



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 5, 2016.

Date of Meeting: February 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 5:34 p.m., on Tuesday, February 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
Paul Cunningham
Karin Uhlich
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

Council Member Ward 1
Council Member Ward 2
Vice Mayor, Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Michael J. Ortega
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Randy Reynolds, Community Renew, after which the Pledge of Allegiance was led by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 33, dated February 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, 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 34, dated February 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 35, dated February 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. Sonora Wings & Seafood, Ward 6
100 N. Stone Ave. #102
Applicant: Jesus Lauro Montoya Araiza
Series 12, City 105-15
Action must be taken by: February 13, 2016

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

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

Person Transfer(s)

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

c. Special Event(s)

1. San Miguel High School, Ward 1
6601 S. San Fernando Rd.
Applicant: Nicola Anne Hartmann
City T157-15
Date of Event: March 3, 2016
(Open House Fundraising Event)

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

(Continued from the meeting of January 20, 2016)

2. Watershed Management Group, Ward 6
55 N. 5th Ave.
Applicant: Lisa Marie Shipek
City T161-15
Date of Event: February 20, 2016
(Fundraiser)

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

3. Tucson Screammers Inc., Ward 3
1102 W. Grant Rd.
Applicant: Bobby G. Sutton
City T164-15
Date of Event: February 12, 2016 - February 14, 2016
(Concert)

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

4. The Gregory School, Ward 2
3231 N. Craycroft Rd.
Applicant: Merlin A. Henkel
City T165-15
Date of Event: March 2, 2016
(Fundraising Auction)

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

5. Tucson Metropolitan Community Chorus dba Desert Voices Chorus,
Ward 6, 6245 E. Bellevue St.
Applicant: Carole Sue Baumgarten
City T166-15
Date of Event: February 27, 2016
(Fundraiser)

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

6. Tucson Musicians Museum, Ward 2
2920-2990 N. Swan Rd.
Applicant: Susan Eileen French
City T1-16
Date of Event: February 27, 2016
(Fundraiser)

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

7. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Matthew Lee Slominski
City T3-16
Date of Event: February 26, 2016
(Exhibit Opening)

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

8. St. Patrick's Day Parade of Tucson Inc., Ward 6
220 S. 5th Ave.
Applicant: Teresa Doyle Mellum
City T4-16
Date of Event: March 13, 2016
(Annual St. Patrick's Day Parade & Festival)

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

d. Agent Change/Acquisition of Control

1. Sparkroot, Ward 6
245 E. Congress St. #193
Applicant: Thomas Robert Aguilera
Series 12, City AC27-15
Action must be taken by: February 13, 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 Fimbres, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5c1 through 5c8 and 5d1 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:

Ken Scoville
Laura Hogan
Janet Valencia

Kitty Kennedy
Carl Morgan

Robert Reus
Peter Dooley

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

7. CONSENT AGENDA – ITEMS A THROUGH I

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager FEB09-16-36 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of February 18, 2015
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of February 18, 2015

- b. SURPLUS PROPERTY: DONATION OF SURPLUS CONTAINER BOXES TO TUCSON CLEAN & BEAUTIFUL, INC.
 - 1. Report from City Manager FEB09-16-38 CITY WIDE
 - 2. Resolution No. 22532 relating to Environmental Services; approving and authorizing the donation of one (1) fifteen (15) cubic yard container and one (1) thirty (30) cubic yard container to Tucson Clean & Beautiful, Inc.; and declaring an emergency.
- c. PARKS AND RECREATION: FACILITY DEVELOPMENT AND USE AGREEMENT WITH THE REID PARK ZOOLOGICAL SOCIETY FOR USE OF OFFICE SPACE AT THE REID PARK ZOO
 - 1. Report from City Manager FEB09-16-39 WARD 6
 - 2. Resolution No. 22531 relating to Parks and Recreation; authorizing and approving renewal of the Facility Development/Use Agreement with the Tucson Zoological Society (now Reid Park Zoological Society) for continued use of office space at the Reid Park Zoo; and declaring an emergency.
- d. REAL PROPERTY: VACATION AND SALE OF SURPLUS PORTIONS OF CHAUNCEY LANE, MARTIN AVENUE AND ALLEY RIGHT OF WAY
 - 1. Report from City Manager FEB09-16-40 WARDS 3 AND 6
 - 2. Ordinance No. 11340 relating to real property and transportation; vacating, declaring as surplus, and authorizing the sale of a portion of Chauncey Lane, Martin Avenue, and alley right of way to Banner Health; and declaring an emergency.

(This item was considered separately.)
- e. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE BIKE LANE PACKAGE II PROJECT (CONTINUED FROM THE MEETING OF JANUARY 20, 2016)
 - 1. Report from City Manager FEB09-16-41 CITY WIDE
 - 2. Resolution No. 22520 relating to Transportation; authorizing and approving Amendment No. 1 to the Intergovernmental Agreement (IGA) for Transportation funding between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) deobligating funds for the Bike Lane Package II Project; and declaring an emergency.

f. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE NOGALES HIGHWAY/OLIVE STREET HAWK PROJECT

1. Report from City Manager FEB09-16-42 WARD 5
2. Resolution No. 22528 relating to Transportation; authorizing and approving the Intergovernmental Agreement (IGA) for transportation funding between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for the Nogales Highway/Olive Street HAWK Project; and declaring an emergency.

Michael Rankin, City Attorney, said there was a correction to the Mayor and Council Communication. He said the reference in the background section of the Communication to the El Rio Neighborhood Center was corrected to read, "The El Rio Community Health Center at El Pueblo." He commented that the Resolution did not need any corrections.

g. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE HOUGHTON ROAD - 22ND STREET TO IRVINGTON ROAD IMPROVEMENT PROJECT

1. Report from City Manager FEB09-16-43 WARD 4
2. Resolution No. 22529 relating to Transportation; authorizing and approving the Intergovernmental Agreement (IGA) for Transportation funding between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for the Houghton Road - 22nd Street to Irvington Road Improvement Project; and declaring an emergency.

h. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR CONSTRUCTION FUNDING FOR THE PARK AVENUE TRANSPORTATION ENHANCEMENT PROJECT

1. Report from City Manager FEB09-16-44 WARD 3
2. Resolution No. 22530 relating to Transportation; authorizing and approving the Intergovernmental Agreement (IGA) for transportation funding between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for construction funding of the Park Avenue Transportation Enhancement Project; and declaring an emergency.

i. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION (AHCCCS) FOR FEDERAL MATCHING FUNDS FOR UNINSURED COSTS AT TUCSON MEDICAL CENTER

1. Report from City Manager FEB09-16-50 CITY WIDE
2. Resolution No. 22533 relating to Intergovernmental Agreements (IGA); 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 uninsured costs at Tucson Medical Center (TMC); and declaring an emergency.

Roger W. Randolph, City Clerk, announced Items d and i would be considered separately due to Vice Mayor Uhlich declaring a conflict of interest.

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

7. CONSENT AGENDA – ITEMS D AND I

d. REAL PROPERTY: VACATION AND SALE OF SURPLUS PORTIONS OF CHAUNCEY LANE, MARTIN AVENUE AND ALLEY RIGHT OF WAY

1. Report from City Manager FEB09-16-40 WARDS 3 AND 6
2. Ordinance No. 11340 relating to real property and transportation; vacating, declaring as surplus, and authorizing the sale of a portion of Chauncey Lane, Martin Avenue, and alley right of way to Banner Health; and declaring an emergency.

i. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION (AHCCCS) FOR FEDERAL MATCHING FUNDS FOR UNINSURED COSTS AT TUCSON MEDICAL CENTER

1. Report from City Manager FEB09-16-50 CITY WIDE
2. Resolution No. 22533 relating to Intergovernmental Agreements (IGA); 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 uninsured costs at Tucson Medical Center (TMC); and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Uhlich declared a conflict of interest), that Consent Agenda Items d and i, be passed and adopted and the proper action taken.

8. ZONING: (C15-15-04) ESTABLISHING ORIGINAL CITY ZONING FOR THE LIMBERLOST AND FAIRVIEW ANNEXATION DISTRICT, COUNTY CB-2, MU, TR, AND SH TO CITY C-2, MU, O-3 AND SH, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 45, dated February 9, 2016, was received into and made part of the record. He said this was a request to establish Original City Zoning within the Limberlost and Fairview Annexation District, surrounding the intersection of Limberlost Drive and Fairview Avenue.

Mayor Rothschild said the Zoning Examiner and staff recommend approval of C-2, MU, O-3 and SH zoning and extension of the *Major Streets and Routes Plan* arterial street designation along Wetmore Road and collector street designation along Fairview Avenue within the Annexation District.

Mayor Rothschild asked the City Clerk to read Ordinance 11337 by number and title only.

Ordinance No. 11337 relating to zoning: establishing original City zoning surrounding the intersection of Limberlost Drive and Fairview Avenue in case C15-15-04, Limberlost and Fairview Annexation District, County CB-2, MU, TR, and SH to City C-2, MU, O-3 and SH 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 11337.

9. ZONING: (SE-15-78) VERIZON – CRAYCROFT ROAD, SR ZONE, WIRELESS COMMUNICATIONS FACILITY, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 46, dated February 9, 2016, was received into and made part of the record. He said this was a special exception land use request for property located 170 feet south of Rillito River Park and 520 feet west of Craycroft Road.

Mayor Rothschild said the Zoning Examiner and staff recommend approval of the special exception land use with conditions. He asked the applicant or representative was present and agreeable to the proposed requirements.

Adam Brixius, Pinnacle Consulting on behalf of Verizon Wireless, stated they were agreeable to the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance No. 11338 by number and title only.

Ordinance No. 11338 relating to Zoning; a special exception land use - Wireless Communications Facility - SE-15-78, Verizon - Craycroft Road located 170 feet south of Rillito River Park and 520 feet west of Craycroft Road; approving with conditions the construction of a wireless communication tower with twelve (12) antenna panels concealed within an artificial pine tree, 70 feet in height, within an approximately 852 square foot lease area in the SR zone; and setting an effective date.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended and pass and adopt Ordinance 11338.

10. ZONING: (SE-15-79) VERIZON – WEST SPEEDWAY BOULEVARD, C-1 ZONE, WIRELESS COMMUNICATIONS FACILITY, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 47, dated February 9, 2016, was received into and made part of the record. He said this was a special exception land use request for property located 75 feet north of Speedway Boulevard and 225 feet east of Riverview Boulevard.

Mayor Rothschild said the Zoning Examiner and staff recommend approval of the special exception land use with conditions. He asked if the applicant or representative was present and if they were agreeable to the proposed requirements.

Michael Rankert, Techtonic Engineering on behalf of Verizon Wireless, stated they were agreeable to the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 11339 by number and title only.

Ordinance No. 11339 relating to Zoning: a special exception land use - Wireless Communications Facility - SE-15-79, Verizon - West Speedway Boulevard located 75 feet north of Speedway Boulevard and 225 feet east of Riverview Boulevard; approving with conditions the construction of a wireless communication tower with twelve (12) antenna panels concealed within an artificial pine tree, 65 feet in height, within an approximately 1,225 square foot lease area in the C-1 zone; and setting an effective date.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended and pass and adopt Ordinance 11339.

11. ZONING: (C9-05-29) DOS HOMBRES LLC – COLUMBUS BOULEVARD, R-1 TO R-2, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 49, dated February 9, 2016, was received into and made part of the record. He asked the City Clerk to read Ordinance 11341 by number and title only.

Ordinance No. 11341 relating to Zoning: amending zoning district boundaries in the area located at the Northwest corner of Columbus Boulevard and Blacklidge Drive in case C9-05-29, Dos Hombres LLC - Columbus Boulevard, R-1 to R-2; and setting an effective date.

Vice Mayor Uhlich said she wanted to note there were protests associated with the materials stating she appreciated the work done on the part of staff and the Zoning Examiner. She said in reviewing the materials she felt the density and design were compatible with the area. She commented she was familiar with the area; McCormick Park was across Columbus, there was open green space, the traffic patterns, and low use of Blacklidge Drive in the area. She said she felt the roadway could accommodate the additional development.

It was moved by Vice Mayor Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended and pass and adopt Ordinance 11341.

12. WATER: COMMEMORATIVE NAMING OF THE CENTRAL AVRA VALLEY STORAGE AND RECOVERY PROJECT (CAVSARP) SOLAR ARRAY (CONTINUED FROM THE MEETING OF JANUARY 5, 2016)

Mayor Rothschild announced City Manager's communication number 48, dated February 9, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22515 by number and title only.

Resolution No. 22515 relating to Tucson Water; Commemorative naming of the Central Avra Valley Storage and Recovery Project (CAVSARP) solar array for former Councilmember Steve Leal; 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 Resolution 22515.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 37, dated February 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 Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Dennis Coon and Jeff Hamstra to the Tucson-Pima County Joint Consolidated Code Committee and the reappointment of Ed Torres to the Veterans' Affairs Committee (VAC).

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

Council Member Cunningham announced his appointment of Bruce Hermes to the Tucson-Pima County Bicycle Advisory Committee (BAC).

14. ADJOURNMENT: 6:21 P.M.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on February 23, 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 February 2016, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR: drl:yl