



---

## Minutes of MAYOR AND COUNCIL Meeting

---

Approved by Mayor and Council  
on May 6, 2014

Date of Meeting: September 10, 2013

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 5:32 p.m., on Tuesday, September 10, 2013, 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  
Council Member Ward 3  
Vice Mayor, Council Member Ward 4  
Council Member Ward 5  
Council Member Ward 6  
Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda  
Michael Rankin  
Roger W. Randolph

City Manager  
City Attorney  
City Clerk

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor Eric Fritz, Oro Valley Church of the Nazarene, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed September as "National Preparedness Month". Deputy Chief Casey Justen and Assistant Chief Brad Olson, Tucson Fire Department, accepted the proclamation.
- b. Mayor Rothschild, assisted by Council Member Fimbres, made a presentation to recognize the Accomplishments of the 2013 Little League World Series Champions.

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

Mayor Rothschild announced City Manager's communication number 346, dated September 10, 2013, 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, Kozachik and Vice Mayor Scott. 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 347, dated September 10, 2013, 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 364, dated September 10, 2013, 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. Plaza Bonita Family Mexican Restaurant, Ward 2  
9165 E. Tanque Verde Rd.  
Applicant: Paul Adolph Allen Sr.  
Series 12, City 11-13  
Action must be taken by: April 4, 2013

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

2. Ali Baba Restaurant and Grill, Ward 6  
2545 E. Speedway Blvd. #125  
Applicant: Amir A. Yazdan Panah  
Series 12, City 20-13  
Action must be taken by: May 13, 2013

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

3. McGraw's Cantina, Ward 4  
4110 S. Houghton Rd.  
Applicant: Brian Joseph Cummings  
Series 12, City 44-13  
Action must be taken by: August 31, 2013

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

4. Walgreens #09953, Ward 2  
7885 E. Speedway Blvd.  
Applicant: Randy Allen Guse  
Series 10, City 50-13  
Action must be taken by: September 8, 2013

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

5. Los Beto's Tacos y Burros, Ward 3  
4470 N. 1st Ave.  
Applicant: Martha Magdalena Davila  
Series 12, City 51-13  
Action must be taken by: September 8, 2013

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)

6. Christie's Cabaret, Ward 5  
6608 S. Tucson Blvd.  
Applicant: H. J. Lewkowitz  
Series 6, City 43-13  
Action must be taken by: August 24, 2013

Public Opinion: Written Argument Opposed Filed

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

This item was considered separately.

7. Las Brasas Grill, Ward 5  
2928 E. 22nd St.  
Applicant: Carmen P. Santos  
Series 7, City 49-13  
Action must be taken by: August 31, 2013

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

8. Banana's Bar and Grill, Ward 5  
1310 S. Alvernon Way  
Applicant: Jose Fernandez Gomez  
Series 6, City 53-13  
Action must be taken by: September 15, 2013

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

9. Ramada Inn & Suites Foothills, Ward 2  
6944 E. Tanque Verde Rd.  
Applicant: Kevin Arnold Kramber  
Series 7, City 54-13  
Action must be taken by: September 23, 2013

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)

10. Beyond Bread, Ward 3  
3026 N. Campbell Ave.  
Applicant: Shelby Daniel Collier  
Series 7, City 38-13  
Action must be taken by: July 29, 2013

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

11. World of Beer Tucson, Ward 6  
350 E. Congress St. #A  
Applicant: Randy D. Nations  
Series 6, City 46-13  
Action must be taken by: September 2, 2013

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

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

Location Transfer(s)

12. Walgreens #15030, Ward 3  
730 E. Grant Rd.  
Applicant: Randy Allen Guse  
Series 9, City 47-13  
Action must be taken by: August 30, 2013

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

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

c. Special Event(s)

1. Our Mother of Sorrows Church, Ward 2  
1800 S. Kolb Rd.  
Applicant: Argelia Saavedra  
City T84-13  
Date of Event: October 11, 2013 - October 13, 2013  
(Annual Parish Fiesta)

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

2. Equine Voices Rescue & Sanctuary, Ward 6  
2200 E. Elm St.  
Applicant: Karen L. Harkson-Pomroy  
City T85-13  
Date of Event: November 3, 2013  
(Fundraiser)

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

3. Tucson Children's Museum Inc., Ward 6  
200 S. 6th Ave.  
Applicant: Michael Joseph Luria  
City T86-13  
Date of Event: October 12, 2013  
(Fundraiser)

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

4. Tucson Breakfast Lions Club, Ward 5  
4823 S. 6th Ave.  
Applicant: Wayne Francis Locke  
City T87-13  
Date of Event: October 4, 2013 - October 5, 2013  
(Fundraiser)

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

5. Our Lady Queen of All Saints, Ward 5  
2915 E. 36th St.  
Applicant: Darlene Dooley  
City T88-13  
Date of Event: October 5, 2013 - October 6, 2013  
(Fundraiser)

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

6. Many Mouths One Stomach, Ward 1  
101 W. 6th St.  
Applicant: Paul J. Weir  
City T92-13  
Date of Event: September 28, 2013  
(Fundraiser)

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

7. National MS Society, Arizona Chapter, Ward 6  
2150 N. Alvernon Way  
Applicant: Rachel Lee Zuckerman  
City T93-13  
Date of Event: September 21, 2013  
(Fundraiser)

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

8. Tucson Museum of Art, Ward 1  
140 N. Main Ave.  
Applicant: Meagan E. Crain  
City T94-13  
Date of Event: September 29, 2013  
(Closing Exhibition Celebration)

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

9. Assistance League of Tucson, Ward 5  
4823 S. 6th Ave.  
Applicant: Linda Loomis  
City T97-13  
Date of Event: September 22, 2013  
(Music Festival)

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

10. Sun Sounds Foundation, Ward 5  
2500 E. Ajo Way  
Applicant: Don Edward Frazee  
City T100-13  
Date of Event: September 28, 2013  
(Fundraiser)

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

11. Gangplank Collective, Ward 3  
1102 W. Grant Rd.  
Applicant: James M. Christensen  
City T101-13  
Date of Event: September 13, 2013  
(Music Festival)

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

12. Greater Tucson Fire Foundation, Ward 6  
949 E. 2nd St.  
Applicant: Frank Neal Youdelman  
City T102-13  
Date of Event: September 21, 2013  
(Fundraiser)

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

d. Agent Change/Acquisition of Control

1. ALJ's Tavern, Ward 4  
4980 E. 22nd St.  
Applicant: Raul Humberto Rodriguez  
Series 6, City AC8-13  
Action must be taken by: September 5, 2013

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 Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b12, with the exception of 5b6, which was considered separately, 5c1 through 5c12, and 5d1, to the State Liquor Board with a recommendation for approval.

## 5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

Person Transfer(s)

6. Christie's Cabaret, Ward 5  
6608 S. Tucson Blvd.  
Applicant: H. J. Lewkowitz  
Series 6, City 43-13  
Action must be taken by: August 24, 2013

Public Opinion: Written Argument Opposed Filed

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



Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b6, Christie's Cabaret, located in Ward 5, at the request of Council Member Fimbres.

H. Jerry Lewkowitz, Attorney/Applicant representing Steve Cooper, Owner of Christie's Cabaret, gave detailed background information regarding his application. He asked for the Mayor and Council's approval of the liquor license.

Yolanda Herrera spoke in opposition of the liquor license request.

Council Member Fimbres asked staff if there was a time restraint for the Mayor and Council to act on the application.

Michael Rankin, City Attorney, responded there was a time constraint. He stated Council must act within a statutory time frame. He went on to say the City has extended the time frame with the agreement of the applicant. He stated if this was the Council's desire we would need the applicant's position.

Council Member Fimbres asked the applicant if he was agreeable to a two-week continuance to meet with stakeholders or did he want a decision that evening.

Steve Cooper, Owner, stated he preferred to get a decision from the Mayor and Council, to be able to go ahead with his plans.

Mayor Rothschild stated to Mr. Lewkowitz the question to ask his client was to stipulate to a two-week continuance or render a decision that evening.

Mr. Lewkowitz expressed his concerns and asked for the Mayor and Council to render a decision.

Mr. Rankin recommended the Mayor and Council take action on the item.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward Item 5b6 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:

Beryl Baker  
Shawn Earl  
Robert Clark

Ken Johnson  
Peggy Hutchison  
Lupe Borrios

Keith Van Heyningen  
John Kromko

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 G**

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 SEP10-13-348 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of January 15, 2013 and January 23, 2013
3. Mayor and Council Legal Action Report and Summary Minutes of January 15, 2013 and January 23, 2013

### **b. FINAL PLAT: (S12-043) CIVANO II, COMMON AREA "E", AN AMENDMENT OF LOTS 129, 130, 165, AND 166**

1. Report from City Manager SEP-10-13-353 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. TRANSPORTATION: APPROVING THE FARE EQUITY ANALYSIS FOR THE PROPOSED SUN VAN FARE INCREASE**

1. Report from City Manager SEP10-13-361 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 22134 relating to Mass Transit; adopting the results of the Title VI Fare Equity Analysis evaluating the impact on minority and low income populations for the proposed phasing out of the Sun Van low income fare; approving that analysis; and declaring an emergency.

- d. WATER: ADOPTING POLICY CRITERIA FOR DETERMINATION OF GROUNDWATER RECHARGE
  - 1. Report from City Manager SEP10-13-356 CITY WIDE

(This item was considered separately due to Council Member Kozachik declaring a conflict of interest.)
- e. BOARDS, COMMITTEES, AND COMMISSIONS: CREATING A WATER SERVICE AREA REVIEW BOARD AND ESTABLISHING PROCEDURES
  - 1. Report from City Manager SEP10-13-363 CITY WIDE AND OUTSIDE CITY
  - 2. Ordinance No. 11106 relating to Boards and Commissions; creating the Water Service Area Review Board; establishing Board composition and procedures; and declaring an emergency.
- f. AGREEMENT: APPROVING A SITE-SPECIFIC SUPPLEMENTAL AGREEMENT TO THE MASTER AGREEMENT WITH PIMA COUNTY FOR JOINT USE OF FACILITY SPACE AT THE TUMAMOC HILL SITE
  - 1. Report from City Manager SEP10-13-360 CITY WIDE AND OUTSIDE CITY
  - 2. Resolution No. 22133 relating to Intergovernmental Agreements; approving and authorizing execution of the Site-Specific Supplemental Agreement to Master Agreement for Joint Use of a Facility between Pima County and the City of Tucson for tower and shelter space at Tumamoc Hill; and declaring an emergency.
- g. GRANT AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE FOR THE VICTIMS' RIGHTS PROGRAM
  - 1. Report from City Manager SEP10-13-357 CITY WIDE
  - 2. Resolution No. 22131 relating to Victims' Rights; approving and authorizing execution of an Award Agreement with the Arizona Attorney General's Office for the FY 2014 Victims' Rights Program (VRP); and declaring an emergency.

It was moved by Vice Mayor Scott, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – g, with the exception of Item d, which was considered separately, were passed and adopted and the proper action taken.

**7. CONSENT AGENDA – ITEM D**

**d. WATER: ADOPTING POLICY CRITERIA FOR DETERMINATION OF GROUNDWATER RECHARGE**

**1. Report from City Manager SEP10-13-356 CITY WIDE**

It was moved by Vice Mayor Scott, duly seconded, by a roll call vote of 6 to 0, (Council Member Kozachik recused due to a conflict of interest), that Consent Agenda Item d be passed and adopted and the proper action taken.

Council Member Uhlich asked the comments made at the Study Session earlier in the day be entered into the record where the City Attorney clarified the item provided for individual applications to be considered by the Mayor and Council based on the merit of each application.

Consent Agenda Item d was declared passed and adopted by a roll call vote of 6 to 0, (Council Member Kozachik recused due to a conflict of interest).

Council Member Kozachik departed at 6:43 p.m. and returned at 6:45 p.m.

**8. PUBLIC HEARING: ZONING (C9-08-05) MESQUITE VALLEY GROWERS – SPEEDWAY BOULEVARD, C-1 AND RX-2 TO C-2, REACTIVATION, FIVE-YEAR TIME EXTENSION, CHANGE OF CONDITIONS**

Mayor Rothschild announced City Manager's communication number 352, dated September 10, 2013, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing request for a reactivation, time extension, and a change of conditions for the property located on the northwest corner of Speedway Boulevard and Maguire Avenue. He asked if the applicant or representative was present.

Evan Eglin, Eglin & Bresler Architects, P.C., on behalf of the property owner, Thomas Birt was present.

Mayor Rothschild announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone else wishing to be heard on this matter to please come forward when he called their name and make their presentation and to state their name, whether or not they live in the city, whom they were representing and whether or not they were a paid speaker.

Brent Davis spoke in support of the zoning request by Mesquite Valley Growers but wanted to ensure the billboard located on the property would be removed.

Mayor Rothschild asked Mr. Eglin if he was agreeable to the conditions.

Mr. Eglin affirmed he was agreeable to the condition and also stated they had an original agreement from Clear Channel to renew the lease for two years and had requested that it be changed to no longer than one year, at which time the billboard would come down; however there was a 30-day cancellation period where at any time the landlord could give a 30-day notice of their intent to remove the billboard and all its supports no later than October 31, 2014.

Mr. Eglin gave a presentation regarding their request for the rezoning and the need for the reactivation, five-year time extension and change of condition.

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

Mayor Rothschild asked what was the Council's pleasure.

Council Member Cunningham stated the Mayor and Council needed to see some type of confirmation that Clear Channel was agreeable to the conditions.

Michael Rankin, City Attorney, read into the record the recommended revised condition #33 would be changed to read; "Owner shall remove, or cause to be removed, the existing billboard on Tax Parcel ID# 133-09-0610 and shall provide notice of the termination of any existing lease to that Tenant, with a copy to the Planning and Development Services, prior to approval of a development plan or building permit for any expansion of the nursery on Tax Parcel ID# 133-09-0610, 133-09-0620, or 133-09-0630, or October 31, 2014, whichever comes first."

Mr. Rankin stated this way, if it was built in as a condition of the rezoning approval, they would have to meet that condition before any rezoning would be approved.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to approve the request with the amendment read into the record by the City Attorney.

Mayor Rothschild asked Mr. Elgin to provide a signed copy of the contract agreement to the City Attorney.

**9. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 2) RELATING TO A PROPOSED FARE INCREASE FOR SUN VAN ECONOMY FARE PASSENGERS**

(This item was taken out of order and considered after Item 13.)

**10. ZONING: (C9-12-10) VALENCIA (GALINDO) – 36TH STREET, C-1 TO C-2, CITY MANAGER'S REPORT**

(NOTE: This item was taken out of order)

Mayor Rothschild announced City Manager's communication number 349, dated September 10, 2013, was received into and made part of the record. He stated this was a request to rezone approximately 0.35 acres from C-1 to C-2 zoning. The rezoning site was located at the northwest corner of 36th Street and South Campbell Avenue. He said that the Zoning Examiner and staff recommended authorization of the C-2 zoning subject to certain conditions. He asked if the applicant or a representative was present and was agreeable to the proposed requirements.

Tim McCann, Tim McCann Consulting on behalf of the property owner, Fausto Valencia of Galindo Property Management, was present and stated they were agreeable to the proposed requirements.

Council Member Fimbres read the requirements that were brought forward by the neighborhood into the record as:

- Outdoor storage area screened by a minimum six-foot tall enclosure.
- All items in storage area shall not be visible above the screen.
- All tires and wheels and portable displays shall be stored within the building or the storage area.
- Portable displays must be displayed indoors or in the storage area outside of business hours.
- Non-operative or over-night vehicles shall be stored within the storage area or building and shall not be stored for more than fourteen days.
- Outdoor activity such as air compressors, power tools, and car lifts and outdoor auto service area shall be oriented to reduce noise impacts to the neighboring properties.
- Graffiti shall be cleaned up within seven working days of discovery,
- All signage, whether free standing, on the building or on display shall be made using a minimum template or stencil, no free-form hand painted signs are permitted.
- Any improvements or reconstruction to the building shall maintain the mass architectural consistency within the area and should not exceed 15 feet in height.
- Hours of operation shall be limited to 6:00am to 10:00pm including towing and delivery of disabled vehicles.
- All screen walls visible from a public right-of-way or adjacent to an existing residential development shall be graffiti resistant and incorporate one or more visually appealing design treatments such as the use of two or more decorative materials like stucco, tile stone or brick of visually interesting design on the walls, surface, wall alignments and/or trees or shrubs in voids created by the wall variation.
- Six-inch wide masonry block or greater shall be used for perimeter walls.

- Site conditions and corrections matrix shall be guideline for addressing neighborhood complaints.
- Property owner agrees to accept responsibility for any notice of violation issued by the City for failure to comply with these conditions or the provisions of the site conditions and corrections matrix.

Mr. McCann answered in the affirmative to all of the requirements.

It was moved by Council Member Fimbres, duly seconded, to authorize the request for rezoning as recommended by the Zoning Examiner and all requirements read into the record.

Michael Rankin, City Attorney, clarified the motion included all of the recommended conditions not just the ones read into the record by Council Member Fimbres.

The motion to authorize the request for rezoning as recommended by the Zoning Examiner with all of the recommended conditions was carried by a voice vote of 7 to 0.

**13. REAL PROPERTY: APPROVING A GOVERNMENT PROPERTY LEASE EXCISE TAX LEASE AGREEMENT WITH TUCSON PROPERTIES I, LLC FOR THE CADENCE AND PLAZA CENTRO RETAIL PROJECT**

(NOTE: This item was taken out of order)

Mayor Rothschild announced City Manager's communication number 358, dated September 10, 2013, was received into and made part of the record.

Michael Rankin, City Attorney, announced the following corrections to the Land and Improvements Lease (Exhibit 1 to the Resolution):

- Recital B said the parcel consists of four parcels; that would be corrected to read three parcels. Additionally, the reference to a three story garage would be corrected to a four story garage.
- Section 5.1.2 would include an additional sentence at the end to read: "Additionally, Tenant shall not change the use of the Premises, including the Parcel 1 Commercial Development and Parcel 2 Commercial Development, without an amendment to this Lease, and any such amendment shall comply with the provisions of A.R.S. Section 42-6209(C)."

Mr. Rankin further explained the reason for these corrections was if there were ever any proposed amendments to the lease to allow new uses of the facility than those contemplated, the process would restart to make sure the purposes of the Government Property Lease Excise Tax ("GPLET") and the abatement were satisfied.

Mayor Rothschild asked the City Clerk to read Resolution 22132 by number and title only.

Resolution No. 22132 relating to Development and Real Property; authorizing and approving the Government Property Lease Excise Tax ("GPLET") Lease Agreement between the City of Tucson and Tucson Properties I, LLC; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution No. 22132, with the corrections as read into the record.

**9. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 2) RELATING TO A PROPOSED FARE INCREASE FOR SUN VAN ECONOMY FARE PASSENGERS**

(NOTE: This item was taken out of order)

Mayor Rothschild announced City Manager's communication number 362, dated September 10, 2013, was received into and made part of the record. He stated this was the time and place legally advertised for a public hearing on the proposed fare increase for Sun Van economy fare passengers. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to 5-minute presentations.

Mayor Rothschild gave a brief background history regarding the item and asked the public to make constructive comments for constructive solutions by the Mayor and Council.

The following people spoke in opposition of the proposed fare increase for Sun Van economy fare passengers:

Deanna Dikinis	Margaret Bland	Jodie Kirkovich
Theodore Knuck	Peri Jude Radecic	Ethan Orr
Michael Piskla	Harry Pike	Robin McArdle-Landers
Willie Jean Sanders	John Stevens III	Michael Ames
Stephan Rankus	Paula Steiger	Paula Rosales
Cyndi Segroves	Francesca Jarves	

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

Mayor Rothschild asked staff if they were to make the increase less would they need to go through the public process again or if as long as the proposed rate increase did not exceed what was proposed, would there need to be another public process.

Michael Rankin, City Attorney, stated Mayor and Council could approve something less without going through another public process.



Mayor Rothschild asked how long it would take to go through another public process.

Carlos De Leon, Transportation Department, stated it would take about four month's total.

Mayor Rothschild stated there were a couple of things that were heard from the speakers and it was the Council's prerogative to proceed, but the public was going to need to face, in the near future, the possibly of rates going up, but he believed it would not start with the disabled population. He stated there would be means testing, if you could afford the increase you should pay but if you cannot afford it, the City would deal with it. He went on to say the City put the cart before the horse. He said we had to understand what the mitigating factors were before anything could be done. Perhaps the most promising would be the Division of Developmental Disability (DDD) money for this population. There were other populations where access money or mental health money was available. He stated the City had to be nimble but do this right. The City could not just go the way it was going. He recommended for staff to come back with a better plan but told Council to do what they thought was best.

It was moved by Vice Mayor Scott, duly seconded, to delay acting on the proposed rate increase, and direct staff to return with better information on an expedited timeframe.

A substitute motion was made by Council Member Kozachik, duly seconded, to continue the present practice at the current rates and direct staff to work with the Pima Council on Aging, Beacon Group, and Direct Center for Independence, and come up with ways to build efficiencies.

Mayor Rothschild asked Council Member Kozachik to assign some expedited timeframe to his substitute motion.

Vice Mayor Scott clarified her motion incorporated the substitute motion, as well as points made by State Representative Ethan Orr, and was not to approve the rate increase at that time, but to move in an expedited way to get verifiable recommendations in less than four months, if possible, to help make a better informed decision.

Council Member Kozachik said his substitute motion was to take the fare increase off the table.

Council Member Cunningham stated there were some things to recognize. He said if the Council rejected this formally, it was the better way to go. They were going to have to look at this process holistically, there would be other items coming into play, but the bottom line was the \$1.00 fare would have to be increased by \$.25 but if the DDD came through he would not want to increase the fare. He said the Council should reject this item and start over and he offered this as a second to the substitute motion.

Council Member Romero stated she did not know why there was not a clearer picture of the entire system in the materials. She thought the comprehensive analysis should have been included with a view of the entire system and what the cost was and what the potential charges for all of the fares. She thought they were trying to patch together on how to handle a system which was costing more and more money to run. That was what the problem was. She stated they have found potential places the City can go to, to recover funds. She did not want to move ahead with anything at this time. She said they should not leave saying they would be back with the same proposal.

Mayor Rothschild wanted to pressure SunTran and our city staff to come back within 45 days with answers. He stated Representative Orr had given three alternatives and said if staff looked there would be more out there.

Mr. De Leon stated staff could come back quicker, possibly within the next 2 months. He stated the COA was on the service end, it was looking at SunTran routes, structure and efficiency. He verified the Council wanted a comprehensive fare structure. He said they had been working with the Transit Task Force to receive a ten year proposal.

Council Member Romero stated if the members of the Transit Task Force were not showing up, the Council needed to be made aware of this. She said they needed people who were interested in showing up and helping to find a solution.

Council Member Cunningham stated he appreciated what the Transit Task Force was doing. He said the Council spoke to the Bus Riders Union and interacted with them. He went on to say that it was not going work out and the bottom line was there would be an increase in fares. This was not an easy choice knowing that the low income fare for SunVan or the dollar fifty fare for a single ride was movable. There were other ones to look at it. It was a comprehensive process. Did the City need to start the process over, or should the statement be made to not raise it by \$1.00 or \$2.00.

Council Member Romero stated she thought the City was putting the cart before the horse. She wanted to know if DES or Medicaid, or other programs do reimbursements. She said this needed to be researched, and once we knew this information then the City could move forward.

Mayor Rothschild suggested bringing the item back to the study session within 30 days to have more information.

Michael Rankin, City Attorney, clarified that the substitute motion was to reject the proposed fare increase, but if it was brought back with anything new in the future it could start the clock over, especially if it needed other future hybrid elements.

Richard Miranda, City Manager, stated with the dialogue that had happened, staff would give interrogation and analysis to the ideas and thoughts brought forward and provide a report to Council.

Mayor Rothschild stated his concern would be to not start the clock over on this issue.

The substitute motion was to reject the proposal and not proceed with the \$1.00-\$2.00 raise, and continue the present practices with the present rates and direct staff to work with PCOA, Beacons, etc and come up with efficiencies.

It was moved by Vice Mayor Scott, duly seconded and carried by a voice vote of 7 to 0, to direct staff to research available sources of revenue and their potential effect on fares for all transit populations, and return in 45 days, if possible.

**10. ZONING: (C9-12-10) VALENCIA (GALINDO) – 36TH STREET, C-1 TO C-2, CITY MANAGER'S REPORT**

(This item was taken out of order and considered after Item 8.)

**11. HOUSING AND COMMUNITY DEVELOPMENT: APPROVING A SUBSTANTIAL PLAN AMENDMENT FOR THE SECTION 108 ADA SIDEWALKS AND CURBS PROJECT (CONTINUED FROM THE MEETING OF AUGUST 6, 2013)**

Mayor Rothschild announced City Manager's communication number 350, dated September 10, 2013, was received into and made part of the record. He asked the City Clerk to read Resolution No. 22117 by number and title only.

Resolution No. 22117 relating to Housing and Community Development; approving a Substantial Plan Amendment to the City of Tucson FY 2014 Annual Action Plan to include the Section 108 ADA Sidewalks & Curbs Project to be implemented by the City's Department of Transportation; authorizing and directing submittal of the Substantial Plan Amendment and the Application for Section 108 Loan Guarantee to the United States Department of Housing and Urban Development (HUD); and declaring an emergency.

Council Member Romero stated she spoke to the Transportation and Housing and Community Development Directors and others regarding the terms and uses of HUD Section 108 funds, citing several specific examples. She added, HUD Section 108 funds are being used for Housing and Community Development and sidewalks. She was never against using HUD Section 108 funds for infrastructure improvements because public investment leverages private investment. The areas we wanted to place the sidewalks were CDBG areas that qualify. When we do create streets, we need to keep in mind sidewalks and landscaping as part of them and need to look towards the future especially for transit routes used by pedestrians that are well shaded.

It was moved by Council Member Romero, duly seconded, to pass and adopt Resolution No. 22117, with the caveat that shade trees be incorporated in the planning of the sidewalks and curbs project.

Mayor Rothschild asked staff to coordinate with the Ten Thousand Trees program, Trees for Tucson, Tucson Clean and Beautiful by adding the trees to the infrastructure.

Daryl Cole, Department of Transportation Director, stated as previously discussed as a part of HUD 108 funds they had a list of streets that were already planned to have the actual work done and as part as the actual work itself they had planned to go out and establish right of way lines, establish the curbs and decide on those areas which had the ability to put plants and water harvest as part of the construction itself. He said it would be a phased approach, but the concrete would go in first. Those areas they believed they could put the irrigation systems for harvesting would then be identified and then they could put some trees back in, and would work with the Ten Thousand Trees program, Trees for Tucson, Tucson Clean and Beautiful to add some shade along these corridors.

Council Member Uhlich asked if this was to cover sidewalks specifically associated with the bond question.

Mr. Cole stated the sidewalks funding was for the Pavement Preservation Program and for the streets that had been paved already.

Council Member Uhlich asked if that covered the entire proposition 409 bond program.

Mr. Cole said that it was just to cover fiscal year 2013.

Council Member Uhlich asked what the plan was for next year.

Mr. Cole stated there was some money left over from the Pavement Preservation Program which would be applied forward, but they were still looking at the treatments.

Council Member Uhlich stated Mayor and Council had already given clear direction that the bonds were for curb-to-curb and there was not any sidewalk money. She said they were spending hundreds of thousands of dollars out of CDBG money, were they going to bump that up each year, already there being a repayment plan of eighteen years. She asked what the plan was and were the sidewalks going to be built with monies other than CDBG money.

Mr. Cole stated they did not have a good plan and there were some levels of funding left in the Pavement Preservation Program. When they spoke to the public as part of the outreach they said they were going to work on the paving curb-to-curb, not back-to-curb. He said they did not have an on-going plan other than the treatments themselves.

Council Member Uhlich stated she understood it was related to a federal obligation and that transportation did not have the money, but she was not persuaded this was the right pot of money to tap into. She said they created this loan program with the backing of CDBG money in order to create jobs and economic development. She said she could imagine doing this one time and one time only, but it sounded like this was going to be the plan. She asked in terms of the federal requirement they needed to meet, what were the absolute requirements and time lines for this work to be accomplished along the road ways that had been improved.

Andrea Ibanez, Housing and Community Development Department, stated there was no specific time line except for the section 108 loan terms defined as for 20 years.

Council Member Uhlich said she had seen that type of use in two different deadlines in terms of those funds but she did not find it compelling, she stated if we were not be able to use this money just because we had a \$100,000.00 dollars per year in CDBG money that we better spend it quickly and spend it this year, she appreciated that the infrastructure in our area was a necessity and could see programming this in as a CDBG priority but it was a back door way, what we could be doing in gap financing affordable housing. She said if we build affordable housing with this money that would have a lasting impact in families pocket books in perpetuity, and to her it did not meet the intent to the section 108 program and to fall back we are not under a deadline to get this particular work done, she thought they had some time to try and identify transportation relayed funding to accomplish objective. She suggested strongly, and asked Council Member Romero if she would entertain a friendly motion or at least a friendly amendment to say this allocation comes with the direction to staff to make sure that the section 108 funds that we reanalyze the program for making this section 108 funds available to meet the intent of the program through economic development or affordable housing.

Council Member Romero accepted the friendly amendment and commented on Council Member Ulrich's input. She asked staff of the 1.7 million dollars, what would be left over from the HUD 108 funding for community or developers to use in order to help create jobs.

Ms. Ibanez said the 20 million dollars was not on hand, rather it was a capacity that could be borrowed against, minus 1.7 million dollars. She stated she would entertain a proposal from the affordable housing community. She said the two economic development issues in terms of job creations were either through a construction project, where they would hire a lot of people up front, or the long term hiring of low to moderate income people. She said most people who had come forward to inquiry do not want to get involved in the long term hiring but did commit to the hiring, just not the paper work and payroll that needed to be provided on a weekly bases, which HCDD would check it and make sure people were doing what they were supposed to be do.

Council Member Cunningham stated he would support the item but expressed his concerns about the ADA Sidewalks and Curbs project.

Resolution No. 22117 was carried by a voice vote of 7 to 0, as amended.

**12. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH THE OWNER OF THE PROPERTY LOCATED AT 11141 E. TANQUE VERDE**

Mayor Rothschild announced City Manager's communication number 351, dated September 10, 2013, was received into and made part of the record. He asked the City Clerk to read Resolution No. 22128 by number and title only.

Resolution No. 22128 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 Caroline Addison, the owner of real property located at 11141 E. Tanque Verde.

It was moved by Council Member Cunningham, duly seconded, to pass and adopt Resolution 22128.

Resolution 22128 was declared passed and adopted by a roll call vote of 7 to 0.

**13. REAL PROPERTY: APPROVING A GOVERNMENT PROPERTY LEASE EXCISE TAX LEASE AGREEMENT WITH TUCSON PROPERTIES I, LLC FOR THE CADENCE AND PLAZA CENTRO RETAIL PROJECT**

(This item was taken out of order and considered after Item 10.)

**14. LICENSE AGREEMENT: WITH TELEPORT COMMUNICATIONS AMERICA, LLC FOR TELECOMMUNICATIONS SERVICES**

Mayor Rothschild announced City Manager's communication number 354, dated September 10, 2013, was received into and made part of the record. He asked the City Clerk to read Resolution No. 22129 by number and title only.

Resolution No. 22129 relating to Information Technology; approving and authorizing execution of a Telecommunications Services Non-Exclusive License Agreement between Teleport Communications America, LLC and the City of Tucson; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, to pass and adopt Resolution 22129.

Council Member Fimbres asked the term "new revenue" be explained in further detail.

Kelly Gottschalk, Assistant City Manager, stated the "new revenue" would be generated from new license fees and new sales tax.

Council Member Fimbres asked where this new technology would be placed.

Ms. Gottschalk stated it would be in the right-of-ways, similarly to what other businesses were currently doing with fiber and internet.

Council Member Fimbres asked if the revenue funds would go into the general fund.

Ms. Gottschalk stated yes that it would be going into the general fund.

Council Member Kozachik said according to sections five and six, all construction underground was the City's obligation, but this appeared to be all aerial construction. He also questioned the timing of this construction.

Michael Rankin, City Attorney, stated he did not know to what extent the negotiations went back and forth regarding undergrounding requirements.

Jerry Newake, representative of Teleport Communications America, LLC, stated he was only able to take questions back to the legal department.

Council Member Kozachik referenced sections of the agreement that indicated the costs of underground construction were to be paid by the city. He said when negotiating this kind of new construction, the aesthetics of underground construction should be sought, without the city bearing the costs.

Mr. Rankin said sections 6.3.1 and 6.3.22 indicated it would use existing overhead utility poles, otherwise it would be undergrounding.

Council Member Kozachik asked in light of the recent construction on Grant Road and the desire to put utilities underground this would be considered in future corridor projects.

Council Member Cunningham and Mr. Rankin gave further clarification as to when the city was obliged to pay for the utility conversions from aerial to underground.

Resolution 22129 was declared passed and adopted by a roll call vote of 7 to 0.

**15. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY PRIMARY ELECTION HELD AUGUST 27, 2013 (CONTINUED FROM THE MEETING OF SEPTEMBER 2, 2013)**

Mayor Rothschild announced City Manager's communication number 355, dated September 10, 2013, was received into and made part of the record. He asked the City Clerk to read Resolution No. 22130 by number and title only.

Resolution No. 22130 relating to Elections: canvassing the returns and declaring the results of the Primary Election held in the City of Tucson, Arizona on August 27, 2013.

It was moved by Vice Mayor Scott, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution No. 22130

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

Mayor Rothschild announced City Manager's communication number 359, dated September 10, 2013, 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 Ellen Alster to the Landscape Advisory Committee and Sylvia Amaprano, Hector Encinas, Ron Ewing, Frank Frey and Steven Craig Holland to the Self Insurance Trust Fund Board of Trustees.

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

Council Member Cunningham announced his personal appointment of Davita Mueller to the Pedestrian Advisory Committee, and Don Goebel to Human Relations Commission.

**17. ADJOURNMENT: 8:48 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 24, 2013 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 10 day of September, 2013, and do hereby certify that it is an accurate transcription.

---

DEPUTY CITY CLERK

RWR:agj:dp