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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on May 5, 2015.

Date of Meeting: October 21, 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 5:33 p.m., on Tuesday, October 21, 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	Vice Mayor, Council Member Ward 2
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

Karin Uhlich	Council Member Ward 3
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Staff Members Present:

Martha Durkin	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Reverend Owen Chandler, Saguaro Christian Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- b. Mayor Rothschild presented the National SWANA Road-e-o award to Ruben Rivera for 2nd place in the Automated Side Loader Competition in Denver, Colorado.

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

Mayor Rothschild announced City Manager’s communication number 329, dated October 21, 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, Council Members Romero 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 330, dated October 21, 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.

Current event report was provided by Martha Durkin, City Manager. A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Rothschild announced City Manager’s communication number 339, dated October 21, 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. QuikTrip #1463, Ward 1  
1011 W. Valencia Rd.  
Applicant: Troy Charles DeVos  
Series 10, City 79-14  
Action must be taken by: October 20, 2014

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

2. Buffalo Wild Wings, Ward 1  
1390 W. Irvington Rd.  
Applicant: James Dion Connor  
Series 12, City 80-14  
Action must be taken by: October 23, 2014

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

3. Buffalo Wild Wings, Ward 2  
68 N. Harrison Rd.  
Applicant: James Dion Connor  
Series 12, City 81-14  
Action must be taken by: October 23, 2014

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

4. Maui Mart, Ward 6  
3310 E. Grant Rd.  
Applicant: Dilshad Sabah  
Series 10, City 82-14  
Action must be taken by: November 1, 2014

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

5. Kuna Kuna Market, Ward 6  
3408 E. Grant Rd. #C  
Applicant: Godlove Sopo Ngwa  
Series 10, City 83-14  
Action must be taken by: November 1, 2014

Tucson Police Department and Revenue Division-Investigations have indicated the applicant is in compliance with city requirements.

Planning & Development Services Department has indicated the applicant is not in compliance with city requirements.

City Clerk's Office has indicated the applicant is not in compliance with city requirements.

This item was considered separately.

6. Wildcat Liquor & Market, Ward 3  
3996 N. 1st Ave.  
Applicant: Amy Beth Kelly  
Series 9S, City 84-14  
Action must be taken by: November 1, 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 Transfer(s)

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

c. Special Event(s)

1. Tucson Community School, Ward 3  
2109 E. Hedrick Dr.  
Applicant: Mary Sue Houser  
City T135-14  
Date of Event: November 15, 2014  
(Fundraiser)

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

2. North Fourth Avenue Merchants Association, Ward 6  
4th Ave. between University Blvd. & 8th St.; 7th St.  
from 4th Ave. to 5th Ave.  
Applicant: Debra L. Chandler  
City T137-14  
Date of Event: December 12, 2014 - December 14, 2014  
(Civic Event-Fundraiser)

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

3. Unscrewed Theater, Ward 6  
3244 E. Speedway Blvd.  
Applicant: Michael James Vietinghoff  
City T138-14  
Date of Event: November 8, 2014  
(Fundraiser)

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

4. Downtown Tucson Partnership, Ward 6  
45 N. 5th Ave.  
Applicant: Brandi R. Haga-Blackman  
City T139-14  
Date of Event: November 8, 2014  
(Veteran’s Day Event)

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

5. Downtown Tucson Partnership, Ward 6  
220 S. 5th Ave.  
Applicant: Brandi R. Haga-Blackman  
City T140-14  
Date of Event: November 22, 2014  
(32nd Annual El Tour de Tucson)

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

6. Heirloom Farmers Markets, Ward 3  
4502 N. 1st Ave.  
Applicant: Manish Dilip Shah  
City T141-14  
Date of Event: November 16, 2014  
(Viva La Local Food Festival)

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

7. The House of Neighborly Service, Ward 6  
3809 E. 3rd St.  
Applicant: Carole J. Axinn  
City T142-14  
Date of Event: November 7, 2014  
(Fundraiser)

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

8. YWCA Tucson, Ward 1  
525 N. Bonita Ave.  
Applicant: Eula L. Hernandez  
City T143-14  
Date of Event: November 12, 2014  
(Liz Vaughn Exhibition Opening)

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

9. Sonoran Art Foundation, Inc., Ward 5  
633 W. 18th St.  
Applicant: John-Peter S. Wilhite  
City T144-14  
Date of Event: November 14, 2014  
(Fundraiser)

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

10. Tucson Scottish Rite Cathedral Foundation, Inc., Ward 6  
160 S. Scott Ave.  
Applicant: James Michael Atchley  
City T146-14  
Date of Event: November 19, 2014 - November 20, 2014  
(Fundraiser)

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

11. The University of Arizona, Arizona Athletics, Ward 6  
1 National Championship Dr.  
Applicant: Lacey P. John  
City T147-14  
Date of Event: November 8, 2014  
(Tailgate)

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

This item was considered separately.

12. Living Streets Alliance, Ward 6  
403 N. 6th Ave.  
Applicant: Kylie M. Walzak  
City T150-14  
Date of Event: November 2, 2014  
(Cyclovia Tucson)

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

13. Living Streets Alliance, Ward 6  
311 E. 7th St.  
Applicant: Kylie M. Walzak  
City T151-14  
Date of Event: November 2, 2014  
(Cyclovia Tucson)

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

d. Agent Change/Acquisition of Control/Restructure

1. Wildcat Liquor & Market, Ward 3  
3996 N. 1st Ave.  
Applicant: Amy Beth Kelly  
Series 9, City AC18-14  
Action must be taken by: November 1, 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 Council Member Kozachik, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to forward liquor license applications 5b1 through 5b4, 5b6, 5c1 through 5c10, 5c12 through 5c13, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

## 5. LIQUOR LICENSE APPLICATIONS

### b. Liquor License Application(s)

New License(s)

5. Kuna Kuna Market, Ward 6  
3408 E. Grant Rd. #C  
Applicant: Godlove Sopo Ngwa  
Series 10, City 83-14  
Action must be taken by: November 1, 2014

Tucson Police Department and Revenue Division-Investigations have indicated the applicant is in compliance with city requirements.

Planning & Development Services Department has indicated the applicant is not in compliance with city requirements.

City Clerk's Office has indicated the applicant is not in compliance with city requirements.

Roger Randolph, City Clerk, announced the first item to be considered separately was Item 5b5, Kuna Kuna Market located in Ward 6.

Mayor Rothschild asked if anyone from Kuna Kuna Market was present.

Council Member Kozachik stated he was surprised the item was being considered, since they were not in compliance with the Planning and Development Services Department.

Mayor Rothschild asked if any action was needed.

Michael Rankin, City Attorney, stated one of the criteria for recommending denial of the license was non-compliance with all local zoning and code requirements. He said as described in the materials, the particular applicant was not in compliance with Planning and Development Services requirements, and also there was a non-compliance with the fee requirement in connection with the application.

Mr. Rankin stated if those were the bases for recommending denial, it would be appropriate to make that motion.

Council Member Kozachik asked if city staff worked with the applicant to come into compliance or would the application be sent to the Arizona State Liquor Board with a recommendation of denial.

Mr. Rankin stated it would be forwarded to the Arizona State Liquor Board, because we were operating on the time line that applied under the liquor license application. He said in reference to the non-compliance with Planning and Development Services, the applicant had not made any attempt to comply with city requirements.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to forward Item 5b5 to the Arizona State Liquor Board with a recommendation for denial.

A verbatim transcript of this item is available from the City Clerk's Office for ten years from the date of this meeting.

## **5. LIQUOR LICENSE APPLICATIONS**

### **c. Special Event(s)**

11. The University of Arizona, Arizona Athletics, Ward 6  
1 National Championship Dr.  
Applicant: Lacey P. John  
City T147-14  
Date of Event: November 8, 2014  
(Tailgate)

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 5c11, The University of Arizona, Arizona Athletics, at the request of Council Member Kozachik.

Council Member Kozachik recused himself from voting due to a conflict of interest.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 5 to 0, (Council Member Uhlich absent/excused and Council Member Kozachik was recused due to a conflict of interest), to forward Item 5c11 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:

Beryl Baker	Robert Reus	Roger Score
Victor Dousten Jr.	Keith Van Heyningen	Sheldon Fishman
Robert Melvin	Ramon Sanchez	C. J. Battle
Camille Kershner	Ashlee Bierworth	

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. APPROVAL OF MINUTES**

1. Report from City Manager OCT21-14-335 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of May 6, 2014
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of May 6, 2014

**b. GRANTS: GRANT-IN-AID AGREEMENT WITH THE TOHONO O’ODHAM NATION FOR DISTRIBUTION OF FUNDING TO VARIOUS ENTITIES**

1. Report from City Manager OCT21-14-337 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 22306 relating to Finance; approving Grant-in-Aid funding from the Tohono O’odham Nation (“Nation”) for 2014 for certain entities; authorizing the Director of the Department of Finance to enter into Fiscal Agent Agreements among the City of Tucson (“City”), the Nation and such entities; and declaring an emergency.

- c. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT AGE FOR RICHARD KAYE
  - 1. Report from City Manager OCT21-14-325 CITY WIDE
  
- d. FINAL PLAT: (S14-024) 3954 EAST HOLMES LOTS 1 AND 2 A RESUBDIVISION OF A PORTION OF LOT 1, BLOCK 5, "COUNTRY CLUB HEIGHTS"
  - 1. Report from City Manager OCT21-14-327 WARD 6
  - 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.
  
- e. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR REIMBURSEMENT OF COSTS FOR CERTAIN SEWER MODIFICATIONS AND UPGRADES RELATED TO THE DOWNTOWN LINKS ROADWAY IMPROVEMENTS
  - 1. Report from City Manager OCT21-14-334 WARD 1
  - 2. Resolution No. 22305 relating to Intergovernmental Agreements (IGA); authorizing and approving Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson (City) and the Pima County Regional Wastewater Reclamation Department (PCRWRD) for design and costs associated with the Downtown Links Roadway Improvements and Public Sewer Relocation and Replacement Modifications; and declaring an emergency.
  
- f. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE BROADWAY BOULEVARD – EUCLID AVENUE TO COUNTY CLUB ROAD IMPROVEMENT PROJECT
  - 1. Report from City Manager OCT21-14-343 WARDS 5 AND 6

(This item was continued at the request of Staff.)
  
- g. FINANCE: APPROVAL OF FISCAL YEAR 2014 INVOLUNTARY TORT JUDGMENTS
  - 1. Report from City Manager OCT21-14-338 CITY WIDE

2. Resolution No. 22307 relating to Fiscal Year (“FY”) 2016 Primary Property Tax Levy; retroactively approving involuntary tort judgments from FY 2014; and declaring an emergency.
- h. WATER: AUTHORIZING THE SUBMISSION OF TUCSON WATER’S AVRA VALLEY HABITAT CONSERVATION PLAN TO THE U.S. FISH AND WILDLIFE SERVICE FOR COMPLETION OF THE HABITAT CONSERVATION PLAN PROCESS (CONTINUED FROM THE MEETING OF OCTOBER 9, 2014)
1. Report from City Manager OCT21-14-336 OUTSIDE CITY
  2. Resolution No. 22301 relating to Habitat Conservation; authorizing the submission of Tucson Avra Valley Habitat Conservation Plan (HCP) for Tucson Water’s retirees farm properties in Avra Valley to the U.S. Fish and Wildlife Service for completion of the Habitat Conservation Plan Process; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused), that Consent Agenda Items a through h, with the exception of Consent Agenda Item f, which was continued, be passed and adopted and the proper action taken.

**8. PUBLIC HEARING: UNIVERSITY AREA PLAN AMENDMENT (PA-14-01), HELEN-WARREN STATION AREA**

Mayor Rothschild announced City Manager's communication number 344, dated October 21, 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 *University Area Plan* amendment. He said staff wanted to make a brief presentation before beginning the public hearing.

Ernie Duarte, Planning and Development Services Director, stated the item was a public hearing to consider amendments to the *University Area Plan*, the northwest corner of Speedway Boulevard and Campbell Avenue. The proposal was to amend and adopt policies that supported transit oriented development at that location. He said the item was a prerequisite to filing a rezoning application. Mr. Duarte further stated it had gone before the Planning Commission, in both Study Sessions and Public Hearings and the Planning Commission and staff recommended approval.

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

The following individuals spoke at the Public Hearing:

Beryl Baker	Alice Roe	Diana Lett
Dale Keyes	Richard Oseran	Nancy Zeldin

It was moved by Council Member Fimbres, duly seconded and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to close the public hearing.

Mayor Rothschild asked the City Clerk to read Resolution 22310 by number and title only.

Resolution No. 22310 relating to Planning and Zoning: amending the University Area Plan – May 1989 (UAP) – PA-14-01, northwest corner of Campbell Avenue and Speedway Boulevard – adding a new Section 3, G., Helen-Warren Station Area (HWSA); and setting an effective date.

Council Member Kozachik stated they were being asked to amend the *University Area Plan* to allow the design discussions in moving forward. He said the concerns and questions about massing, scales and set backs would come in the next iteration of the process, not that evening. He said there had been multiple public meetings held and he wanted to commend the design team for the outreach they had done and also for their responsiveness to the input from the surrounding neighborhoods. He said the Planning Commission voted unanimously with two conditions, and wanted to make sure they were on the same pages as to the acceptability of those conditions, which one was to the massing and the other to open spaces.

Council Member Kozachik asked the team if they were acceptable to those conditions.

Jim Portner, Projects International, indicated they were.

Council Member Kozachik said for over a decade they had seen the loss of quality non-student housing in those areas of neighborhoods; Blenman-Elm, Feldmans, West University, Jefferson Park, Catalina Vista, and those further north. He said it was a transit oriented development, a long stones throw from the Helen-Warren terminus. He said they were providing for open space as mentioned earlier in the evening. It would be a gathering space, and a project that made the utilization of the street car in making sense.

Council Member Kozachik also said it was completely dissimilar to some of the towers nearby from an architectural standpoint, and he hoped the Mayor and Council joined him in embracing the amendments and begin a series of conversations of the design phases.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused), to pass and adopt Resolution 22310.

**9. ZONING: (C9-14-05) MAR - KINO PARKWAY, R-2 TO I-1, CITY MANAGER'S REPORT**

Mayor Rothschild announced City Manager's communication number 331, dated October 21, 2014, was received into and made part of the record. He said this was a request to rezone the property located on the southeast corner of Kino Parkway and 14<sup>th</sup> Street. He asked if the applicant or representative was present and if they were agreeable to the proposed requirement.

Steve Mar, SAM Development, stated they were agreeable to the rezoning.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused), to authorize the request for rezoning as recommended by the Zoning Examiner.

**10. ZONING: (C9-14-06) BOLT - PARK AVENUE, O-3 TO C-1, CITY MANAGER'S REPORT**

Mayor Rothschild announced City Manager's communication number 332, dated October 21, 2014, was received into and made part of the record. He said this was a request to rezone the property located on the east side of Park Avenue and the north side of Alvord Road. He asked if the applicant or representative was present and if they were agreeable to the proposed requirement.

Jesus Cedeno, La Cima Market and representing Robert E. Bolt, stated they were agreeable to the rezoning.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to authorize the request for rezoning as recommended by the Zoning Examiner.

**11. ZONING: (C15-14-03) ESTABLISHING ORIGINAL CITY ZONING FOR THE GHOST RIVER RANCH ANNEXATION DISTRICT, COUNTY CR-1 TO CITY RX-1, CITY MANAGER'S REPORT AND DIRECT ORDINANCE ADOPTION**

This item has been continued at the request of Staff.

**12. ZONING: (C9-13-05) PRICE STREET - FRIEDMAN, I-1 TO I-2, CITY MANAGER'S REPORT, ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager's communication number 333, dated October 21, 2014, was received into and made part of the record. He asked the City Clerk to read Ordinance 11206 by number and title only.

Ordinance No. 11206 relating to Zoning; amending zoning district boundaries located on the south side of Price Street approximately 270 feet west of Romero Road in case C9-13-05 Prince Street – Friedman, I-1 to I-2; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused), to pass and adopt Ordinance 11206.

**13. ECONOMIC INITIATIVES: ADOPTION OF THE CITY OF TUCSON SITE SPECIFIC SALES TAX INCENTIVE**

Mayor Rothschild announced City Manager's communication number 342, dated October 21, 2014, was received into and made part of the record. He asked the City Clerk to read Resolution 22309 by number and title only.

Resolution No. 22309 relating to Economic Initiatives; adopting and approving the parameters and forms of incentives for the City of Tucson's (City) Site Specific Sales Tax Incentive.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 22309.

Vice Mayor Cunningham congratulated Council Member's Scott and Fimbres for ushering the process.

Council Member Kozachik stated on page two of three of the proposed resolution, the criteria was listed off and were quite subjective. He wanted to assure for the record the resolution still required an independent third party and a financial analysis to ensure that they were not giving away net tax payer dollars.

Michael Rankin, City Attorney, stated it would.

Council Member Fimbres asked for further explanation of the term "federally recognized food desert" and what criteria was used in making that classification of an area.

Chris Kaselemis, Economic Initiatives Director, stated it was an example used as the incentive in an area that was an under served market. He said that particular term was used as lack of sufficient nutritious food, availability of food, and it was a recognized term with the Federal Government. He said the intent would be where there were not easy accessible nutritious food, it would be an example of a grocery store where one could go to, and an example of specific sites that could be used for sales tax.

Resolution 22309 was passed and adopted by a voice vote of 6 to 0 (Council Member Uhlich absent/excused).

**14. ECONOMIC INITIATIVES: ADOPTION OF THE CITY OF TUCSON COMPREHENSIVE DEVELOPMENT STRATEGY (CEDs) (CONTINUED FROM THE MEETING OF SEPTEMBER 23, 2014)**

Mayor Rothschild announced City Manager's communication number 341, dated October 21, 2014, was received into and made part of the record. He asked the City Clerk to read Resolution 22308 by number and title only.

Resolution No. 22308 relating to Economic Initiatives; adopting the City of Tucson (City) Comprehensive Development Strategy (CEDS); approving that Strategy.

Council Member Romero congratulated staff on putting together and working with regional partners on a great Comprehensive Economic Development Strategy (CEDS). She said the Mayor and Council supported the notion of creating the CEDS, because with a particular CEDS, they could go back to the Federal Government and apply for additional financial support. She said this particular plan would open doors for additional funds, not just for the City of Tucson, but for the City to partner with private economic development opportunities that otherwise they would not have.

It was moved by Council Member Romero, duly seconded, to pass and adopt Resolution 22308.

Council Member Kozachik said he agreed with Council Member Romero, but stated they had gone through the documents several weeks ago and asked for some changes to be made and they had not been in total. He asked if they could walk through them again, as it would be a public document and reflect the quality of work.

Council Member Kozachik went through the list of changes that needed to be made. He said page three, under Davis-Monthan and the University of Arizona Health Network, typos needed to be corrected. On page five, they had a discussion as to the weaknesses and he thought everyone agreed they would not identify the qualities of the Tucson Unified School District as a weakness, but they had spoken about the inadequate funding of K12, and it still stated as “perceived quality of the district”, and he would not support that comment about the partners in this region. He said on page twenty- one, it still had future tensed language on the Mexican Satellite office, “Tucson signage will be installed, printed materials will be made”, this was listed on the left of the bottom paragraph. He said it was a done deal and should not be future tensed. On page twenty-three, in respect to the Broadway Corridor, language on the second paragraph still reflected the original scope of the ballot measure, six travel lanes and two dedicated bus lanes. He said that was off the table, and would now be six lanes, including two transit lanes, which was a fundamental difference. He said on the next paragraph is stated “the scope would include the widening of the corridor”, which he said would naturally dislocate existing businesses.

Council Member Kozachik said the Citizen Task Force was still working on designing the corridor and it would not necessarily naturally dislocate existing businesses, because they may be missed once the design was finalized. He urged that language be stricken. He said he did not know how to move forward and he did not want to hold this up any longer, but felt some items on the list were deal breakers.

Mayor Rothschild stated it would be appropriate to have a motion approving the CEDS, and incorporating all the revisions. He said his recollection of Council Member Romero’s motion did include all those revisions.

Council Member Romero stated she would accept the recommended changes.

Vice Mayor Cunningham asked if the on-line digital copy was corrected.

Chris Kaselemis, Economic Initiatives Director, stated it was the final version they had and they would certainly make the changes requested by Council Member Kozachik.

Resolution 22308 was passed and adopted by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), subject to the revisions outlined by Council Member Kozachik.

**15. ECONOMIC DEVELOPMENT: ESTABLISHING THE MAIN GATE ENTERTAINMENT DISTRICT**

Mayor Rothschild announced City Manager's communication number 324, dated October 21, 2014, was received into and made part of the record. He asked the City Clerk to read Resolution 22303 by number and title only.

Resolution No. 22303 relating to Economic Initiatives; adopting and approving the Main Gate Entertainment District.

Council Member Kozachik stated the changes made reflected pulling the northern boundary back to Second Street and the southern boundary to Fourth Street.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to pass and adopt Resolution 22303.

**16. FINANCE: APPROVAL OF A LEASE PURCHASE AGREEMENT FOR THE ACQUISITION OF ELECTION EQUIPMENT**

Mayor Rothschild announced City Manager's communication number 345, dated October 21, 2014, was received into and made part of the record. He asked the City Clerk to read Resolution 22311 by number and title only.

Resolution No. 22311 a resolution of the Mayor and Council of the City of Tucson, Arizona, authorizing and approving the execution and delivery of a Third Party Financing Master Lease Agreement for Lease Purchase of Equipment; approving negotiations with the Purchaser of the Third Party Financing Master Lease Agreement for Lease Purchase of Equipment; fixing the maximum aggregate principal amount and the maximum term of the lease payments to be made pursuant to the Third Party Financing Master Lease Agreement for Lease Purchase of Equipment; and declaring an emergency.

Council Member Kozachik asked if it was being referred as a lease purchase agreement and they were being asked to authorize a sale of Certificate of Participation.



Kelly Gottschalk, Assistant City Manager/Chief Financial Officer, stated it was similar to a Certificate of Participation that they issue, but it did not have the master lease collateral piece of it, and the only thing involved with that lease was the equipment.

Council Member Kozachik asked if the debt service would be coming out of the general fund and what was the debt service amount.

Ms. Gottschalk said the debt service would be coming out of the general fund and the estimated amount was about one hundred seventy thousand dollars.

Silvia Amparano, Finance Director, stated the equipment was leased, but was not part of the polled lease, the master lease indenture. She said it would be placed with a third party, so it would be a separate lease purchase.

Mayor Rothschild asked if the only security for the debt was the election equipment itself.

Council Member Kozachik stated it was unbundled.

Ms. Gottschalk confirmed it was unbundled and was done that way because of the size and timing of the transaction. She said it would not make financial sense to do the cost of issuance for a whole Certificate of Participation.

Mayor Rothschild stated his understanding was the debt service would be incurred beginning with the FY2016 budget and not FY2015 budget.

Ms. Amparano stated Mayor Rothschild was correct.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to pass and adopt Resolution 22311.

**17. ELECTIONS: AMENDMENTS TO THE CAMPAIGN FINANCE ADMINISTRATION RULES AND REGULATIONS FOR THE PUBLIC MATCHING FUNDS PROGRAM FOR CANDIDATES FOR CITY OFFICE**

Mayor Rothschild announced City Manager's communication number 326, dated October 21, 2014, was received into and made part of the record. He asked the City Clerk to read Resolution 22304 by number and title only.

Resolution No. 22304 relating to Elections; adopting amended Campaign Finance Administration Rule and Regulations for the administration of the provisions contained in Subchapters A and B of Chapter XVI of the Tucson Charter that govern the Public Matching Funds Program for candidate for City offices; and declaring an emergency.

Council Member Fimbres asked what changes were made in the financial mechanism for the Campaign Finance city elections and how it differed to what was in place during the 2013 election.

Roger W. Randolph, City Clerk, stated the major change to the rules and regulations relating to the financing would be found under the contribution limitations for the program. He stated in 2013 the limits were set by Arizona State Statutes and in the 2013 and 2014 legislative sessions, the State amended those contribution limitations for candidates running for office. Those limitations now exceeded the provisions under the Tucson Charter, so the provisions of the Tucson Charter now applied to candidates running for office within the City of Tucson and that was the major change found as far as for financing.

Mr. Randolph stated the other change was related to family contributions, which previously were considered personal monies pursuant to Arizona State law, and because of those changes to Arizona State law, the Tucson Charter applied to those contributions, so they now were considered individual contributions and not personal monies of the candidate and could now be matched with public funds.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to pass and adopt Resolution 22304.

Michael Rankin, City Attorney, stated that in the context of the Charter Review Committee, the committee may want to look at the contribution limits.

## **18. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Rothschild announced City Manager's communication number 340, dated October 21, 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 Vice Mayor Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to appoint Jim Sauer to the Tucson-Pima County Historical Commission.

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

There were none.

**19. DEVELOPMENT AND PURCHASE AGREEMENT: APPROVING THE BROADWAY AND FIFTH DEVELOPMENT AGREEMENT WITH 5 NORTH FIFTH, LLC FOR THE DEVELOPMENT OF A HOTEL AND RELATED USES APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Roger Randolph, City Clerk, stated material related to this item had been delivered to the Mayor and Council, and action on the Resolution had been continued to the meeting of November 5, 2014, at the request of Staff.

Michael Rankin, City Attorney, stated he would be making appointments to speak individually with the Mayor and Council Members to go over the provisions of the agreement prior to the November 5, 2014 meeting.

**20. ADJOURNMENT: 7:00 p.m.**

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

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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 21st day of October 2014, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:ds:rg