

MAYOR AND COUNCIL – STUDY SESSION

LEGAL ACTION REPORT AND SUMMARY AND MINUTES FOR THE MEETING OF

TUESDAY, MAY 20, 2014

MAYOR AND COUNCIL CHAMBERS
CITY HALL, 255 W. ALAMEDA, TUCSON, AZ

Mayor Rothschild called the Study Session to order at 1:01 p.m. in the Mayor and Council Chambers, City Hall Tower, Tucson, Arizona.

OFFICIAL MEMBERS

PRESENT:

Mayor Jonathan Rothschild
Vice Mayor Paul Cunningham (Ward 2)
Council Member Regina Romero (Ward 1)
Council Member Karin Uhlich (Ward 3)
Council Member Shirley C. Scott (Ward 4)
Council Member Richard G. Fimbres (Ward 5)
Council Member Steve Kozachik (Ward 6)

OFFICIAL MEMBERS

ABSENT/EXCUSED: None

STAFF: Richard Miranda, City Manager
Michael Rankin, City Attorney
Suzanne Mesich, Assistant City Clerk

AGENDA ITEM / MAYOR AND COUNCIL ACTION

14. [Executive Session – Diana Lopez v. Civil Service Commission of the City of Tucson, and City of Tucson \(Real Party in Interest\), Pima County Superior Court Case No. C-2013-1989](#)

This item was taken out of order.

1. [Executive Session – Review of City Attorney \(City Wide\) SS/MAY20-14-117](#)

It was moved by Council Member Fimbres, duly seconded and CARRIED by a voice vote of 7 to 0, to enter into Executive Session for Items 1 and 14 as noticed in the agenda.

RECESS: 1:02 p.m.
RECONVENE: 2:34 p.m.
MAYOR & COUNCIL: All present
STAFF: All present

Executive Session was held from 1:04 p.m. to 2:29 p.m.

It was moved by Council Member Fimbres, duly seconded and CARRIED by a voice vote of 7 to 0, to return to open session.

2. [Mayor and Council Direction following Executive Session - Review of City Attorney \(City Wide\) SS/MAY20-14-118](#)

It was moved by Vice Mayor Cunningham, duly seconded and CARRIED by a voice vote of 7 to 0, to proceed as discussed in Executive Session and to approve the ordinance scheduled for tonight's meeting regarding the reappointment of Michael Rankin as City Attorney including the removal of the outdated IRS reference in the current contract which will be effective at the beginning of the current contract term.

15. [Mayor and Council Direction Regarding Executive Session – Diana Lopez v. Civil Service Commission of the City of Tucson, and City of Tucson \(Real Party in Interest\), Pima County Superior Court Case No. C-2013-1989](#)

This item was taken out of order.

It was moved by Council Member Scott duly seconded and FAILED by a roll call vote of 3 to 4 (Vice Mayor Cunningham, and Council Members Romero, Uhlich, and Kozachik dissenting), to authorize and direct the City Attorney and City staff to proceed as discussed in Executive Session to include initiating an appeal from the Superior Court decision in this case.

It was moved by Council Member Uhlich, duly seconded and CARRIED by voice vote of 7 to 0, to authorize and direct the City Attorney to proceed as discussed in Executive Session and to advise legal counsel for the civil service commission that the City will not appeal from the Superior Court decision in this case and include a review of departmental policies moving forward to address issues of concern.

7. [Recommended Sun Tran Bus Service Changes for FY 2015 \(City Wide and Outside City\) SS/MAY20-14-123](#)

This item was taken out of order.

Introductory comments were provided by Richard Miranda, City Manager.

Information was presented by Albert Elias, Assistant City Manager, and Carlos deLeon, Transportation Department Deputy Director.

It was moved by Council Member Kozachik, to proceed with the City Manager's recommendation to include the Comprehensive Operational Analysis (COA) and Bus/Rail Interface Review for FY2015 changes in the budget

The motion died due to lack of second.

Discussion ensued with questions fielded and answered by Mr. deLeon, Mr. Elias, and Kelly Gottschalk, Assistant City Manager/Chief Financial Officer.

It was moved by Council Member Romero, duly seconded and CARRIED by a voice vote of 5 to 2 (Council Member Kozachik and Mayor Rothschild dissenting) to postpone the adoption of the COA until further review and dialogue occurs with the Transit Task Force and the RTA, and request that the Transit Task Force return with a recommended fare policy structure and COA efficiencies before October 2014.

8. [Recommended Transit Fare Policy \(City Wide and Outside City\) SS/MAY20-14-124](#)

This item was taken out of order.

Introductory comments were provided by Carlos deLeon, Transportation Department Deputy Director.

No formal action was taken; Mayor Rothschild and Council Member Romero stated the motion in item 7 also related to the Transit Fare Policy.

3. [Discussion of Recommended Fiscal Year 2015 Budget \(City Wide\) SS/MAY20-14-116](#)

Introductory comments were provided by Richard Miranda, City Manager.

Information and presentation was provided by Joyce Garland, Budget and Internal Audit Department Director, who fielded and answered questions.

Discussion ensued with questions fielded and answered by Ms. Garland, Kelly Gottschalk, Assistant City Manager/Chief Financial Officer, Michael Rankin, City Attorney, Daryl Cole, Transportation Department Director, Mr. Miranda, and Albert Elias, Assistant City Manager.

Mr. Rankin addressed questions related to sale of property located at 22nd and I-10 and stated the appraised value is \$1.57 million but that it is encumbered by a ground lease, therefore the appraised value may not be the amount paid.

It was moved by Vice Mayor Cunningham, duly seconded and CARRIED by a voice vote of 7 to 0, to restrict the revenue freed up by reductions to Access Tucson and the budget for the specific purpose of the bandwidth referenced in the license agreement with Cox.

* It was moved by Council Member Uhlich, duly seconded and CARRIED by a voice vote of ~~6 to 1~~ 5 to 2 (Council Members **Fimbres and** Kozachik dissenting), for the economic and workforce development funds to be restricted to workforce development.

4. [Tucson Metropolitan Housing Commission \(TMHC\) Annual Report Describing Previous Year's Activities and Goals for Next Year \(City Wide\) SS/MAY20-14-121](#)

Staff has requested this item be continued to the meeting of June 3, 2014

5. [City of Tucson Emergency Operations Plan Update \(City Wide\) SS/MAY20-14-120](#)

Staff has requested this item be continued to the meeting of June 3, 2014

6. [Process for Development of City-Owned Land West of I-10, South of Cushing Street \(Ward 1\) SS/MAY20-14-122](#)

Information was provided by Nicole Ewing-Gavin, Office of Integrated Planning Director, who fielded and answered questions.

Discussion ensued.

Michael Rankin, City Attorney, answered questions related to the development agreement for Gadsden including requirements and needed improvements.

It was moved by Council Member Romero, duly seconded and CARRIED by a voice vote of 7 to 0, to direct staff to move forward with the process outlined in the agenda material to bring the west side lands south of Cushing Street forward for development.

7. Recommended Sun Tran Bus Service Changes for FY 2015 (City Wide and Outside City) SS/MAY20-14-123

This item was taken out of order and considered after item 15.

8. Recommended Transit Fare Policy (City Wide and Outside City) SS/MAY20-14-124

This item was taken out of order and considered after item 7.

9. Report from Bond Project Advisory Committee (City Wide) SS/MAY20-14-115

Information was provided by Lynne Birkinbine, Office of Integrated Planning Infrastructure Planning Manager, who fielded and answered questions.

Additional information was provided by Liz Rangel, Bond Project Advisory Committee Vice Chairperson, who fielded and answered questions.

No formal action was taken.

10. Pima Association of Governments (PAG) Management Committee's Recommendations to Regional Council and the RTA Board (City Wide) SS/MAY20-14-119

Information was provided by Farhad Moghimi, PAG/RTA Executive Director.

Discussion ensued; with questions fielded and answered Mr. Moghimi, Michael Rankin, City Attorney, and Daryl Cole, Transportation Department Director.

No formal action was taken.

11. Updates on State and National Legislation and Regional Committees (City Wide) SS/MAY20-14-112

Adriana Mariñez, Intergovernmental Relations Coordinator, provided an update on the A10 and Postal Reform.

It was requested by Council Member Uhlich for an update on contracts with federal and state lobbyists regarding how they are crafted and the costs.

No formal action was taken.

12. Mayor and Council Discussion of Regular Agenda (City Wide) SS to/MAY20-14-113

Council Member Kozachik requested Consent Agenda items a and b be considered separately.

Item a: Real Property: Acquisition of Two Water Easements from the Bureau of Land Management for Water Transmission Mains between Valencia Road and Kinney Road (Outside City) MAY20-14-148

Item b: Real Property: Acquisition of Three Water Easements from the Arizona State Land Department for Water Transmission Mains between Valencia Road and Kinney Road (Outside City) MAY20-14-147

Vice Mayor Cunningham requested Consent Agenda item f be considered separately.

Item f: Intergovernmental Agreement: with the Regional Transportation Authority for the Broadway Boulevard – Camino Seco to Houghton Road Project (Ward 2) MAY20-14-150

Council Member Romero requested Consent Agenda item h be considered separately.

Item h: Parks and Recreation: Naming Centennial Park the "Christopher Franklin Carroll Centennial Park" (Ward 1) MAY20-14-149

13. [Mayor and Council Discussion of Future Agendas and Approved Work Plan \(City Wide\) SS/MAY20-14-114](#)

No items were discussed.

14. Executive Session – Diana Lopez v. Civil Service Commission of the City of Tucson, and City of Tucson (Real Party in Interest), Pima County Superior Court Case No. C-2013-1989

This item was taken out of order and considered before item 1.

15. Mayor and Council Direction Regarding Executive Session – Diana Lopez v. Civil Service Commission of the City of Tucson, and City of Tucson (Real Party in Interest), Pima County Superior Court Case No. C-2013-1989

This item was taken out of order and considered after item 2.

ADJOURNMENT: 5:00 p.m.

AUDIO RECORDING AVAILABLE UPON REQUEST FROM THE CITY CLERK'S OFFICE FOR TEN YEARS FROM THE DATE OF THIS MEETING.
