



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 17, 2014.

Date of Meeting: December 17, 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 5:30 p.m., on Tuesday, December 17, 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
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

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

Absent/Excused:

Karin Uhlich

Council Member Ward 3

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 Chaplain Bradford Phillips, Davis Monthan Air Force Base, after which the Pledge of Allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 468, dated December 17, 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, Fimbres, and Kozachik. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 469, dated December 17, 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 473, dated December 17, 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. Casa Valencia, Ward 1
1825 W. Valencia Rd.
Applicant: Julio Samuel Garcia Valle
Series 12, City 77-13
Action must be taken by: December 26, 2013

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

2. Cartel, Ward 6
210 E. Broadway Blvd. #103
Applicant: Amy Elise Silberschlag
Series 12, City 80-13
Action must be taken by: December 28, 2013

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

Public Opinion: Written Argument in Favor Filed

3. Miss Saigon, Ward 6
47 N. 6th Ave.
Applicant: Bao Quoc Ma
Series 12, City 83-13
Action must be taken by: January 5, 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)

4. Dorado Country Club, Ward 2
6601 E. Speedway Blvd.
Applicant: Kevin Arnold Kramber
Series 7, City 81-13
Action must be taken by: January 3, 2014

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

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

Person/Location Transfer(s)

5. Mei Hon Tsing Tao Restaurant, Ward 5
1030 E. Irvington Rd.
Applicant: Baolan Zhang
Series 7, City 78-13
Action must be taken by: December 26, 2013

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

6. Samurai Restaurant, Ward 3
3912 N. Oracle Rd. #100
Applicant: Kazuo Senda
Series 7, City 79-13
Action must be taken by: December 29, 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)

c. Special Event(s)

1. Tucson Scottish Rite, Ward 6
160 S. Scott Ave.
Applicant: James Michael Atchley
City T154-13
Date of Event: March 8, 2014
(Fundraiser)

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

2. University of Arizona, Arizona Athletics, Ward 6
1 National Championship Dr. #N301
Applicant: Lindsay Telleen Jenkins
City T157-13
Date of Event: January 4, 2014
(Donor Relations)

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

This item was considered separately.

3. Tucson Hispanic Chamber, Ward 1
127 W. 5th St.
Applicant: Leanor Priscilla Peterson
City T158-13
Date of Event: December 31, 2013
(Salsa New Years Eve Celebration)

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

d. Agent Change/Acquisition of Control

1. Beverage Store, Ward 5
1866 S. Country Club Rd.
Applicant: Jose Pedro Zapata
Series 9, City AC24-13
Action must be taken by: December 26, 2013

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

2. Venom, Ward 6
1104 S. Craycroft Rd.
Applicant: Thomas Robert Aguilera
Series 6, City AC25-13
Action must be taken by: December 28, 2013

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

3. Oregano's Pizza Bistro, Ward 6
4900 E. Speedway Blvd.
Applicant: Mark Steven Russell
Series 12, City AC26-13
Action must be taken by: January 3, 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 Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to forward liquor license applications 5b1 through 5b6, 5c1, 5c3, and 5d1 through 5d3 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event(s)

2. University of Arizona, Arizona Athletics, Ward 6
1 National Championship Dr. #N301
Applicant: Lindsay Telleen Jenkins
City T157-13
Date of Event: January 4, 2014
(Donor Relations)

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 5c2, University of Arizona, Arizona Athletics located in Ward 6, at the request of Council Member Kozachik.

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

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 5 to 0 (Council Member Uhlich absent/excused and Council Member Kozachik declared a conflict of interest), to forward liquor license application 5c2 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

Comments were made by:

Ken Johnson	Robert Clark	Sheldon Gutman
Keith Van Heyningen	Victor Dousten	Ruth Becker
Shawn Earl		

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. INTERGOVERNMENTAL AGREEMENT: WITH THE MOUNT LEMMON FIRE DISTRICT FOR EMERGENCY DISPATCHING SERVICES

1. Report from City Manager DEC17-13-475 OUTSIDE CITY

2. Resolution No. 22175 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Mount Lemmon Fire District for Emergency Dispatching Services; and declaring an emergency.

(This item was considered separately at the request of Council Member Kozachik.)

b. FINAL PLAT: (S13-022) MIRAMONTE AT GLENN, LOTS 1 THROUGH 34, AND COMMON AREA "A"

1. Report from City Manager DEC17-13-465 WARD 3
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. FINAL PLAT: (S13-003) CHASE AT AJO AND 16TH, LOTS 1 AND 2

1. Report from City Manager DEC17-13-466 WARD 1
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.

d. AGREEMENT: WITH CASTLEHILL INCORPORATED AND ST. GREGORY'S COLLEGE PREPARATORY SCHOOL FOR RECLAIMED WATER SERVICE

1. Report from City Manager DEC17-13-472 WARD 2
2. Resolution No. 22173 relating to Reclaimed Water; authorizing and approving the execution of an agreement between the City of Tucson, Castlehill Incorporated, and St. Gregory's College Preparatory School relating to Reclaimed Water Service; and declaring an emergency.

e. FINANCE: WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE

1. Report from City Manager DEC17-13-477 CITY WIDE
2. Resolution No. 22176 relating to Finance; authorizing the write-off of certain Uncollectible Accounts, and declaring an emergency.

(This item was considered separately at the request of Council Member Fimbres.)

- f. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA BOARD OF REGENTS FOR THE OPERATIONS AND MAINTENANCE OF THE MODERN STREETCAR PROJECT
1. Report from City Manager DEC17-13-470 WARD 6
 2. Resolution No. 22174 relating to Intergovernmental Agreements; approving the Intergovernmental Agreement (IGA) between the City of Tucson and the Arizona Board of Regents, for and on behalf of the University of Arizona (UOFA), for the Operations and Maintenance of the Modern Streetcar Project through the UOFA Campus; and declaring an emergency.
- g. TUCSON CODE: AMENDING (CHAPTERS 10 AND 11) REGARDING THE PURPOSE, DUTIES AND FUNCTIONS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
1. Report from City Manager DEC17-13-476 CITY WIDE
 2. Ordinance No. 11135 relating to Housing and Community Development: amending the Tucson Code regarding the purpose, duties and functions of the Department of Housing and Community Development as required to create the Office of Integrated Planning within the City Manager's Office and consolidate code enforcement functions within the Planning and Development Services Department, amending Chapter 10B, Housing and Community Development Department, Section 10B-2 Department established; Section 10B-3 Departmental divisions; Section 10B-4 Department purposes and functions; and declaring an emergency.
 3. Ordinance No. 11136 relating to Planning and Zoning: amending the Tucson Code regarding the purpose, duties and functions of the Planning and Development Services Department as required to create the Office of Integrated Planning within the City Manager's Office, amending Chapter 11B, Planning and Development Services Department, Section 11B-3, Department purposes and functions; Section 11B-4 Other code provisions; and declaring an emergency.
- (This item was considered separately at the request of Council Member Fimbres.)
- h. TUCSON CODE: AMENDING (CHAPTER 10) FISCAL YEAR 2014 COMPENSATION PLAN SCHEDULES AND ORDINANCE NO. 11075
1. Report from City Manager DEC17-13-474 CITY WIDE

2. Ordinance No. 11134 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service--Human Resources, Article II, Compensation Plan, Section 10-31, amending Ordinance No. 11075 to include probationary employees for the purposes of compensation adjustment beginning the pay period that includes January 1, 2014; otherwise reaffirming the provisions of Ordinance No. 11075; and declaring an emergency.

(This item was considered separately at the request of Council Member Kozachik.)

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), that Consent Agenda Items a – h, with the exception of Items a , e , g and h, which were considered separately, be passed and adopted and proper action taken.

7. CONSENT AGENDA – ITEM A

- a. INTERGOVERNMENTAL AGREEMENT: WITH THE MOUNT LEMMON FIRE DISTRICT FOR EMERGENCY DISPATCHING SERVICES
 1. Report from City Manager DEC17-13-475 OUTSIDE CITY
 2. Resolution No. 22175 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Mount Lemmon Fire District for Emergency Dispatching Services; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Item a at the request of Council Member Kozachik

Council Member Kozachik asked that this money be earmarked for the Tucson Fire Department Equipment fund instead of City of Tucson general fund.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), that Consent Agenda Item a be passed and adopted and the funds be earmarked for the Tucson Fire Department Equipment funds and the proper action taken.

7. CONSENT AGENDA – ITEM E

- e. FINANCE: WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE
 1. Report from City Manager DEC17-13-477 CITY WIDE
 2. Resolution No. 22176 relating to Finance; authorizing the write-off of certain Uncollectible Accounts, and declaring an emergency.

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Item e at the request of Council Member Fimbres.

Council Member Fimbres asked how this item differed from previous occasions that the Mayor and Council dealt with on uncollected accounts and if enterprise fund departments had their own collection process or agencies. He also asked how many of the previously written off accounts from the last time frame had been collected and for how much.

Silvia Amparano, Finance Department Director, replied the process was the same as in the past; the only difference was now the collection agency had a two year time period to collect, whereas it was a semiannual time period before. She said this allowed the collection agency some additional time for recovery before the City wrote them off.

Ms. Amparano replied that Tucson Water and Environmental Services Departments had a separate process for collections. More notices were given before water service was disrupted or sent to a collection agency. The same process was followed by the Environmental Services Department.

Ms. Amparano said she did not have information on how much had been collected from previous write-offs, but said she would follow up and forward that information to the Mayor and Council.

Council Member Fimbres stated that the report sent to the Mayor and Council only tracked collections from the collection agency for fiscal year 2013 and totaled over six hundred seventy-six thousand seven hundred ten dollars.

Ms. Amparano replied that was correct. She said Attachment D, in their materials, showed the breakdown of the money collected from different agencies for fiscal year 2013 which included City Courts' accounts that went through the State's administered Fines/Fees and Restitution Enforcement (FARE) Program. The total collected for fiscal year 2013 was almost \$3 million and for fiscal year 2014 year-to-date almost half a million dollars had been collected.

Council Member Fimbres asked if the report showed an improvement in collections from the previous years. He also asked what the main factors or reasons for the number of uncollected fines, fees or assessments for the City Court's line items and did this involve the FARE Program.

Ms. Amparano replied it had been pretty steady depending on the type and number of accounts and the dollar amounts that were sent to the collections agencies. She also replied that City Courts had a separate process and once collections enter into the FARE Program the City could not attempt to collect accounts separately as part of a collection agency. The State had more resources for collections. For example, the Tax Intercept Program, which if a debtor owed any money to City Courts they would intercept the debtors State refund to pay the amount due first.

Council Member Cunningham asked if City Courts was enrolled in the Tax Intercept Program. He also asked why there were four different collection agencies.

Ms. Amparano replied that City Courts participated in the FARE Program, which the Tax Intercept Program was a part of.

Ms. Amparano stated that the City recently went through a Request for Proposal process and the contract was awarded to Professional Credit Services (PCS). Surety and Valley were older collection agencies which will continue to collect on previously assigned accounts. Any new delinquent accounts are sent to PCS.

Council Member Kozachik said he looked for in-house solutions in two different areas to avoid going to a collection agency. The first area was City Court fines, in which they were writing off \$5.2 million. He asked if the Courts connected with other departments so they knew whether the debtors were applying for other City benefits. He said he was told that the City did not have the ability to connect the information across departments due to data being in different billing systems.

Council Member Kozachik suggested the use of email, that an email be sent to other departments to make known the debtors, and have them place the information in each different billing system. He said the second area was Pueblo Utility Billing System with regards to water bills. He stated he found out a security deposit was being charged but if it was for residential, the deposit was refunded after a year. Pueblo Utility Billing Systems refunded \$3.9 million. He suggested the City should consider not refunding that money, in order to subsidize \$4 million of uncollectable debits. He encouraged staff to get more aggressive and thinking outside the box on how to prevent leakage within the finance system.

Ms. Amparano replied those options could be looked at. She said they were constantly looking at better ways of trying to recoup moneys owed to the City. For example, last year the administrative directive was revised that gave guidance to departments on when to turn over delinquent accounts to accounting. She stated the time frame had been shortened from ninety to one hundred twenty days to sixty to ninety days before the debt was sent to a collection agency.

Council Member Kozachik replied the point was to keep it out of the collection agency, and to establish the City's own have in-house controls.

Michael Rankin, City Attorney, explained they could look in to any suggestions the Mayor and Council had. He said there were some limitations on what could be done. For example, if they were contemplating using information from another department that said someone was behind on a court payment then share that information with the Water Department to have someone's water turned off, he said that could not be done.

Council Member Kozachik interjected stating that what he meant was if someone was applying for City benefits from another department, for example a Parks and

Recreation pass, the City would not continue to subsidize that until the court fees were paid. He was not talking about turning anyone's water off.

Mr. Rankin stated he wanted to give examples of how information could only be used in certain ways in the context of where the debit was located.

Vice Mayor Scott, asked if debt information was put in an email, was it then available to anyone as a public record. Would that be a problem with privacy rights.

Mr. Rankin explained information in emails was public record. He said the information regarding any delinquent account already existed as public record, unless it was subject to confidentiality requirements like tax payer information. He said he wanted to explain there were some limitations on how the information could be used between departments.

Council Member Romero asked, given that the collections agencies would continue to try and collect the outstanding money, what percentage was usually paid off.

Ms. Amparano replied that the FARE Program, over the last ten years, had an average of about thirty-eight percent collected. The collection agencies used for the other accounts had been between twenty-five and thirty percent. She said there were accounts that would never be collected on. For example, the write offs for Tucson Water were less than one percent of the total revenue that Tucson Water collected.

Council Member Cunningham pointed out that the City was writing off twenty- five thousand accounts; fourteen thousand with Pueblo Utility billing and nine thousand with City Courts. He asked if the City had an estimate on how we compared to other cities with similar expenses and what was being captured.

Ms. Amparano replied that the next time they came before the Mayor and Council with write-offs, she would have that information available.

Mayor Rothschild stated they were looking at two years of write-offs. With Courts the City was generally dealing with a group people who did not have a lot of money. He said he would like to take a harder look at the utilities, first and last month, holding deposits, whatever creativity could be brought forward and at the same time providing the service.

It was moved by Vice Mayor Scott, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), that Consent Agenda Item e be passed and adopted and proper action taken.

7. CONSENT AGENDA – ITEM G

- g. TUCSON CODE: AMENDING (CHAPTERS 10 AND 11) REGARDING THE PURPOSE, DUTIES AND FUNCTIONS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
1. Report from City Manager DEC17-13-476 CITY WIDE
 2. Ordinance No. 11135 relating to Housing and Community Development: amending the Tucson Code regarding the purpose, duties and functions of the Department of Housing and Community Development as required to create the Office of Integrated Planning within the City Manager's Office and consolidate code enforcement functions within the Planning and Development Services Department, amending Chapter 10B, Housing and Community Development Department, Section 10B-2 Department established; Section 10B-3 Departmental divisions; Section 10B-4 Department purposes and functions; and declaring an emergency.
 3. Ordinance No. 11136 relating to Planning and Zoning: amending the Tucson Code regarding the purpose, duties and functions of the Planning and Development Services Department as required to create the Office of Integrated Planning within the City Manager's Office, amending Chapter 11B, Planning and Development Services Department, Section 11B-3, Department purposes and functions; Section 11B-4 Other code provisions; and declaring an emergency.

Roger W. Randolph, City Clerk, announced next item to be considered separately was Item c at the request of Council Member Fimbres.

Council Member Fimbres said questions had been raised on the proposal to move Code Enforcement from Housing and Community Development (HCD) to Planning and Development Services (PDSD) and the duties, purpose, and rolls within the City government with regards to the Office of Integrated Planning (OIP). He asked if the intent of the concept could be explained.

Richard Miranda, City Manager, stated the intent of OIP was to have a communication entity that would work with all the departments where planning functions had been previously dispersed. He said, in going through the project management system that had been developed over the last few months, it was discovered that there had been a vacancy in communication between some of the planning efforts which needed to be solidified.

Mr. Miranda said he asked staff to look at that issue and develop a project management system that would allow the City to better handle projects, in terms of schedule and budget, but also planning for the future. The objective was to ensure

coordination between the planning entities that had been dispersed previously was accomplished and controlled by the City Manager's Office. He said a project management system was needed to observe projects and have input from both the City Manager's Office and the Mayor and Council.

Mr. Miranda stated it was also important for Code Enforcement to be moved from HCD back to PDSD where those issues were more germane. He said the concerns the neighborhood residents had about a dilution of the planning functions were unfounded. He stated every effort was made to ensure issues were treated with priority during planning and development and during discussions with Mayor and Council. He stated the impetus behind the concept was to centralize communications during the planning efforts so projects were better managed and to look to the future to ensure innovation and ideas could be brought forward to invigorate areas of the community.

Mayor Rothschild said he agreed consolidating the planning functions under OIP would most definitely strengthen and benefit the neighborhoods. He expressed concern about the deletion of the language regarding developing and maintaining biometric communication between segments of City government and residents, as well as building partnerships and was it going to be incorporated elsewhere.

Michael Rankin, City Attorney, explained the ordinance and amendments were an attempt to carry out provisions of the memo as well as what the City Manager described regarding the moving of different functions. He said the statements in section 10B-4 were aspirational statements, and it was understood that aspirational statements were important. He said in terms of defining the functions and purposes of departments, it was more appropriate that the ordinance define those, for example sections that define the Land Used Code and the Unified Development Code as the planning agency. The ordinance was not an attempt to say that those types of goals or aspirations were not important, but that they were not a function of the ordinance. However, if the Mayor and Council directed these type of statements be incorporated in the codes or the mission statements of the individual departments, staff certainly could accommodate that and bring the ordinance back to the Mayor and Council.

Council Member Romero stated she understood the reason why the language was being taken out as they seem to be aspirational statements. She noted the Department of Neighborhood Services (DNR) and the Planning Department were integrated into Housing and Community Development several years ago in an attempt to save money. She said what the neighborhoods had observed was that the commitments that were made to neighborhood services and associations and their participation in City government had dwindled, not only due to budget deficits, but also in terms of cooperation with them.

Council Member Romero suggested that the language be put back into the ordinance, so there was a very well defined mission statement. She said it was her observation that HCD had become more of a housing department because the community development component was moved to OIP. She suggested that in order to benefit the mission statement of the OIP, the language in question be included in the Ordinance.

Mayor Rothschild stated he was prepared to support the ordinance that night with the assurance that the language was included. He said he would like that language to be placed in the ordinance relating to the appropriate department. He said he understood that DNR would continue to be under HCD. He asked staff to explain how that would work.

Nicole Ewing-Gavin, Office of Integrated Planning, explained that the existing resources which dwindled to five people at HCD who focused on supporting the neighborhood associations and now were within OIP. She said although they recognized there were a lot of things that were not being done for neighborhoods that the City use to do, their goal was to resolve some of the issues neighborhoods faced, but not add more staff. The idea was not to bring in different staff from different departments, but for OIP to work with all the departments and make sure they were all serving the neighborhoods well.

Mayor Rothschild confirmed that staff currently working with the neighborhoods, was going to be under the OIP. He said the neighborhoods wanted to make sure services were going to continue and that the goals that were outlined in the old ordinance would also continue. He asked how they could be sure that would be the case.

Mr. Rankin said the OIP was an office under the City Manager as opposed to a department which was why it was not established by ordinance. By charter, a new department is established by ordinance. A new office was not created that way. He said that did not mean the functions of partnering with the community and ensuring citizen participation were not functions that were going to be carried on; they just were not going to be listed in the ordinance for this department.

Council Member Romero asked about the second portion of the proposed ordinance in which it said "Relating to Planning and Zoning, amending the Tucson Code regarding the purpose and duties and functions of the Planning and Development Services Department as required to create the Office of Integrated Planning." She asked if that did not describe the OIP and its mission.

Mr. Rankin explained that the title explained why the ordinance for the two existing departments was being amended, because some functions were being pulled out and being put under the OIP.

Ms. Romero asked where language could be included to make sure that the services that were being offered by the OIP was understood by the neighborhoods.

Mr. Rankin suggested that if the Mayor and Council approved the overall structure of the two ordinances that they give additional direction to the City Manager to incorporate within the OIP's mission statement, those functions that were being moved over.

Council Member Kozachik said he supported putting the statements back in, but aspiration spoke to intent and the statements were good. He said he thought what was lacking in the ordinance was the specific protocols that would be codified which would give direction to the OIP on how those statements were going to be effected in the community. He said the City Manager had the right to restructure his team and he was concerned that the project management process was lacking continuity. He thought it was a step in the right direction and communication needed to extended to the community and gave some examples. He said he would like to see the language added back in but asked staff to meet with the neighborhood associations and businesses, as stakeholders, to write the protocols. He agreed to adopt the ordinance with the caveat this was a work in progress and there was a need to codify the protocols.

It was moved by Council Member Romero, duly seconded, to approve the changes to Planning and Code Enforcement and adopt the Ordinances with additional direction to staff to reinsert the language in Section 10B-4 in the mission statement of the Office of Integrated Planning and any additional input provided by the Mayor and Council.

Council Member Cunningham stated organizationally the City was going in the right direction and he agreed with the other suggestions brought forward, however, he was going to vote no. He stated staff needed to be ready when something was brought before the Mayor and Council and needed to have more transparency so situations like that did not happen again.

Council Member Romero asked about the structure and financial impact of this restructuring. She said she liked that there would be an office for planning that would be working with the HCD to discuss the best way to use Community Development Block Grant funds that would help high stressed areas. She asked what the financial impact would be for these changes and if the new director of HCD would live within the City limits.

Mr. Miranda replied the contract with the Director of Housing and Community Development required her to reside within the City limits, however, that may have to be revisited and brought back to the Mayor and Council if she were unable to sell her house and move into the City. He stated Ms. Ewing-Gavin was and would continue to be a Program Director and not a department head. He said expenses would be confined to moving costs.

Ms. Ewing-Gavin reiterated this was a reorganization of existing staff and no new staff was being added and costs would only be for moving staff.

Council Member Romero requested a copy of the financial impact report to which staff agreed.

Council Member Kozachik requested a brief listing the anticipated staff for the OIP.

Ms. Ewing-Gavin said currently, there was twelve staff members with a total of sixteen anticipated. She was coming from the City Manager's Office, one person coming from Environmental Services, one from Planning and Development Services, one from Information Technology, two people from the Historic Preservation Office, two from the Office of Conservation and Sustainable Development, two planners from Housing and Community Development, and one GIS Planner from Housing and Community Development. She stated there were two positions that would be converted from appointed to Civil Service positions.

Council Member Kozachik stated they would benefit from having an Executive Assistant in this office and a project manager. He also said there had been too many surprises with this ordinance. He wanted to see a finished product before he approved a work in progress.

A substitute motion was made by Council Member Kozachik, duly seconded, to direct staff to bring back the item as a finished product that addressed the concerns raised by constituents and the Mayor and Council.

Council Member Romero withdrew her original motion.

Mayor Rothschild asked for a timeframe of when staff could bring the item back to the Mayor and Council as a final product for consideration.

Mr. Miranda replied six to eight weeks.

The substitute motion to bring back the item as a finished product that addressed the concerns raised by constituents and the Mayor and Council was passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused).

7. CONSENT AGENDA – ITEM H

h. TUCSON CODE: AMENDING (CHAPTER 10) FISCAL YEAR 2014
COMPENSATION PLAN SCHEDULES AND ORDINANCE NO. 11075

1. Report from City Manager DEC17-13-474 CITY WIDE

2. Ordinance No. 11134 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service--Human Resources, Article II, Compensation Plan, Section 10-31, amending Ordinance No. 11075 to include probationary employees for the purposes of compensation adjustment beginning the pay period that includes January 1, 2014; otherwise reaffirming the provisions of Ordinance No. 11075; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the final item being considered separately was Item h at the request of Council Member Kozachik.

Council Member Kozachik said he had no discussion, he was just asking for a separate vote on the item.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 5 to 1 (Council Member Uhlich absent/excused and Council Member Kozachik dissenting), that Consent Agenda Item h be approved and adopted and proper action taken.

8. ZONING: (SE-13-92) WATERSHED MANAGEMENT GROUP - DODGE BOULEVARD, R-2 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 467, dated December 17, 2013, was received into and made part of the record. He also announced this was a Special Exception land use request for property located on the west side of Dodge Boulevard, north of Speedway Boulevard. He said the Zoning Examiner and staff recommend approval subject to certain conditions.

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

David Shambach, Diesel Architecture, on behalf of the property owner, Watershed Management Group, Inc., agreed to the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 11133 by number and title only.

Ordinance No. 11133 relating to Zoning; a special exception land use - Privately Owned Cultural Use - in case SE-13-92 - Watershed Management Group - Dodge Boulevard located on the west side of Dodge Boulevard, approximately 300 feet north of Speedway Boulevard; approving with conditions a Privately Owned Cultural Use on 0.47 acres in the R-2 zone; and setting an effective date.

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 approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11133.

9. CITY MAGISTRATES: APPOINTMENT OF A CITY MAGISTRATE AND FIXING COMPENSATION

Mayor Rothschild announced City Manager's communication number 464, dated December 17, 2013, was received into and made part of the record. He asked the City Clerk to read Ordinance 11132 by number and title only.

Ordinance No. 11132 relating to City Magistrates; appointing Jeffrey A. Klotz as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

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 11132 naming Jeffrey A. Klotz as City Magistrate.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 471, dated December 17, 2013, was received into and made part of the record. He asked if there were any personal appointments to be made.

There were none.

11. ZONING - C9-12-14 ARIZONA AUTO SPA- MIDVALE PARK ROAD, C-1 TO C2 ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 478, dated December 17, 2013, was received into and made part of the record. He asked the City Clerk to read Ordinance 11137 by number and title only.

Ordinance No. 11137 Relating to Zoning: amending zoning district boundaries located at the southeast corner of Midvale Park Road and Irvington Road in case C9-12-14, Arizona Auto Spa - Midvale Park Road, from C-1 to C-2; and setting an effective date.

It was moved by Council Member Romero, duly seconded, and passed by a roll vote of 6 to 0 (Council Member Uhlich absent/excused), to pass and adopt Ordinance 11137.

12. ADJOURNMENT: 6:52 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, January 8, 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 17th day of December 2013, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:kr:dp