



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 20, 2017.

Date of Meeting: September 7, 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 5:37 p.m., on Wednesday, September 7, 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 Scott Berkey, from Victory Worship Center, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed September 15, 2016 to be “Imagine a Day Without Water Day.” Timothy Thomure, Tucson Water Department Director, accepted the proclamation.
- b. Council Member Scott and her staff presented Certificates of Appreciation to the donors of the Ward 4 “Back to School Bash.”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 292, dated September 7, 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, 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 293, dated September 7, 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 294, dated September 7, 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. Bisbee Breakfast Club, Ward 6
2936 E. Broadway Blvd.
Applicant: Terry Jay Kyte
Series 12, City 62-16
Action must be taken by: September 18, 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)

2. Mr Baja Fish, Ward 4
2545 S. Craycroft Rd.
Applicant: Benjamin Lugo
Series 6, City 61-16
Action must be taken by: September 3, 2016

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

3. 191 Toole, Ward 6
191 E. Toole Ave.
Applicant: Thomas Robert Aguilera
Series 7, City 63-16
Action must be taken by: September 19, 2016

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

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

Person/Location Transfer(s)

4. Dave & Buster's, Ward 5
1390 E. Tucson Marketplace Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 6, City 6-16
Action must be taken by: March 6, 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)

c. Special Event(s)

1. YWCA of Southern Arizona, Ward 1
525 N. Bonita Ave.
Applicant: Eula Liane Hernandez
City T63-16
Date of Event: October 2, 2016
(POP! 2016 Fall Fundraising Event)

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

2. Our Mother of Sorrows Parish, Ward 2
1800 S. Kolb Rd.
Applicant: Argelia Saavedra
City T64-16
Date of Event: September 30, 2016 - October 2, 2016
(Annual Parish Fiesta)

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

3. Southern Arizona Community Sports Inc., Ward 4
4325 S. Pantano Rd.
Applicant: Thomas T. Carle
City T65-16
Date of Event: September 26, 2016 - September 28, 2016
(The Advertising Softball World Series)

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 T66-16
Date of Event: October 9, 2016
(Butterfly Gala Fundraiser)

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

Public Opinion: Written Argument in Support Filed

5. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Mary Ann Confrey
City T67-16
Date of Event: October 28, 2016
(Feast with the Dearly Departed)

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

Public Opinion: Written Argument in Support Filed

6. Poverello House Men's Shelter, Ward 1
288 N. Church Ave.
Applicant: Conrad L. Wall
City T73-16
Date of Event: October 4, 2016
(Fundraiser)

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

7. Museum of Contemporary Art, Ward 6
265 S. Church Ave.
Applicant: Samuel Ireland
City T74-16
Date of Event: September 24, 2016
(Sun Foot & Sam Coomes Performance)

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

8. Museum of Contemporary Art, Ward 6
265 S. Church Ave.
Applicant: Samuel Ireland
City T75-16
Date of Event: October 14, 2016
(Tucson Fashion Week)

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

9. AIGA Arizona, Ward 6
265 S. Church Ave.
Applicant: Jennifer Lynn Yamnitz
City T76-16
Date of Event: September 22, 2016
(Networking)

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

10. El Grupo Youth Cycling, Ward 1
610 N. 9th Ave.
Applicant: Daniela Natale Diamente
City T77-16
Date of Event: October 30, 2016
(Fall Fondo Fundraiser)

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

11. Cowboys for Causes, Ward 5
4823 S. 6th Ave.
Applicant: Nicole Dolores Navarette
City T78-16
Date of Event: September 10, 2016 - September 11, 2016
(Fundraiser)

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

12. El Rio Health Center Foundation, Ward 6
160 S. Scott Ave.
Applicant: Brenda Goldsmith
City T82-16
Date of Event: September 24, 2016
(“Bow Tie Block Party”)

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

13. Rialto Theatre Foundation, Ward 6
318 E. Congress St.
Applicant: Lawrence Hubert Parker
City T83-16
Date of Event: September 16, 2016
(Art & Business Awards Benefit)

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

14. Climbing Association of Southern Arizona, Ward 6
215 N. Hoff Ave.
Applicant: Eric M.N. Sophia
City T84-16
Date of Event: September 16, 2016
(CD Release Event for “Run Boy Run”)

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

15. Tucson Lesbian and Gay Alliance, Ward 6
900 S. Randolph Way
Applicant: John James Foley IV
City T85-16
Date of Event: October 1, 2016
(Tucson Gay Pride)

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

16. Tu Nidito Children and Family Services Inc., Ward 5
840 E. 17th St.
Applicant: Elizabeth Ann McCusker
City T86-16
Date of Event: September 29, 2016
(Fundraiser)

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

17. John P. Bell Family Foundation, Ward 6
600 S. Alvernon Way
Applicant: Michael John Bell
City T87-16
Date of Event: September 17, 2016
(Fundraiser)

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

18. Tucson Breakfast Lions Club, Ward 5
4823 S. 6th Ave.
Applicant: Wayne Francis Locke
City T88-16
Date of Event: October 7, 2016 - October 8, 2016
(Monster Trucks)

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

19. Chicanos Por La Causa, Inc., Ward 1
3700 S. La Cholla Blvd.
Applicant: Magdalena Verdugo
City T89-16
Date of Event: September 18, 2016
(Hispanic Heritage Celebration)

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

20. Kidsrock, Inc., Ward 6
422 N. Martin Ave.
Applicant: Scott James Cummings
City T90-16
Date of Event: September 17, 2016
(Fundraiser for Saints Peter & Paul Catholic School)

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

21. Jewish History Museum, Ward 6
564 S. Stone Ave.
Applicant: Lisa Michele Brooks
City T93-16
Date of Event: September 29, 2016
(Community Relations)

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

22. St. Margaret Mary Alacoque Parish, Ward 1
801 N. Grande Ave.
Applicant: Fr. Abran R. Tadeo
City T96-16
Date of Event: September 17, 2016 - September 18, 2016
(Parish Fiesta)

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

Public Opinion: Written Argument Opposed Filed

This item was considered separately

23. Sirlot Marketing LLC, Ward 5
1000 E. 22nd St.
Applicant: Francisco Adrian Koch
City T124-16
Date of Event: September 18, 2016
(Briggs4Kidz Fundraiser)

Staff reports in process.

d. Agent Change/Acquisition of Control

1. Street Taco and Beer, Ward 1
58 W. Congress St.
Applicant: Dagoberto Martinez
Series 12, City AC9-16

Action must be taken by: September 4, 2016

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 Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b1 through 5b4, 5c1 through 5c21, 5c23 and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event(s)

22. St. Margaret Mary Alacoque Parish, Ward 1
801 N. Grande Ave.
Applicant: Fr. Abran R. Tadeo
City T96-16
Date of Event: September 17, 2016 - September 18, 2016
(Parish Fiesta)

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

Public Opinion: Written Argument Opposed Filed

This item was considered separately

Roger W. Randolph, City Clerk, announced the item to be considered separately was item 5c22, St. Margaret Mary Alacoque Parish, located in Ward 1.

Council Member Romero asked if the person or group who wanted to speak against the item was in attendance; there was no answer. She said the Ward 1 office had discussions with the Parish and this was an event that had been happening for the last fifty (50) years. She said the Parish would make sure the concerns with the neighbors were taken care of.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward Item 5c22 to the 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:

Hanson Fotherby
Bill DuPont
Frank Rendon

Robert Reus
Ashley Hill
Les Pierce

John Rosenboom
James Gorski
Lynn Brown

Mayor Rothschild directed the City Manager to have Environmental Services get in contact with Mr. Reus regarding the dumping of large household items in the alleyway.

Mayor Rothschild directed the City Manager and City Attorney to follow up with the reporting of the grievances and get back to Mr. Rosenboom.

Mayor Rothschild directed the City Manager to provide Mr. Gorski the information and reports of utility service charges.

Mayor Rothschild directed Albert Elias Assistant City Manager to look into the matter and follow up with the University of Arizona.

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

(NOTE: Vice Mayor Kozachik departed at 6:41 p.m. and returned at 6:43 p.m.)

7. CONSENT AGENDA – ITEMS A THROUGH O

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 SEP07-16-295 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of January 5, 2016
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of January 5, 2016
4. Mayor and Council Special Study Session Legal Action Report and Summary Minutes of January 13, 2016

- b. RESOLUTION: SUPPORTING INITIATIVES AND OPPORTUNITIES TO ENGAGE IN THE GLOBAL NETWORK OF AGE-FRIENDLY CITIES AND COMMUNITIES
 - 1. Report from City Manager SEP07-16-300 CITY WIDE
 - 2. Resolution No. 22621 relating to Public Health; supporting initiatives and opportunities to engage in the World Health Organization (WHO) Age-Friendly Cities and Communities Network of municipalities; and declaring an emergency.

- c. MEMORIAL: URGING THE UNITED STATES DEPARTMENT OF AGRICULTURE TO UPDATE THE EXPANDED FOOD AND NUTRITION EDUCATION PROGRAM FUNDING
 - 1. Report from City Manager SEP07-16-301 CITY WIDE
 - 2. A Memorial relating to Federal Funding for Food and Nutrition: urging the United States Department of Agriculture to update the formula for determining the allocation of Expanded Food and Nutrition Education Program (EFNEP) funding so that funding will be fairly allocated based upon current census data.

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

- d. BOARDS, COMMITTEES AND COMMISSIONS: AMENDING RESOLUTION 17539 TO CLARIFY THE ROLE OF THE TUCSON GREENS COMMITTEE
 - 1. Report from City Manager SEP07-16-305 CITY WIDE
 - 2. Resolution No. 22629 relating to Parks and Recreation; amending Resolution No. 17539 (adopted January 27, 1997) clarifying the role of the Tucson Greens Committee; and declaring an emergency.

- e. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH CHARLES R. GALLEGO, SHIRLEY L. GALLEGO AND JERRY D. STOCK, OWNERS OF PARCEL NO. 140-45-010F, FOR WATER SERVICE
 - 1. Report from City Manager SEP07-16-297 WARD 5 AND OUTSIDE CITY
 - 2. Resolution No. 22622 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 Charles R. Gallego, Shirley L. Gallego and Jerry D. Stock, owners of Parcel No. 140-45-010F.

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

f. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH CARMEN ARVIZU, OWNER OF PARCEL NO. 140-45-010B, FOR WATER SERVICE

1. Report from City Manager SEP07-16-298 WARD 5 AND OUTSIDE CITY
2. Resolution No. 22623 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 Carmen Arvizu, owner of Parcel No. 140-45-010B.

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

g. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH USA CAPITAL GROUP, LLC, OWNERS OF PARCEL NO. 140-01-1030, FOR WATER SERVICE

1. Report from City Manager SEP07-16-299 WARD 4 AND OUTSIDE CITY
2. Resolution No. 22624 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 USA Capital Group, LLC, owners of Parcel No. 104-01-1030.

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

h. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE ARIZONA DEPARTMENT OF REVENUE TO BRING THE CITY INTO COMPLIANCE WITH HOUSE BILL 2111

1. Report from City Manager SEP07-16-303 CITY WIDE
2. Resolution No. 22625 relating to Finance; authorizing and approving Modification to Intergovernmental Agreement (IGA) between the State of Arizona Department of Revenue (ADOR) and the City of Tucson (City) to bring the City into compliance with House Bill (HB) 2111 (Modification); and declaring an emergency.

i. FINANCE: APPROVAL OF FISCAL YEAR 2016 INVOLUNTARY TORT JUDGMENTS

1. Report from City Manager SEP07-16-302 CITY WIDE

2. Resolution No. 22626 relating to Fiscal Year ("FY") 2018 Primary Property Tax Levy; retroactively approving involuntary tort judgments from FY 2016; and declaring an emergency.
- j. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS FOR THE ARIZONA MUTUAL AID COMPACT
1. Report from City Manager SEP07-16-304 CITY WIDE
 2. Resolution No. 22628 relating to the Tucson Fire Department; authorizing and approving the City of Tucson's execution of the Arizona Mutual Aid Compact, a multiparty Intergovernmental Agreement between the Arizona Department of Emergency and Military Affairs and participating counties, cities, towns, tribal governments, and fire districts statewide; and declaring an emergency.
- k. LABOR AGREEMENT: WITH COMMUNICATIONS WORKERS OF AMERICA
1. Report from City Manager SEP07-16-314 CITY WIDE
 2. Resolution No. 22633 relating to Employee Relations; authorizing the City Manager to approve an Addendum adding clarifying language to the Labor Agreement between Communications Workers of America (CWA) and the City of Tucson (City) adopted by Resolution #22418, and declaring an emergency.
- l. FINAL PLAT: (S16-027) TUCSON MARKETPLACE – PHASE 5, LOTS 1, 2, AND 3
1. Report from City Manager SEP07-16-306 WARD 5
 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.
- m. TRANSPORTATION: APPROVING THE FARE EQUITY ANALYSIS FOR PROPOSED TRANSIT FARE CHANGES
1. Report from City Manager SEP07-16-312 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 22631 relating to Transportation and Public Transit: approving the Title VI Fare Equity Analysis; and declaring an emergency.

- n. TRANSPORTATION: APPROVING THE CITY OF TUCSON TRANSIT SERVICES-TITLE VI PROGRAM FOR SUBMISSION TO THE FEDERAL TRANSIT ADMINISTRATION
 - 1. Report from City Manager SEP07-16-313 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22632 relating to Mass Transit; approving City of Tucson Transit Services-Title VI Program for submission to the Federal Transit Administration (FTA); and declaring an emergency.

- o. TUCSON CODE: AMENDING (CHAPTER 10) RELATING TO SUPPLEMENTAL MILITARY PAY
 - 1. Report from City Manager SEP07-16-315 CITY WIDE
 - 2. Ordinance No. 11398 relating to Compensation Plan; amending the Tucson Code, Chapter 10, Article II, Section 10-48 to provide for supplement to military pay; setting an effective date; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – o, with the exception of Items c, e, f and g, which were considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM C

- c. MEMORIAL: URGING THE UNITED STATES DEPARTMENT OF AGRICULTURE TO UPDATE THE EXPANDED FOOD AND NUTRITION EDUCATION PROGRAM FUNDING
 - 1. Report from City Manager SEP07-16-301 CITY WIDE
 - 2. A Memorial relating to Federal Funding for Food and Nutrition: urging the United States Department of Agriculture to update the formula for determining the allocation of Expanded Food and Nutrition Education Program (EFNEP) funding so that funding will be fairly allocated based upon current census data.

Council Member Fimbres described the importance and need of the Memorial. He then made a motion to pass and adopt the Memorial.

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

7. CONSENT AGENDA – ITEM E-G

- e. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH CHARLES R. GALLEGO, SHIRLEY L. GALLEGO AND JERRY D. STOCK, OWNERS OF PARCEL NO. 140-45-010F, FOR WATER SERVICE
 - 1. Report from City Manager SEP07-16-297 WARD 5 AND OUTSIDE CITY
 - 2. Resolution No. 22622 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 Charles R. Gallego, Shirley L. Gallego and Jerry D. Stock, owners of Parcel No. 140-45-010F.

- f. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH CARMEN ARVIZU, OWNER OF PARCEL NO. 140-45-010B, FOR WATER SERVICE
 - 1. Report from City Manager SEP07-16-298 WARD 5 AND OUTSIDE CITY
 - 2. Resolution No. 22623 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 Carmen Arvizu, owner of Parcel No. 140-45-010B.

- g. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH USA CAPITAL GROUP, LLC, OWNERS OF PARCEL NO. 140-01-1030, FOR WATER SERVICE
 - 1. Report from City Manager SEP07-16-299 WARD 4 AND OUTSIDE CITY
 - 2. Resolution No. 22624 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 USA Capital Group, LLC, owners of Parcel No. 104-01-1030.

Mayor Rothschild announced Consent Agenda Items e, f, and g were requested by Council Member Cunningham to be discussed separately, but any council member had the right to separate any one of them depending on the conversation.

Council Member Cunningham stated he wanted to highlight the three items regarding the City's water service area and policy. He said they were Pre-Annexation agreements within the water service area designated for the City. He said his understanding was that two of the properties were previously served by a well. He said he

wanted clarification that when the agreements were signed there was something in the document that precluded these properties from continued use of the well. He said it was really important that people understood they could not have it both ways and wanted that clarified. He said properties that ran off of a well, compromised the entire aquifer for the basin within the Sonoran Desert.

Mayor Rothschild questioned if Mr. Czechowski was available to answer questions, as he submitted these items.

Mike Czechowski, Annexation Project Manager, stated he was not certain on the policy regarding the well as far as the Pre-Annexation agreement went. He said he thought the water director could answer the question.

Mayor Rothschild stated he tended to go against the grain on the Pre-Annexation Development Agreements (PADAs) because he thought the City needed to lead to annexations, but was in full agreement that if a PADA was going to be approved, property owners needed to be on City water. He asked what the situation was regarding water for the three properties in question.

Timothy Thomure, Tucson Water Department Director, stated that when a property was placed in to the City's service area they could not be on their own private well.

Council Member Cunningham restated the City was happy to serve water to everyone in the service area, but owners needed to be mindful when a private well was given up it stayed given up.

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

9. PUBLIC HEARING: *ARCADIA-ALAMO AREA PLAN* AMENDMENT (PA-16-01), 2120 N. BEVERLY AVENUE – OFFICE, COMMERCIAL, AND HIGH DENSITY RESIDENTIAL

(NOTE: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 307, dated September 7, 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 an amendment to the *Arcadia-Alamo Area Plan (AAAP)*.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Clay Cox spoke and questioned the Mayor and Council if they were aware of the height of the building that was approved by the Planning Commission which was ten stories.

Vice Mayor Kozachik responded that what was discussed at the Planning Commission (PC) was an amendment to the area plan and the rezoning was yet to come. He said all the PC spoke about was the amendment to the area plan, which kick started the rezoning conversations where building heights, massing, setbacks, parking, etc., would be more fully discussed. He said what was also in front of the PC was an item that suggested amendments to area plans and rezonings could move ahead in a parallel path and a lot of those questions could be answered earlier in the process. He said he was at the PC meeting where this was discussed and his understanding was that those issues were raised and would be vetted out once the rezoning process began and was an open session.

Carrie Fairchild spoke regarding her concern that the plan amendment was the change in designation going to OCR-1 rather than O-2. She said OCR-1 allowed for a much wider range in development than the O-2 and included high-density residential and drive-thru retail services that were not compatible with the neighborhood to the south.

Ms. Fairchild stated she was comfortable with Pima Medical Institute was doing with the site. She said that at the neighborhood meetings, there was a clear consensus that OCR-1 type of development would not be welcomed. She continued saying that as the zoning went through, she hoped there would be a prohibition on high density residential and fast food restaurants. She voiced other concerns with pedestrian accessibility and parks-like amenities.

It was moved by Council Member Uhlich, 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 22627 by number and title only.

Resolution No. 22627 relating to Planning and Zoning: amending the Arcadia-Alamo Area Plan and Conceptual Land Use Map – PA-16-01, 2120 N. Beverly Avenue, a 19.48 acre site located on the east side of Beverly approximately 600 feet south of the intersection of Grant Road and Beverly, fronting Craycroft Road, (Former TUSD Townsend Middle School) – to allow office, commercial and high density residential land uses; and setting an effective date.

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 22627.

8. PUBLIC HEARING: PROPOSED TRANSIT FARES

Mayor Rothschild announced City Manager's communication number 316, dated September 7, 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 proposed transit fares.

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 stated staff wanted to make a brief presentation prior to the public hearing.

Mayor Rothschild prefaced the conversation before turning it over to the City Manager stating that the Council, several months ago, passed a budget with a 7-0 vote that required additional revenue from transit fares. He said everyone agreed more revenue was needed to maintain and improve the system. He explained that the City's general fund provided a heavy contribution to transit with the vast majority going to bus service. He stated the City wanted people to use the transit system and increase ridership. He asked the City Manager to place the item in context for the public and then the public hearing would begin.

Michael J. Ortega, City Manager stated Mayor Rothschild had pretty much summarized the item and emphasized it did not need to be voted on that evening. He advised that Vice Mayor Kozachik, with the support from his colleagues, asked that the matter come back in two weeks for a vote. He said to refresh everyone's memory, conversations were started back in December, outlining many thoughts and ideas, most of which were implemented in order to be structurally balanced as an organization.

Mr. Ortega said one of the components talked about was Transit and there were two pieces to that; one was changes to service, looking really hard at how business was being conducted and the second being fees. He said he had made a recommendation for the Mayor and Council to consider over a two year period to increase fees; ten cents the first year across the board and fifteen cents the second year. He advised the sum total over the course of the two years was about \$1.9 million

Mr. Ortega continued saying that in Fiscal Year 2017, four hundred forty-three thousand dollar was projected and that was the amount he was looking for currently. He said looking forward and taking this into the context of the strike last summer, the City had not yet recovered from that and had continued to be a challenge. Ridership was up but not nearly back to the levels of the pre-strike. He said the strike hurt the City as a community and solidified the importance of transit, bus riders, and the importance to the City's economy and community.

Mr. Ortega said the Mayor and Council had asked him to look at transit as a whole for progress. First and foremost was to challenge the way business was done, both internally and externally. Second, he said, was what did transit look like in the context of transportation, not just models and service delivery, but also pedestrian and any other

mode of transportation, including and up to the discussions relating to parking and revenues obtained from parking.

Mr. Ortega informed that conversations were being held to that aspect to extract other models ensuring there was clarity on where the City was going and following up on the Mayor and Councils direction/lead, also how to increase the ridership. He said studies had been researched and from that, investment into the system needed to be more or failure would occur. He included an aging bus system and the cost of fuel as being some of the issues at hand. He said the goal was to increase ridership and the ability to have the public have a choice.

Comments were made by:

Jim Jackson	Andy Silverman	Robert Reus
Bruce Cole	Georgia Conroy	Katherine Jackson
Greg Garfin	Michael Gordy	Aileen McCarthy
Lee Oler	Fred Yamashita	Ruth Champion
Ke Chiang (John) Hsieh	Michael Tamarack	Isabel Garcia
Rev. Glen Davis	Dan Beckman	

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 stated everyone was in agreement to make the City's transit system more sustainable. He said a dedicated source of funding was needed and required voter approval and compromise. He stated proposals were made and there were parts of each which were good and parts that were not so good. He said his proposal, although he was open to working towards finding a tweak that was the most equitable, was to protect low income riders and reaching the City Manager's goal.

Mayor Rothschild said, personally, what he heard for many years was that those were the people that needed to be protected, but the issue was, if that was the goal, other levels were going to have to pay more for transit services. He said perhaps there was a motion from one of the council members directing staff to come back with several options in the form of an ordinance within the next several weeks based on comments made during the call to the audience.

Council Member Cunningham stated he met with several of the speakers. He thanked Mr. Bruce Cole for bringing up his interest in Option 2. He said no one on the Council wanted to raise bus fares. He gave some statistics about bus riders and went on describing amounts of money coming back from ridership in a year. He said his guiding principles to fare increases was that there would be fair warning in advance with a grace period for all bus riders, there needed to be some type of fare-value bonus, a multiplier formula. He said he did not want to raise the base fare, he wanted a formula where the base fare was proportional all the time and if it went up or down, all other fares would fall in line.

Council Member Cunningham said he thought it was important because it did not single out one portion of the bus population, which was the intent of Option 2. He stated there was still a lot to think about in the meantime, and wished there could be a fare structure that was more proportionate so that not one section of bus riders was being subsidized more than another section.

Council Member Fimbres stated the majority of ridership came out of Ward 5, and he had worked hard to keep bus fares down. He said he has been looking at ways to raise resources for the citizens. He said there were not enough locations offering the SunGo cards in Ward 5 for the most vulnerable citizens walking. He said he thought the Mayor, Council, and City staff had been working hard to find solutions for the community. He said he would be talking with the City Manager and Mayor about their ideas and stated everyone needed to work together.

Council Member Scott restated some of the issues raised by the public such as transfers, disabilities, the elderly, and a cheaper vendor for the bus system. She said she wanted the public to know the Mayor and Council was listening to them, taking notes and trying to come up with a consensus of the entire community to make everything work. She stated she would support those who currently ride the bus, but there were people who were paying for a service they were not getting. She recognized the bus system needed tweaking but we needed to make the one currently in place work to everyone's benefit. She said she understood the need for what a good transportation system was.

Council Member Romero stated the Mayor and Council had been very diligent about not raising bus fares. She said the last fare increase was in 2011, and they made sure it was a small increase and during that time the City was going through tremendously difficult economic pressures within the budget. She said she agreed with the public with regards to climate change, encouraging the use of public transit to stem climate change. She stated there needed to be an investment in the public transit system, and remembering the horrible transit strike from last year. She said she foresaw the potential for the lack of continued investment in the system and to think about the potential for a strike, she wanted to be able to avoid that as much as possible.

Council Member Romero said fairness needed to be sought for the low income community and unlike other cities in America; Tucson had a low income program. She stated 60 percent of the riders were low income. She said Tucson could not be compared to other systems because they did not have a low income fare as Tucson's. She said as the City moved forward, accessibility and promotion of SunGo cards needed to be available and facilitated in as many places as possible. She said she believed there was some validity to the formula introduced but also felt conversations with regards to cash fares only versus stored value needed to occur. She reminded that State Legislature stopped contributing lottery funds about six or seven years ago that equaled \$2 million a year.

Council Member Romero continued saying the economy and budget in the state had recovered but they refused to return Highway User Revenue Funds (HURF) and

lottery funds that would help the system. She said she hoped to make sure we continued to put pressure on the State Legislature to contribute funds and continue talking about creating a transit authority and a vision for the transit system. She said discussions had been held regarding the creation of a transportation or transit authority within the City of Tucson or in cooperation with the Regional Transportation Authority with a weighted vote on transit matters and doing away with the third party.

Council Member Romero stated she wanted to make sure the public knew the Mayor and Council was listening and within the next two weeks they would work as much as possible to keep fares low, encourage continued ridership, work towards preventing another strike and continue with investing in the system.

Council Member Uhlich stated the challenge was, “if not this, then what.” She said they needed to come up with the best outcome possible. She reiterated that transit was the one area Mayor and Council had fought very hard to protect during the downturn. She said some things had changed through the context of the conversation and thought it was incredible so many people were fighting for transit now from back in 2005. She commented leadership within city government had also evolved, but there was no clear answer.

Mayor Rothschild announced the item was back on the agenda in two weeks and asked the Council for direction to be given to staff.

It was moved by Council Member Cunningham, duly seconded, to direct staff to return in two weeks with the three options presented in the agenda material, plus input from the Transit Task Force, which was the latest option introduced, and ensure compliance with Title VI and that any financial implications discussed were met.

Vice Mayor Kozachik stated that in prior years he voted yes to fare increases, but since then, things have changed; the utility tax was increased and zoo fees were raised. He said the City was now in an operationally balanced budget however, they all agreed to look for funding elsewhere for capital needs going forward, transit, roads, parks, public safety. He said the City was currently in a position where they knew they were not going to be able to meet those capital needs through the operations budget.

Vice Mayor Kozachik said since the 2015 strike, ridership was down by about four million passengers using Sun Tran and if you considered added those using the Streetcar it was over five and a half million. He said he was struggling with the idea that if someone was not buying the product now, why they would buy it at a higher price without a benefit. He said he did not see the problem being solved by raising fares. He said he did not see the City solving its problem by increasing fares, rather the City needed to up the amenities the system was offering so that the people would come back from the strike.

Mayor Rothschild stated there was the sixty-one cent fare and was not putting riders on the system, what puts them on the system and making it better was lower fares.

What put more riders in the system was a better system by putting more value into the system. He said if more money could be put into the system, in the right way, and the right programs, say a couple of million dollars, which was what staff was looking for, then it might work. He would like to have a stable system in place for a couple of years.

Mayor Rothschild said his biggest concern was that as the numbers continued to fall and low fares were not bringing people into the system, the next conversation was going to be about what the next route/frequency would be reduced. He said he would be looking to working with Council to bring something back in the next few weeks that was fair.

Vice Mayor Kozachik said he agreed, but it depended on the details, there needed to be more options for people to get on the bus. He stated the current products were wholly inadequate and insufficient. He said if the City was going to raise the price of a product that was down five million riders, then value needed to be provided. The conversation that needed to be had was how was the City going to provide the value added to justify the fare increase.

Mayor Rothschild reminded everyone that the budget was passed with the fare increase included. He said he did not have a problem getting together with the City Manager to determine where the City was at and what the shortfall was.

Council Member Uhlich said she appreciated the highlighting of the Walker Study and the Transit Task Force's policies adopted because those were all about adding value which increased ridership. She said what the Council needed to know was the number in the budget that was actually needed for transit.

Mayor Rothschild said there were many people that either loved or despised the Streetcar, but the City was riding about a three year hold harmless with the Streetcar because of the RTA and needed to plan for that as well. He said the numbers would get better when there was a better system and was going to take making some of the small changes now and then some of the bigger ones later on.

Council Member Uhlich said that the point on the RTA commitment was that it was a general fund investment and right at the beginning of the recession, the Mayor and Council had committed to increasing their general fund investment to transit by three percent a year during the duration of a twenty year question. She stated that was an element that everyone needed to realize.

Council Member Romero echoed comments made by Council Member Uhlich and Vice Mayor Kozachik on the return on investment, in other words, what did bus riders get in return for the continued investment they made into the system. She said she wanted to ensure the City was showing improvement in continued investment in the system. She said if the City was moving in the direction of increasing fares, it was not fair to just see it go to the general fund and she wanted to make sure that if there were additional increases that staff could show reinvestment into the bus system for all riders.

The motion to direct staff to return in two weeks with the three options presented in the agenda material, plus input from the Transit Task Force, which was the latest option introduced, and ensure compliance with Title VI and that any financial implications discussed were met was carried by a voice vote of 7 to 0.

9. PUBLIC HEARING: *ARCADIA-ALAMO AREA PLAN* AMENDMENT (PA-16-01), 2120 N. BEVERLY AVENUE – OFFICE, COMMERCIAL, AND HIGH DENSITY RESIDENTIAL

(NOTE: This item was taken out of order, and considered after Item 7.)

10. ECONOMIC DEVELOPMENT: NOTICE OF INTENT TO ENTER INTO A TAX INCENTIVE DEVELOPMENT AGREEMENT WITH MAINSTREET CAPITAL PARTNERS, LLC

Mayor Rothschild announced City Manager's communication number 311, dated September 7, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22630 by number and title only.

Resolution No. 22630 relating to Economic Development; approving a Notice of Intent to enter into a Tax Incentive Development Agreement (Agreement) with Mainstreet Capital Partners, LLC for repurposing a closed TUSD school into a transitional care center; making certain findings with respect to that Agreement; and adopting an Independent Economic Analysis relating to the Agreement.

It was moved by Vice Mayor Kozachik, duly seconded, to pass and adopt Resolution 22630.

Council Member Fimbres asked what the financial economic benefit was to the City of Tucson.

Camila Bekat, Economic Initiatives, indicated the overall impact was \$41.8 million.

Resolution 22630 was passed and adopted by a roll call vote of 7 to 0.

11. ZONING: (C9-16-01) YERGER – 39TH STREET, I-1 TO O-3, CITY MANAGER'S REPORT

Mayor Rothschild announced City Manager's communication number 308, dated September 7, 2016, was received into and made part of the record. He stated this was a request to rezone approximately 0.37 acres from I-1 to O-3 zoning located approximately 100 feet south of 39th Street and approximately 155 feet west of Park Avenue. The Zoning Examiner and staff recommend approval of the rezoning subject to certain conditions.

Mayor Rothschild asked if the applicant or representative was present and agreeable to the proposed requirements.

Frank Rendon, 3D Architectural Designs, stated he was in agreement with the requirements.

It was moved by Council Member Fimbres, and duly seconded, and carried by a voice vote of 7 to 0, to approve the request for rezoning as recommended by the Zoning Examiner

12. ZONING: (C9-16-06) TRACTOR SUPPLY CO. – VALENCIA ROAD, C-1 AND I-1 TO C-2, CITY MANAGER'S REPORT

Mayor Rothschild announced City Manager's communication number 309, dated September 7, 2016, was received into and made part of the record. He stated this was a request to rezone approximately 5.3 acre from C-1 and I-1 to C-2 zoning located on the east side of Valley Indian Agency Road, approximately 400 feet south of Valencia Road. The Zoning Examiner and staff recommend approval of the rezoning, subject to certain conditions.

Mayor Rothschild asked if the applicant or representative was present and agreeable to the proposed requirements.

Dan White, Physical Resource Engineering, indicated they were in agreement with the requirements of the zoning.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to approve the request for rezoning as recommended by the Zoning Examiner

13. ZONING: (C9-16-07) ENTERPRISE – LEE STREET, R-2 TO P, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 310, dated September 7, 2016, was received into and made part of the record. He asked the City Clerk to read Ordinance 11397 by number and title only.

Ordinance No. 11397 relating to Zoning: amending zoning district boundaries located on the south side of Lee Street, approximately 210 feet west of Stone Avenue in Case C9-16-07, Enterprise – Lee Street, R-2 to P; and setting an effective date.

Roger W. Randolph, City Clerk, stated that a three-fourths majority vote was necessary in order to adopt the ordinance.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11397.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager’s communication number 296, dated September 7, 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 Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointments of Stephen Grede to the Tucson-Pima County Historical Commission (TPCHC), Michael St. Ores to the Commission on Addiction, Prevention and Treatment (CAPT) and the reappointment of Chuck Burbank to the Commission on Addiction, Prevention and Treatment (CAPT).

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

Council Member Scott announced her personal appointment of Gabrielle Ficchi to the Commission on Disability Issues (CODI).

Council Member Fimbres announced his personal appointment of Alma Gallardo to the Small, Minority, and Women-owned Business Commission (SMWBC).

15. ADJOURNMENT: 9:03 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 20, 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 7th day of September 2016, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:bf:km