



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 6, 2015

Date of Meeting: May 20, 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 5:37 p.m., on Tuesday, May 20, 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
Paul Cunningham
Karin Uhlich
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

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

Absent/Excused:

None

Staff Members Present:

Richard Miranda
Michael Rankin
Suzanne Mesich

City Manager
City Attorney
Assistant City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Roger Tamietti, Tucson Fire Department, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild presented the 2014 Tucson Parks and Recreation Commission Awards.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 141, dated May 20, 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 Vice Mayor Cunningham and Council Members Scott, 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 142, dated May 20, 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 139, dated May 20, 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. El Berraco, Ward 3
2960 N. 1st Ave.
Applicant: Benjamin L. Galaz
Series 12, City 28-14
Action must be taken by: May 31, 2014

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/Location Transfer(s)

2. Civano Coffee House, Ward 4
5278 S. Civano Blvd.
Applicant: Mario Angelo Mastrosimone
Series 6, City 27-14
Action must be taken by: May 26, 2014

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

Public Opinion: Written Argument Opposed Filed

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. Tucson Breakfast Lions Club, Ward 5
4823 S. 6th Ave.
Applicant: Wayne Francis Locke
City T60-14
Date of Event: June 20, 2014 - June 21, 2014
(Fundraiser)

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

2. Tucson International Mariachi Conference, Ward 5
2500 E. Ajo Way
Applicant: Kathy Wells
City T61-14
Date of Event: June 7, 2014
(Arizona Bacon Festival/Fundraiser)

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

3. Aerie 180 Fraternal Order of Eagles, Ward 3
1530 N. Stone Ave.
Applicant: Charlene S. Gutierrez
City T62-14
Date of Event: June 14, 2014
(Father's Day Celebration)

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

4. Habitat for Humanity Tucson, Ward 3
3501 N. Mountain Ave.
Applicant: Steve Cooke
City T63-14
Date of Event: June 6, 2014
(Fundraiser)

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

d. Agent Change/Acquisition of Control

1. Le Rendez-Vous, Ward 3
3844 E. Fort Lowell Rd.
Applicant: Gordon Robert Berger
Series 12, City AC5-14
Action must be taken by: May 23, 2014

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

2. Hudson, Ward 6
201 N. 4th Ave.
Applicant: Thomas Robert Aguilera
Series 6, City AC6-14
Action must be taken by: May 25, 2014

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 Vice Mayor Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5c1 through 5c4, 5d1 and 5d2 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

Person/Location Transfer(s)

2. Civano Coffee House, Ward 4
5278 S. Civano Blvd.
Applicant: Mario Angelo Mastro Simone
Series 6, City 27-14
Action must be taken by: May 26, 2014

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

Public Opinion: Written Argument Opposed Filed

Suzanne Mesich, Assistant City Clerk, announced the item to be considered separately was Item 5b2, Civano Coffee House located in Ward 4, due to a written argument opposing.

Council Member Scott asked why a Series 6 license which included alcohol and sprints, as opposed to just beer and wine license, was being requested.

Mario Angelo Mastrosimone, applicant, indicated a beer and wine license was very difficult to get but the Series 6 would still give the same purpose of beer and wine and it would cost less.

Council Member Scott reiterated due to the lack of having one available led to the request for a Series 6 license. She asked Deborah Summers, the protester in the audience to speak.

Deborah Summers said she resided directly next to the Civano Coffee House with no space between their homes. Mrs. Summers stated she was not opposed to beer and wine and believes the Café was a wonderful amenity for the community but she would be opposed to a bar and if he wanted to serve all manors of spirituous beverages.

Council Member Scott indicated issues with Mrs. Summers and owners had been resolved happily. Council Member Scott invited Simmons Bunton to speak to this item.

Simmons Bunton stated he has lived in Civano for fourteen years and wanted to speak in support of the liquor license, particularly for beer and wine.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b2 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:

Anne Gomez	Gary Hunter	Ken Scoville
Ruth Beeker	Lisa Horner	Jerry Kinard
Stuart Thomas	Judith Anderson	Robin Gomez
Daniel Brockert	John Jacobs	Dan Linhart
Michael Oatman	Janet McCloud	

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 K

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. REAL PROPERTY: ACQUISITION OF TWO WATER EASEMENTS FROM THE BUREAU OF LAND MANAGEMENT FOR WATER TRANSMISSION MAINS BETWEEN VALENCIA ROAD AND KINNEY ROAD

1. Report from City Manager MAY20-14-148 OUTSIDE CITY
2. Resolution No. 22226 relating to Water and Real Property; authorizing the City Manager to acquire two (2) Water Easements for water transmission mains located within the Arizona Department of Transportation State Route 86 project limits between Valencia Road and Kinney Road; and declaring an emergency.

(This item was continued at the request of staff.)

b. REAL PROPERTY: ACQUISITION OF THREE WATER EASEMENTS FROM THE ARIZONA STATE LAND DEPARTMENT FOR WATER TRANSMISSION MAINS BETWEEN VALENCIA ROAD AND KINNEY ROAD

1. Report from City Manager MAY20-14-147 OUTSIDE CITY
2. Resolution No. 22230 relating to Water and Real Property; authorizing the City Manager to acquire three (3) Water Easements for water transmission mains located within the Arizona Department of Transportation State Route 86 project limits between Valencia Road and Kinney Road; and declaring an emergency.

(This item was continued at the request of staff.)

c. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA FOR WATER QUALITY TESTING AND METHODOLOGY

1. Report from City Manager MAY20-14-146 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 22225 relating to Intergovernmental Agreements; authorizing and approving the Intergovernmental Agreement (IGA) between the City of Tucson and the Arizona Board of Regents, on behalf of the University of Arizona's College of Public Health-Environmental Health Sciences for water quality testing and methodology; and declaring an emergency.

d. EMERGENCY PLANNING AND PREPAREDNESS: APPROVING THE CITY OF TUCSON'S EMERGENCY OPERATIONS PLAN

1. Report from City Manager MAY20-14-144 CITY WIDE
2. Ordinance No. 11170 relating to Emergency Planning and Preparedness; approving the City of Tucson's Emergency Operations Plan (EOP); pending legal authority for all actions or duties under the EOP; authorizing necessary administrative changes to the EOP; requiring Mayor and Council approval every four years after the date of approval of this ordinance; and declaring an emergency.

(This item was continued to the meeting of June 3, 2014.)

e. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPLEMENTATION OF THE SILVERBELL ROAD PROJECT

1. Report from City Manager MAY20-14-152 WARD 1
2. Resolution No. 22231 relating to Transportation; authorizing and approving the Intergovernmental Agreement for transportation funding ("IGA") between the Regional Transportation Authority of Pima County ("RTA") and the City of Tucson ("City") for implementation of the Silverbell Road - El Camino Del Cerro to Goret Road Project ("Project"); and declaring an emergency.

f. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE BROADWAY BOULEVARD - CAMINO SECO TO HOUGHTON ROAD PROJECT

1. Report from City Manager MAY20-14-150 WARD 2
2. Resolution No. 22227 relating to Transportation; authorizing and approving the Intergovernmental Agreement for transportation funding ("IGA") between the Regional Transportation Authority of Pima County ("RTA") and the City of Tucson ("City") for design of the Broadway Boulevard - Camino Seco to Houghton Road Project ("Project"); and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Cunningham.)

g. REAL PROPERTY: ACQUISITION OF RIGHT OF WAY FOR THE HOUGHTON ROAD CORRIDOR PROJECT

1. Report from City Manager MAY20-14-151 WARD 4
2. Resolution No. 22229 relating to Transportation; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property needed as rights of way for the Houghton Road Corridor Project at the bridge over the Union Pacific Railroad ("UPRR") and from the bridge to I-10; and declaring an emergency.

- h. PARKS AND RECREATION: NAMING CENTENNIAL PARK THE "CHRISTOPHER FRANKLIN CARROLL CENTENNIAL PARK"
 - 1. Report from City Manager MAY20-14-149 WARD 1
 - 2. Resolution No. 22228 relating to Parks and Recreation; authorizing and approving the naming of Centennial Park the "Christopher Franklin Carroll Centennial Park"; and declaring an emergency.

(This item was considered separately at the request of Council Member Romero.)
- i. TRANSPORTATION: APPROVING THE FARE AND SERVICE EQUITY ANALYSIS FOR THE PROPOSED FISCAL YEAR 2015 FARES AND BUS SERVICE
 - 1. Report from City Manager MAY20-14-153 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22233 relating to Transportation; approving the Title VI Fare and Service Equity Analysis for Proposed FY2 2015 Fares and Bus Service; and declaring an emergency.
- j. TRANSPORTATION: APPROVING THE SUN LINK STREETCAR PRE-REVENUE SERVICE FARE AND SERVICE EQUITY ANALYSIS
 - 1. Report from City Manager MAY20-14-154 CITY WIDE
 - 2. Resolution No. 22232 relating to Transportation; approving the Sun Link Pre-Revenue Service Implementation Fare and Service Equity Analysis Update Report; and declaring an emergency.
- k. TUCSON CODE: AMENDING (CHAPTER 30) RELATED TO CITY TRANSIT SYSTEM
 - 1. Report from City Manager MAY20-14-155 CITY WIDE
 - 2. Ordinance No. 11174 relating to Transit; amending the Tucson Code, Chapter 30 Department of Transportation: adding Sections 30-5 through 30-10; establishing Definitions; providing Transit Enforcement Authority; prohibiting Unlawful Acts; establishing penalties and remedies; 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 – k, with the exception of Items a, b, and d, which were continued and f and h, which were considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM F

f. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE BROADWAY BOULEVARD - CAMINO SECO TO HOUGHTON ROAD PROJECT

1. Report from City Manager MAY20-14-150 WARD 2
2. Resolution No. 22227 relating to Transportation; authorizing and approving the Intergovernmental Agreement for transportation funding ("IGA") between the Regional Transportation Authority of Pima County ("RTA") and the City of Tucson ("City") for design of the Broadway Boulevard - Camino Seco to Houghton Road Project ("Project"); and declaring an emergency.

Suzanne Mesich, Assistant City Clerk, announced the first item to be considered separately was item f at the request of Vice Mayor Cunningham.

Vice Mayor Cunningham commended staff for the dedication the Transportation Department had to the City and acknowledged a great job in working with the Regional Transportation Authority for the work being done from Houghton to Camino Seco on Broadway.

It was moved by Vice Mayor Cunningham, duly seconded, and carried by a roll call vote of 7-0, that Consent Agenda Item f be passed and adopted and proper action be taken.

7. CONSENT AGENDA – ITEM H

h. PARKS AND RECREATION: NAMING CENTENNIAL PARK THE "CHRISTOPHER FRANKLIN CARROLL CENTENNIAL PARK"

1. Report from City Manager MAY20-14-149 WARD 1
2. Resolution No. 22228 relating to Parks and Recreation; authorizing and approving the naming of Centennial Park the "Christopher Franklin Carroll Centennial Park"; and declaring an emergency.

Suzanne Mesich, Assistant City Clerk, announced the next item to be considered separately was item h at the request of Council Member Romero.

Council Member Romero wanted to recognize Christopher Carroll who played an important role in helping to create Centennial Park and renaming the park after him was extremely fitting. Council Member Romero acknowledged, though Chris Carroll was no longer with us, he left a legacy of work that we should be very happy with and his friends and family should be very proud of. Council Romero invited friends, family or neighbors who knew him to say a couple words in honor of Chris Carroll.

Ken Scoville stated he could not think of a more fitting person and Mr. Carroll deserved this recognition so anyone walking down Main Avenue would know about Christopher Carroll.

It was moved by Council Member Romero, duly seconded, and carried by a roll call vote of 7 to 0, that Consent Agenda Item h be passed and adopted and Centennial Park be renamed to the Christopher Franklin Carroll Centennial Park.

8. PUBLIC HEARING: AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE, THE TECHNICAL STANDARDS MANUAL AND THE TUCSON CODE (CHAPTER 29)

Mayor Rothschild announced City Manager's communication number 156, dated May 20, 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 text amendments to the Unified Development Code, the Technical Standards Manual and the Tucson Code. He asked if staff would like to make a brief statement.

Ernie Duarte, Planning and Development Services Department (PDS) Director, stated the public hearing was to address changes to the Unified Development Code, adopted in October of 2012 with an effective date of January 2, 2013.

Mr. Duarte indicated since the Unified Development Code had been in use, staff had discovered a number of technical edits, clarifications, scrivener's errors and corrections which needed fixing. He mentioned this item addressed those edits and there were 19 proposed amendments, none of which were substantial. He said the changes had been discussed and reviewed by the Land Use Code Committee and had been discussed in study session with the Planning Commission. Mr. Duarte added a public hearing was also conducted on these changes and the Planning Commission staff recommended approval of the changes.

Mayor Rothschild indicated there were no speaker cards for anyone wishing to speak and requested a motion to close the Public Hearing.

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

Mayor Rothschild asked the City Clerk to read Ordinance 11171 by number and title only.

Ordinance No. 11171 related to Planning and Zoning: amending certain portions of the City of Tucson, Chapter 23B, Unified Development Code (UDC), Subsection 3.2.3, Application Requirements; Subsection 4.8.6, Permitted Uses: Commercial and Mixed Use Zones, Table 4.8-4, Permitted Uses – Commercial and Mixed Use Zones; Subsection 4.8.7, Permitted Uses: Industrial Zones, Table 4.8-5, Permitted Uses – Industrial Zones; Subsection 4.8.8, Permitted Uses: Special Use Zones (1) – OS, IR, P & RV Table 4.8-6, Permitted Uses – Special Use Zones (1) – OS, IR, P Subsection 4.9.7, Residential Use Group; Article 5, Overlay Zones, Section 5.4, Major Streets and Routes Setback Zone (MS&R), Subsection 5.4.6, MS&R Street Perimeter Yard and Parking Adjustment; Section 5.13, Urban Overlay District, Subsection 5.13.4, Development

Standards; Section 6.4, Rules of Measurement and Exceptions to Dimensional Standards, Subsection 6.4.5, Perimeter Yards; Subsection 6.4.6, Floor Area Ratio; Subsection 6.4.7, Residential Density; Section 6.6, Accessory Uses, Buildings, and Structures, Subsection 6.6.2, Accessory Buildings and Structures; Section 7.4, Motor Vehicle and Bicycle Parking Standards, Subsections 7.4.4, Required Number of Motor Vehicle Parking Spaces, and 7.4.5, Reductions and Exceptions; Section 8.7, Subdivision Design Standards, Subsection 8.7.3, Flexible Lot Development (FLD); and Section 11.3, Definitions of Land Use Groups, Classes, and Types, Subsection 11.3.4, Commercial Services Use Group; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, to pass and adopt Ordinance 11171.

Council Member Uhlich requested clarification on the amendment under the Technical Standards Manual and the changing of the Community Design Review Committee to the City Development Review Committee. She stated there had been concerns about the design review process and asked whether it codified in a manner where an approved design was carried and actually implemented, or what the recourse would be. She also indicated there was confusion about whether the process would be administratively driven or if it would follow the community design review process.

Mr. Duarte replied the confusion was on two separate issues. He indicated when originally revising the Land Use Code and adopting the Unified Development Code, one of the issues that came up was the number of references to the CDRC, which at that time was known as the Community Design Review Committee. He warned this was not to be confused with the Design Review Committee that was deployed in the main gate overlay district. He mentioned as they were working throughout the Unified Development Code what was heard from customers and stake holders was the term Community Design Committee was misleading. He stated the City Development Review Committee was essentially City and County staff which reviewed development plans and the twenty six agencies that comprise the rosters are all City staff and there was no community element. He continued to say it was misleading and what was heard from customers was the title should change to reflect what the committee really was, which was a city development review committee, reviewing development plans, not so much design review.

Council Member Uhlich questioned if designs were strictly approved by staff, would it be consistent with the Unified Development Code, in terms of making sure that if a design was approved, it would be implemented and have appropriate oversight.

Michael Rankin, City Attorney, clarified Mr. Duarte was making a distinction between the functions of the committees. He explained one was the technical review of the development by staff, versus design review committees which were incorporated under other provisions, to include the main gate overlay, that review the designs of projects submitted within that overlay.

Council Member Uhlich restated the amendment did not eliminate the committee.

Mr. Rankin reiterated the amendment was only to help distinguish the committee.

Council Member Kozachik asked if the Main Gate Development Review Committee was subject to Open Meeting Laws.

Mr. Rankin replied it was.

Council Member Kozachik indicated some older parts of town have mixed zoning and questioned how that would be engaged, since it was specifically pulled aside as not being a part of the technical changes.

Mr. Duarte acknowledged, regarding the individual parking plans, when the Unified Development Code was adopted there was an inadvertent transposition on the three hundred foot notice procedure. He noted the proposed changes were to reflect what was actually in the Land Use Code.

Council Member Kozachik acknowledged he understood but was talking about the review and approval of revisions to the IPP's, so both residential and nonresidential zones were included in the notice. He added the material indicated staff did not feel that was an appropriate change to be incorporated into the item but then another process would need to be engaged and he inquired what that process would be.

Mr. Duarte responded this would be considered a substance of change to the procedures in the Unified Development Code and the Land Use Code and would require direction from Mayor and Council to process the amendment accordingly.

Council Member Kozachick asked how that process would be initiated.

Mr. Rankin replied if that was a change the Mayor and Council wanted to see to the Unified Development Code, it would be done through direction to staff and it would then be taken through the code amendment process.

Council Member Kozachik asked if it would go through the Planning Commission process.

Mr. Rankin stated that was correct.

Council Member Kozachik questioned Section 2 in the ordinance which indicated the Planning and Development Services Director could issue a citation for violations. He proceeded to ask if the Planning and Development Services Director had the authority to issue these citations.

Mr. Duarte responded citations were usually done by code enforcement officials, which were an extension of the code official. He continued to say, in this case, the City code referred to a number of positions within the City organization and the Planning and Development Services Director was one of those code officials. He clarified the Planning and Development Services Director himself, would not issue the citation but the code enforcement official inspector would.

Mr. Rankin added the code enforcement officials' act as the designee of the director for those enforcement purposes.

Council Member Kozachik questioned if that was for civil infractions only.

Mr. Rankin confirmed it was for civil infractions only.

Council Member Kozachik asked if he was comfortable with the language as it read.

Mr. Rankin responded he was.

Council Member Uhlich asked if there were actual changes being proposed to the wash review and approval procedures, as well as elements of the process. She continued to say it appeared to be changing implementation of the ERZ Wash Ordinance by reducing the noticing requirements and also shifting the procedure into an administrative procedure.

Mr. Duarte stated what was proposed to the WASH ordinance, was an overlay. He said when the Unified Development Code was adopted, as part of the public process there was consensus with the Land Use Code Committee that the three hundred foot notice provisions for the overlay were creating additional time and process and leaving no opportunity for input into that process. He added, with respect to the overlays, the ERZ, the WASH ordinance and the Scenic Corridor Ordinance, the three hundred foot notice provisions were taken out. He continued to explain the technical requirements for those processes remained. The technical requirements for the WASH ordinance, ERZ and Scenic Corridor because the WASH ordinance was codified in the Tucson Code, not necessarily in the Land Use Code or the Unified Development Code. Mr. Duarte stated this was an attempt to correct the Unified Development Code to make it consistent with the notice procedures and the approval procedures for the other overlay zones like ERZ, Scenic Corridor and the Historic Preservation Zone. He concluded the technical requirements were not being changed but the three hundred foot notice was being reduced, as they were when the Unified Development Code was adopted.

Ordinance 11171 was and passed by a roll call vote of 6 to 1 (Council Member Uhlich dissenting).

Mayor Rothschild asked the City Clerk to read Ordinance 11172 by number and title only.

Ordinance No. 11172 related to Planning and Zoning: amending certain portions of the City of Tucson, Technical Standards Manual, Section 12-01, Definitions; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 1 (Council Member Uhlich dissenting), to pass and adopt Ordinance 11172.

Mayor Rothschild asked the City Clerk to read Ordinance 11173 by number and title only.

Ordinance No. 11173 related to Planning and Zoning: amending certain portions of the Tucson Code, Chapter 29, Energy and Environment, Article VIII, Watercourse Amenities, Safety and Habitat, Section 29-17, Review and Approval; Section 29-18, Violation Declared a Civil Infraction, and Section 29-19, Appeals and Variances; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, to pass and adopt Ordinance 11173.

Vice Mayor Cunningham inquired what the hydraulic would do regarding this item and if there were any pieces that take into account rain water harvesting and grey water harvesting, in regards to potential violations.

Mr. Duarte responded by indicating these were separate ordinance requirements. He explained the WASH deals with potential riparian issues on a development, which was separate from the water harvesting, which was usually parking lots or active water harvesting systems, where grey water was purely residential.

Ordinance 11173 was and passed by a roll call vote of 6 to 1 (Council Member Uhlich dissenting).

9. FINANCE: TENTATIVE ADOPTION OF FISCAL YEAR 2015 BUDGET

Mayor Rothschild announced City Manager's communication number 145, dated May 20, was received into and made part of the record. He asked the City Clerk to read Resolution 22220 by number and title only.

Resolution No. 22220 relating to Finance; adopting a tentative budget for the 2015 Fiscal Year and fixing times and places, confirming time and place to conduct a public hearing on said budget, to adopt the final budget in a special meeting, to fix time and place to determine the primary and secondary tax levies for said fiscal year.

Mayor Rothschild stated between study session and regular session, work was done on the financial document. Mayor Rothschild requested a walkthrough of the document and the highlighted changes.

Michael Rankin, City Attorney, stated based on the direction from the Mayor and Council at Study Session, staff amended the schedules, attachments and agenda materials to reflect the changes. He indicated changes were mad related to transit, land sale proceeds, the Access Tucson capacity increase with restricted funds and proceeds from the water line warranty agreement, as discussed.

Kelly Gottschalk, Assistant City Manager/Chief Financial Officer, explained the schedules distributed were in the agenda item prior to changes, figures that were actually changed were highlighted in yellow and green highlighted areas reflected totals that changed as a result of changing those figures. Ms. Gottschalk indicated the four changes made were; adding restricted revenue and expenditure capacity in the general fund in the amount of \$153,500.00 for AccessTucson; added \$150,000.00 of new revenue in the general fund for the Water Line Insurance Program; increased transfer from the general fund and the expenditure capacity in the mass transit fund, recognized a partial year implementation of the COA recommendations and lastly the land sale revenue in the general fund was increased by \$1.57 million for the anticipated sale of the property that was discussed earlier. She stated all the highlighted changes had to do with the treatment of those four items.

Mayor Rothschild asked if the fund balance had been reduced by less \$520,000.00.

Ms. Gottschalk indicated that was correct and it was a result of adding \$1.57 million in land sales revenue plus \$150,000.00 for the water line revenue and then subtracting \$1.2 million of increase. She stated the difference between those two numbers actually reduced the fund balance that had been previously anticipated.

Mayor Rothschild requested a walkthrough both the Transportation and Non-Departmental figures.

Ms. Gottschalk said initially the change to the Transportation Department was a \$13 million addition, which was related to the street car expenditures but \$1.2 million was since added for the partial year of increased cost due to the delay in implementing the COA, equaling \$14.2 million. She stated for the Non-Departmental fund there was initially a reduction of \$206,800.00 and the change resulted in a reduction down to \$53,300.00 because \$153, 500.00 was added for AccessTucson.

Council Member Uhlich requested confirmation of the meeting date for the 2015 Compensation Plan.

Ms. Gottschalk advised it would be June 3, 2014.

Council Member Uhlich expressed concern about being locked into decisions affecting the Compensation Plan, by taking action on this item. She asked how it would be dealt with, if something were to come up on June 3, 2014 that had not yet been deliberated on.

Martha Durkin, Assistant City Manager, stated the Recommended Compensation Plan was to maintain the pay increases that were done in January, 2014, with no additional pay increases. She added if the Mayor and Council wanted additional pay increases that would not be covered by this item.

Council Member Uhlich asked about the previous Compensation Plan and existing contracts and issues that had come up, related to the implementation of certain formulas, such as the \$1.4 million vs. \$1.5 million. She said there seemed to be a conflict or some unresolved issues.

Ms. Gottschalk stated on the \$1.4 million/\$1.5 million issue specifically, the estimates did not change for the vacation and sick leave pay outs and they continued to be calculated the \$1.5 million way. She continued to say it was not decreased, so if the decision was to keep it as it had been in the past, the funding will be available.

Council Member Uhlich requested nothing be embedded in the budget document that Mayor and Council had not previously discussed.

Vice Mayor Cunningham asked if the \$2.3 million in land sales, dedicated to the streetcar were included in the \$1.264 million.

Ms. Gottschalk replied the \$2.3 million revenue would go to pay for the capital cost of the street car. She continued to say when the financing was done on the Certificates of Participation for the remaining gap, that gap would be lower. Ms. Gottschalk explained it did not increase expenditures in any way and would not result in revenue in any way; it would only result in less being borrowed.

Mayor Rothschild questioned if it was part of the capital fund.

Ms. Gottschalk confirmed it was.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 22220.

Mr. Rankin added it would be as amended with the revised schedules and attachments as described during the regular meeting.

Resolution 22220 was and passed by a roll call vote of 6 to 1 (Council Member Kozachik dissenting).

Mayor Rothschild stated the final hearing for the budget was scheduled for the meeting of June 3, 2014.

10. ECONOMIC DEVELOPMENT: ESTABLISHING THE GREATER DOWNTOWN ENTERTAINMENT DISTRICT

Mayor Rothschild announced City Manager's communication number 138, dated May 20, was received into and made part of the record. He asked the City Clerk to read Resolution 22224 by number and title only.

Resolution No. 22224 relating to Economic Development: establishing the Greater Downtown Entertainment District in accordance with Arizona Revised Statute Section 4-207(C)(4); and declaring an emergency.

It was moved by Council Member Romero, duly seconded, to pass and adopt Resolution 22224.

Council Member Uhlich questioned the extension of the map for the Entertainment District. She pointed out it was as far north of 6th Street and into some of the residential areas and asked what the implications would be if it was extended that far north and east.

Chris Kaselemis, City Manager's Office, explained the area was mostly commercial, including a church on 6th Avenue which they felt was appropriate to keep in the map and in the district.

Council Member Uhlich asked if presently, it did not extend north on 4th Avenue and north of 6th Street.

Mr. Kaselemis confirmed it does stop at 6th Street on 4th Avenue.

Council Member Uhlich asked if this was in accordance to the feedback received from the neighborhoods in regards to refining the guidelines and boundaries.

Council Member Kozachick advised the map had been changed to be more responsive to the West University Neighborhood concerns and this reflected what they had asked for. He stated he believed this to be an appropriate location for an Entertainment District, in order to revitalize the area.

Resolution 22224 was and passed by a roll call vote of 7 to 0.

11. PERSONNEL MATTERS: REAPPOINTMENT OF THE CITY ATTORNEY

Mayor Rothschild announced City Manager's communication number 137, dated May 20, was received into and made part of the record. He asked the City Clerk to read Ordinance 11169 by number and title only.

Ordinance No. 11169 relating to the City Attorney; appointing the City Attorney; and declaring an emergency.

It was moved by Vice Mayor Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11169 appointing Michael Rankin as City Attorney.

12. CITY MAGISTRATES: APPOINTMENT OF SPECIAL MAGISTRATES AND FIXING COMPENSATION

Mayor Rothschild announced City Manager's communication number 140, dated May 20, was received into and made part of the record. He asked the City Clerk to read Ordinance 11167 by number and title only.

Ordinance No. 11167 relating to City Magistrates; appointing David George Dingeldine as Special City Magistrate to serve upon call by the presiding Magistrate of the City Court; fixing compensation; setting retroactive 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, to pass and adopt Ordinance 11167, naming David George Dingeldine as Special City Magistrate.

Mayor Rothschild asked the City Clerk to read Ordinance 11168 by number and title only.

Ordinance No. 11168 relating to City Magistrates; appointing Judy Drickey-Prohow as Special City Magistrate to serve upon call by the presiding Magistrate of the City Court; fixing compensation; setting retroactive 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, to pass and adopt Ordinance 11168, naming Judy Drickey-Prohow as Special City Magistrate.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager’s communication number 143, dated May 20, 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 Kozachick, duly seconded, to approve the appointments of Ann Marie A. Wolf to the Environmental Services Advisory Committee, Shelby Driscoll Salemi and Alvin Lewis, PhD. to the Pima County - City of Tucson Commission on Addiction, Prevention, and Treatment and Plácido dos Santos and Mitchell B. Basefsky to the Citizens’ Water Advisory Committee.

Council Member Uhlich inquired if there would be any conflict of interest in appointing Mitch Basefsky to the Citizens’ Water Advisory Committee given his employment by the Central Arizona Project.

Michael Rankin, City Attorney, said there would not be a blanket conflict but there may be instances where if a conflict did arise Mr. Basefsky would have to recuse himself from participation. He assured he would address this with Mr. Basefsky.

Motion carried by a voice vote of 7 to 0.

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

Council Member Romero announced her personal appointment of Diana Rhoades and Edna Meza Aguirre to the Charter Change Committee.

14. ADJOURNMENT: 7:18 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, June 3, 2014, 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 20 day of May, 2014, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ddl:am