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# Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on August 5, 2014.

Date of Meeting: February 19, 2014

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:31 p.m., on Wednesday, February 19, 2014, 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	Vice Mayor, Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

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

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Father Jim Hobert, Sacred Heart Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild presented the first Mayor and Council Employee Appreciation Award to the City’s Finance/Revenue Department. Pam Reinke accepted the award on behalf of the Department.
- b. Presentation was given by Vice Mayor Scott to A. Cole Theis, President of the Rincon Stake, Church of Jesus Christ of Latter-day Saints, in recognition of the volunteers provided to “Operation Clean Sweep” on January 25<sup>th</sup>.

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Rothschild announced City Manager’s communication number 39, dated February 19, 2014, 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, Uhlich, Fimbres and Kozachik. 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 40, dated February 19, 2014, 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.

No report was given.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Rothschild announced City Manager’s communication number 42, dated February 19, 2014, 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. U Like Buffet, Ward 6  
330 S. Wilmot Rd.  
Applicant: Yu Yen  
Series 12, City 2-14  
Action must be taken by: March 2, 2014

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

Public Opinion: Written Argument in Favor Filed

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. Gitanos Bar & Grill, Ward 5  
5358 S. Nogales Hwy  
Applicant: Yanel Najera Nunez  
Series 6, City 3-14  
Action must be taken by: February 27, 2014

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)

3. Hi Fi Bar & Grill, Ward 6  
345 E. Congress St.  
Applicant: Randy D. Nations  
Series 6, City 98-13  
Action must be taken by: February 10, 2014

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

4. Rincon Market, Ward 6  
2513 E. 6th St.  
Applicant: John Ronald Abbott  
Series 7, City 4-14  
Action must be taken by: February 28, 2014

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. Downtown Tucson Partnership, Ward 1  
101 N. Stone Ave.  
Applicant: Brandi Renee Haga  
City T5-14  
Date of Event: March 8, 2014  
(Premier Cycling Event)

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

2. St. Michael's Parish Day School, Ward 2  
602 N. Wilmot Rd.  
Applicant: Todd Sheffield Brown  
City T6-14  
Date of Event: March 22, 2014  
(Fundraiser)

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

3. St. Patrick's Day Parade of Tucson, Inc., Ward 6  
220 S. 5th Ave.  
Applicant: Joan E. Beckim  
City T11-14  
Date of Event: March 15, 2014  
(Celebrate Irish Culture & Heritage)

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

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 applications 5b1 through 5b4 and 5c1 through 5c3 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	Ken Paul	Ken Johnson
Juli Spear	Keith Van Heyningen	Mathieu Hawkins
Anthony Potter	Karen Robison	Arlene Leaf
Sheri Powers		

Council Member Kozachik requested additional information from the City Manager on the EPA report referenced by Mr. Paul.

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 H**

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. ASSURANCE AGREEMENT AND FINAL PLAT: (S10-027) LIMBERLOST ESTATES, LOTS 1 THROUGH 10 AND COMMON AREAS "A" THROUGH "E"
  1. Report from City Manager FEB19-14-34 WARD 3
  2. Resolution No. 22186 relating to Planning: authorizing the Mayor to execute an Assurance Agreement Securing the Resubdivision of vacant property for 10 lots on 1.687 acres; approving a final plat in Case No. S10-027, Limberlost Estates; and declaring an emergency.
  3. Staff recommends that the Mayor and Council adopt the attached resolution approving the assurance agreement and 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.
- b. FINAL PLAT: (S13-010) GOLCONDA COMMERCIAL CENTER, LOTS 1 THROUGH 10
  1. Report from City Manager FEB19-14-32 WARD 4
  2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- c. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE UNIVERSITY OF NEW MEXICO REGARDING EMERGENCY MEDICAL SERVICES PARAMEDIC FIELD INTERNSHIPS
  - 1. Report from City Manager FEB19-14-47 OUTSIDE CITY
  - 2. Resolution No. 22191 relating to Intergovernmental Agreements; approving Amendment Number 2 to the Intergovernmental Agreement between the City of Tucson and the Regents of the University of New Mexico regarding emergency medical services paramedic field internships; and declaring an emergency.
  
- d. INTERGOVERNMENTAL AGREEMENT: WITH THE RIO NUEVO BOARD FOR TCC ARENA REPAIRS
  - 1. Report from City Manager FEB19-14-46 WARD 6
  - 2. Resolution No. 22192 relating to Intergovernmental Agreements; approving the Intergovernmental Agreement (IGA) between the City of Tucson (City) and the Rio Nuevo Board (Board), enabling city funded Tucson Community Center (TCC) Arena repairs to be included in Rio Nuevo's Arena Construction Contract; and declaring an emergency.
  
- e. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE OPERATIONS AND MAINTENANCE OF THE TUCSON MODERN STREETCAR PROJECT
  - 1. Report from City Manager FEB19-14-41 WARDS 1 AND 6
  - 2. Resolution No. 22188 relating to Transportation; authorizing and approving the Intergovernmental Agreement between the State of Arizona Department of Transportation (ADOT) for operations and maintenance of the Tucson Modern Streetcar at Cushing Street and I-10; and declaring an emergency.
  
- f. WATER: ADOPTING TUCSON WATER'S FINANCIAL PLAN FOR FISCAL YEARS 2014 THROUGH 2019
  - 1. Report from City Manager FEB19-14-45 CITY WIDE AND OUTSIDE CITY
  - 2. Resolution No. 22190 relating to Tucson Water; authorizing and adopting the Tucson Water Financial Plan for the period from fiscal year 2014 to fiscal year 2019; and declaring an emergency.

- g. GRANT AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR FEDERAL TRANSIT ADMINISTRATION GRANT AZ-57-X011 (CONTINUED FROM THE MEETING OF FEBRUARY 4, 2014)
  - 1. Report from City Manager FEB19-14-38 OUTSIDE CITY
  - 2. Resolution No. 22187 relating to Transportation; authorizing and approving Amendment No. 1 to the Grant Agreement between the City of Tucson and The Regional Transportation Authority of Pima County (RTA) for Federal Transit Administration (FTA) Grant No. AZ-57-X011 allowing the RTA to continue spending FTA funds to address gaps and overlaps in the current paratransit system and areas where there is an unmet need; and declaring an emergency.
  
- h. GRANT AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR FEDERAL TRANSIT ADMINISTRATION GRANT AZ-37-X016 (CONTINUED FROM THE MEETING OF FEBRUARY 4, 2014)
  - 1. Report from City Manager FEB19-14-37 WARD 4
  - 2. Resolution No. 22189 relating to Transportation; authorizing and approving Amendment No. 1 to the Grant Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Federal Transit Administration (FTA) Grant No. AZ-37-X016 allowing the RTA to continue spending FTA funds to operate the Sun Shuttle Rita Ranch Circulator; and declaring an emergency.

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

**8. PUBLIC HEARING: ZONING (C9-08-13) MIRADOR GROUP, LLC – PIMA STREET, R-3 TO O-1, REACTIVATION, FIVE-YEAR TIME EXTENSION**

Mayor Rothschild announced City Manager’s communication number 33, dated February 19, 2014, 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 a request for reactivation and five-year time extension for the property located on the south side of Pima Street between Sonoita and Alamo Avenues. He said that staff recommends approval of the request subject to the conditions.

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

Jocelyn M. Stoller, owner of property, stated that she was agreeable to the proposed requirements.

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

There were no speakers.

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

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to approve the request as presented for reactivation and five-year time extension.

**9. PUBLIC HEARING: PROPOSED JOINT DEVELOPMENT OF RONSTADT TRANSIT CENTER**

(NOTE: This item was taken out of order and discussed after Item #11)

**10. ZONING: (C-1 TO C-2) POTTERY AND WINE - GRANT ROAD, R-2 AND C-1 TO C-2, REACTIVATION, TWO-YEAR TIME EXTENSION AND CHANGE OF PRELIMINARY DEVELOPMENT PLAN**

Mayor Rothschild announced City Manager's communication number 36, dated February 19, 2014, was received into and made part of the record. He also announced this was a request for a two-year time extension to complete the conditions of rezoning for the property located on the south side of Grant Road, west of Alvernon Way. He said the Zoning Examiner and staff recommend approval of the reactivation, time extension and change of preliminary development plan subject to the conditions of rezoning.

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

Steven C. Shell, Architect, stated he was agreeable to the proposed requirement.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to approve the the reactivation, time extension and change of preliminary development plan subject to the conditions of rezoning.

**11. ZONING: (C9-09-06) TEMPERATURE CONTROL – WEST LESTER STREET, C-1 TO C-2, REACTIVATION, TIME EXTENSION AND ORDINANCE ADOPTION**



Mayor Rothschild announced City Manager's communication number 35, dated February 19, 2014, was received into and made part of the record. He also announced this was a request for a time extension and reactivation to complete the conditions of rezoning for the property located on the south side of Lester Street, west of Tenth Avenue. He said the Zoning Examiner and staff recommend approval of the reactivation, time extension and ordinance adoption.

Mayor Rothschild asked if the applicant or representative was present.

No one was present.

Mayor Rothschild asked the City Clerk to read Ordinance 11141 by number and title only.

Ordinance No. 11141 relating to Zoning: Amending zoning district boundaries in the area located on the south side of Lester Street, west of Tenth Avenue in case C9-09-06, Temperature Control - West Lester Street, C-1 to C-2; and setting an effective date.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as presented and pass and adopt Ordinance 11141.

**9. PUBLIC HEARING: PROPOSED JOINT DEVELOPMENT OF RONSTADT TRANSIT CENTER**

(NOTE: This item was taken out of order)

Mayor Rothschild announced City Manager's communication number 43, dated February 19, 2014, 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 the proposed joint development of the Rondstadt Transit Center. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Michael Keith gave a brief history of what development had occurred downtown and spoke in favor of continuing improvements through downtown development.

Dan Linhart gave a brief history of how money had been spent in the past on the Rondstadt Center and the northwest bus facilities. Also, spoke in favor of putting value in operating a professional transit system with a dedicated funding source.

Robert Kaye spoke in favor of achieving both goals of maintaining and improving transit service downtown while fostering robust economic development, real estate development and jobs creation in downtown.

Mary DeCamp spoke in opposition of turning over public space for development and in opposition of single occupancy vehicles. Also spoke in favor of improvements to Rondstadt Center.

John Jacobs expressed some concerns and growing pains involved with the redevelopment. Also spoke in favor of redeveloping and enhancing Ronstadt Center as mixed modal use facility and spoke in favor of keeping this process open to the public and merchants.

Suzanne Schafer expressed her concerns about a real source of revenue committed to improve the transit system. She spoke in opposition of redeveloping the Rondstadt Center.

Bruce Dusenberry spoke in favor of redeveloping the Rondstadt Center as mixed use development to create revenue to put into transit.

Brian Flagg spoke in favor of expanding the Rondstadt Center for the use of busriders and spoke in favor of a downtown for everyone.

John Hudak spoke in favor of improving and redeveloping Rondstadt Center for a higher and better use. Expressed concerns about the request for proposal versus request for quotation.

Stephan Rankus expressed concerns regarding the Rondstadt Center redevelopment.

Susan Caldwell spoke in favor of improving Ronstadt Center.

Marcel Dabdoub spoke in favor of downtown redevelopment.

Sara Rusk spoke in favor of mass transit and promoting bus ridership.

Jimmy Ojeda expressed concerns about meeting times and expressed concerns about Ronstadt Center being rushed into redevelopment.

Michael Oatman spoke in favor of improving the Ronstadt Center for bus riders and spoke in favor of expanding for tri-modal use.

Karen Robison offered opinion about marketing to promote bus ridership and looking at larger cities for guidance.

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

Council Member Uhlich stated that the points made by the speakers were all important and touched on the key issues the Mayor and Council was sorting through. She said it was time to take the next step and spoke about the process remaining transparent, inclusive and involved as seen by the evening's actions. She stated there was question about the goals/priority of the redevelopment, transit or economic development. She said it was not either or, it was both and. She continued stating that transit services would be integrated in a way that it improved the services, support and experiences of transit riders and generates a potential revenue source that can be reinvested in transit.

Council Member Uhlich said, in addition, the site can and should be developed in a joint fashion that continues to encourage economic development and success downtown.

It was moved by Council Member Uhlich, duly seconded, to proceed with the issuance of the Request for Proposal (RFP) Phase 1, for potential joint development, specifically at the 4.7 acre site of the Ronstadt Transit Center Planning Area.

Council Member Kozachik reiterated that the process was very inclusive. He said he saw a false divide that was evident in the crowd. He said there were a lot of commonalities in the comments from constituents. Since RFP funds were involved, we are bound to preserve it because it is a transit center, a multi-modal center and there is a railroad depot close by. We have a street car line adjacent to the center and it would continue to be a transit center, and the facilities could be improved for everybody. Additionally, he stated, we needed to be responsive to the public input. He stated it was not transit versus economic development. He said this could be an exciting development that upgrades the facilities and provides an economic stream for the City, and be a "win/win" for everyone.

Council Member Romero said she agreed with the comments made by Council Members Uhlich and Kozachik. She reminded constituents about their continued input. She said five years ago, there was a proposal to develop the Ronstadt Center which she was opposed to and stated her reasons why. She said the questions and dialogue that occurred in this current process was not part of the past proposal.

Council Member Romero stated that there two points she wanted to make on the project purpose and goals. The first was under Uses & Character, #1, to add the wording "with similar and/or improved services" after "The project should incorporate (1) a transit center." The second point was to solidify/codify that the Mayor and Council would accept ideas on the current geographic location, not on Euclid and Broadway or any other location.

Mayor Rothschild and Council Member Uhlich clarified that the language Council Member Romero requested was already in the proposal.

The motion to proceed with the issuance of the Request for Proposal (RFP) Phase 1, for potential joint development, specifically at the 4.7 acre site of the Ronstadt Transit Center Planning Area was passed and by voice vote of 7 to 0.

**12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Rothschild announced City Manager’s communication number 44, dated February 19, 2014, 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(s) of Chuck Burbank to the Pima County-City of Tucson Commission on Addiction, Prevention and Treatment (CAPT), Jesse Lugo to the Environmental Services Advisory Committee (ESAC) and the reappointment(s) of James P. Hannley, Michael Finkelstein and Richard (Rick) Gonzalez to the Sign Code Advisory and Appeals Board (SCAAB).

Council Member Romero announced her personal appointment of Shani K. Stewart-Litz to the Small, Minority, and Women-Owned Business Commission (SMWBC).

**13. ADJOURNMENT: 7:42 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 4, 2014, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

\_\_\_\_\_  
MAYOR

ATTEST:

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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 19th day of February 2014, and do hereby certify that it is an accurate transcription.

\_\_\_\_\_  
DEPUTY CITY CLERK

RWR: drg ms