenue on the east, East Sixth Street on the south, and North Euclid Avenue on the west in case C9-12-01, Main Gate District Urban overlay district to disallow balconies on group dwellings; and setting and effective date.

Vice Mayor Kozachik indicated that on the material received there were seventeen protests, sixteen of which were written by Michael Goodman identifying sixteen different addresses. He said one was by the owners of the Towers immediately adjacent to the Mosque that had been causing the problems. He said it was a little bit misleading to say there were seventeen protests.

Vice Mayor Kozachik clarified the item only related to the Main Gate District and that each of the public meeting held, there was wide support to extend it beyond the Main Gate District.

It was moved by Vice Mayor Kozachik, duly seconded to pass and adopt Ordinance 11394.

Council Member Uhlich questioned the area highlighted in the protest, concerned about having modified existing structures. She stated many of the protest also assumed this would be applied to existing structures. She asked if there was a possibility to make it retroactive.

Vice Mayor Kozachik agreed it would not be retroactive.

Michael Rankin, City Attorney, explained the item was a zoning change which applied prospectively.

Ordinance 11394 was declared passed and adopted by a roll call vote of 7 to 0.

15. ANNEXATION: VALENCIA RESERVE ANNEXATION DISTRICT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 264, dated August 9, 2016, was received into and made part of the record. He asked the City Clerk to read Ordinance 11390 by number and title only.

Ordinance No. 11390 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 Valencia Reserve Annexation District Property, more particularly described in the body of this ordinance.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11390.

16. REAL PROPERTY: APPROVING A GOVERNMENT PROPERTY LEASE EXCISE TAX LEASE AGREEMENT WITH 601 N. STONE AVE., LLC

Mayor Rothschild announced City Manager's communication number 265, dated August 9, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22610 by number and title only.

Resolution No. 22610 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 601 N. Stone Avenue LLC (Cirrus Visual) for redevelopment of property located at 601 N. Stone Avenue (Project).

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22610.

17. REAL PROPERTY: APPROVING A GOVERNMENT PROPERTY LEASE EXCISE TAX LEASE AGREEMENT WITH DABDOUB INVESTMENTS, LLC

Mayor Rothschild announced City Manager's communication number 266, dated August 9, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22611 by number and title only.

Resolution No. 22611 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 Dabdoub Investments, LLC (Dabdoub) for redevelopment of property located at 31-47 North 6th Avenue (Project).

It was moved by Vice Mayor Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22611.

18. CITY MAGISTRATES: APPOINTMENT OF CITY MAGISTRATE AND FIXING COMPENSATION

Mayor Rothschild announced City Manager's communication number 267, dated August 9, 2016, was received into and made part of the record. He asked the City Clerk to read Ordinance 11389 by number and title only.

Ordinance No. 11389 relating to City Magistrates; appointing a City Magistrate of the City of Tucson; fixing compensation and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11389, naming Nikki A. Chayet as City Magistrate.

19. RESOLUTION: AUTHORIZING EXPENDITURE OF RAYTHEON ANNEXATION ACCOUNT FUNDS FOR PURCHASING LAND TO PREVENT ENCROACHMENT

Mayor Rothschild announced City Manager's communication number 273, dated August 9, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22612 by number and title only.

Resolution No. 22612 relating to Annexation; approving expenditures from the Raytheon Annexation Account to purchase land which will provide a buffer against encroachment and support potential future growth of Raytheon's Operations.

It was moved by Council Member Fimbres, duly seconded, to pass and adopt Resolution 22612.

Vice Mayor Kozachik asked for clarification that Raytheon agreed to satisfy the terms of the 2009 agreement.

Michael J. Ortega, City Manager, confirmed it was consistent with the agreement.

Council Member Fimbres asked for an explanation of the buffer zone and how important it was to the City, Ward 5 and the community of Southern Arizona.

Mr. Ortega explained the buffer was an area south of the existing property line for the United States Air Force (USAF). He said there were two parcels; Parcel G and Parcel H. He stated Parcel G was in the northern half, and was a trade between the Tucson Airport Authority (TAA) and USAF for land the TAA needed for the expansion of the runway. He said Parcel H was the actual money that would be used from the City of Tucson's Raytheon Account, to purchase from TAA for that buffer. He stated the buffer was necessary in order for the safety arcs and distance so that no development or encroachment occurred there.

Mr. Ortega stated conversations with Raytheon were held with regards to what the buffer could be used for as long as there was no habitable structure. He said one of the thoughts was for potential solar arrays, but was ultimately intended to provide a safety area or barrier from the existing Raytheon facilities.

Council Member Romero asked what the exact amount of the purchase was.

Mr. Ortega stated that for the three- acre parcel it was thirty-seven thousand, five hundred dollars.

Michael Rankin, City Attorney, added that any purchase agreements for individual purchase property consistent with the direction would come back to the Mayor and Council for approval of the actual purchase agreements.

Mr. Ortega explained he did not have a final amount for the two hundred ninety-one acres, but was estimating it to be about \$3.6 to \$3.7 million.

Council Member Romero asked for clarification on the amount being approved and what the value of the two hundred ninety-one acres was.

Mr. Ortega clarified they were working hard to assist Raytheon with the three acres and they were working to establish an entry facility to basically have a security area. He said Parcel H, in the two hundred ninety-one acres referenced was an expectation of acquisition in the future. He said he did not know the exact limit based on the TAA expansion and pending final appraisal from the process.

Mayor Rothschild expressed his gratitude to staff for assisting Raytheon, keeping them in our community and for the hard work on bringing it to conclusion.

Mr. Ortega suggested moving forward with the three acres to have the project on track. He informed the purchase agreements would come back to the Mayor and Council in the near future.

Resolution 22612 was declared passed and adopted by a roll call vote of 7 to 0.

20. RESOLUTION: AMENDING CITY POLICY RELATING TO SALE OF FIREARMS AND AMMUNITION ON PROPERTY OWNED OR OPERATED BY THE CITY

Mayor Rothschild announced City Manager's communication number 277, dated August 9, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22615 by number and title only.

Resolution No. 22615 relating to use and disposition of City operated property; amending City of Tucson Policy relating to sale of firearms and ammunition on City-owned and/or City-operated property; amending and reaffirming Resolution No. 22007; and declaring an emergency.

It was moved by Vice Mayor Kozachik, duly seconded and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22615.

21. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 274, dated August 9, 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 Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to reappoint Jean McLain to the Citizens Water Advisory Committee (CWAC).

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

There were none.

22. ADJOURNMENT: 7:55 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, September 7, 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 9th day of August 2016, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ms:agj