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# Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on February 9, 2016

Date of Meeting: February 18, 2015

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 Wednesday, February 18, 2015, 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	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Vice Mayor, Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

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 Debby Counsellor, Tucson City Clerk’s Office, 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 46, dated February 18, 2015, 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 and Cunningham, Vice Mayor Fimbres and Mayor Rothschild. 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 47, dated February 18, 2015, 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 given 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 57, dated February 18, 2015, 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. Arco AM/PM, Ward 1  
802 W. Speedway Blvd.  
Applicant: Inder Preet Kaur  
Series 10, City 124-14  
Action must be taken by: February 19, 2015

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

2. Z Market, Ward 3  
2795 N. 1st Ave.  
Applicant: Abdalaziz Abdullah Shahin  
Series 10, City 125-14  
Action must be taken by: February 20, 2015

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)

3. Pockets, Ward 6  
1062 S. Wilmot Rd.  
Applicant: Curtis Emery Johnson  
Series 6, City 126-14  
Action must be taken by: February 21, 2015

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)

c. Special Event(s)

1. North Fourth Avenue Merchants Association, Ward 6  
4th Ave. between University Blvd., 8th and 7th St. from 4th to 5th Ave.  
Applicant: Daniel G. Matlick  
City T4-15  
Date of Event: March 20, 2015 - March 22, 2015  
(Fundraising Civic Event)

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

d. Agent Change/Acquisition of Control

NOTE: There are no application(s) for agent changes scheduled for this meeting.

It was moved by Council Member Romero duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b3 and 5c1 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.”

There were no speakers.

**7. CONSENT AGENDA – ITEMS A THROUGH M**

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 FEB18-15-48 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of October 9, 2014
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of October 9, 2014

**b. CITY VEHICLES: ANNUAL APPROVAL OF EXEMPTION OF CERTAIN CITY VEHICLES FROM BEARING IDENTIFYING MARKINGS**

1. Report from City Manager FEB18-15-65 CITY WIDE
2. Resolution No. 22359 relating to City vehicles; Pursuant to A.R.S. Section 38-538.03(B), exempting certain City motor vehicles from the requirement that they bear markings identifying them as City vehicles; making this exemption effective from February 28, 2015 through and including February 27, 2016, and declaring an emergency.

**c. FINANCE: SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015**

1. Report from City Manager FEB18-15-59 CITY WIDE

2. Ordinance No. 11242 an Ordinance relating to Finance; authorizing the issuance and sale of City of Tucson, Arizona, General Obligation Refunding Bonds, Series 2015, as Tax-Exempt Bonds, in a principal amount not to exceed \$50,000,000 (the "Series 2015 Bonds"); providing for sale thereof and the levy and collection of *ad valorem* taxes for the payment of the principal of and interest on the Series 2015 Bonds; providing for the application of a portion of the proceeds therefrom for the refunding of the bonds to be refunded and for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2015 Bonds; authorizing the execution and delivery of a Depository Trust Agreement and appointing a Depository Trustee with respect to the bonds to be refunded; authorizing the execution and delivery of a Bond Purchase Agreement and a continuing disclosure undertaking with regard to the Series 2015 Bonds; appointing a Bond Registrar, Transfer Agent and Paying Agent for the Series 2015 Bonds; authorizing the preparation and delivery of an official statement with respect to the Series 2015 Bonds; and declaring an emergency.
- d. TUCSON CODE: AMENDING (CHAPTER 22) TUCSON SUPPLEMENTAL RETIREMENT SYSTEM RELATING TO EMPLOYEE AND EMPLOYER CONTRIBUTION RATES
1. Report from City Manager FEB18-15-52 CITY WIDE
  2. Ordinance No. 11243 relating to Tucson Supplemental Retirement System ("TSRS"); Tucson Code Chapter 22, Pensions, Retirement, Group Insurance, Leave Benefits and Other Insurance Benefits, Article III, TSRS, Division 1, Types of Retirement and Benefits; Variable Contribution Rates; adopting Fiscal Year ("FY") 2016 TSRS employee and employer contributing rates; and declaring an emergency.
- e. ZONING: (S10-027) DESIGNATING THE TENTATIVE PLAT FOR LIMBERLOST ESTATES AS A PROTECTED DEVELOPMENT RIGHT PLAN
1. Report from City Manager FEB18-15-50 WARD 3
  2. Resolution No. 22350 relating to zoning: designation of the Tentative Plat/Development Plan for Limberlost Estates at the northeast corner of Limberlost and First Avenue (S10-027) as a protected development right plan; and declaring an emergency.
- f. FINAL PLAT: (S14-049) ALAMO CROSSING, LOTS 1 THROUGH 18
1. Report from City Manager FEB18-15-49 WARD 2

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
- g. FINAL PLAT: (S14-007) QUIK TRIP #1463, BLOCKS 1 THROUGH 3
1. Report from City Manager FEB18-15-51 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.
- h. INTERGOVERNMENTAL AGREEMENT: WITH VARIOUS OUTSIDE AGENCIES FOR THE PIMA COUNTY/TUCSON METROPOLITAN COUNTER NARCOTICS ALLIANCE
1. Report from City Manager FEB18-15-61 CITY WIDE AND OUTSIDE CITY
  2. Resolution No. 22354 relating to Intergovernmental Agreements ("IGA"); approving and authorizing an IGA among the Tucson Police Department, Arizona Department of Public Safety, University of Arizona Police Department, Oro Valley Police Department, Marana Police Department, and Sahuarita Police Department for the successful operation of the Pima County/Tucson Metropolitan Counter Narcotics Alliance ("CNA"); and declaring an emergency.
- i. REAL PROPERTY: ACQUISITION OF RIGHT OF WAY FOR THE DOWNTOWN INTERMODAL CENTER PEDESTRIAN SAFETY AND BUS ACCESS IMPROVEMENT PROJECT
1. Report from City Manager FEB18-15-64 WARD 6
  2. Resolution No. 22356 relating to Transportation and Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain rights of way and easements necessary for the Downtown Intermodal Center Pedestrian Safety and Bus Access Improvement Project ("Project"); and declaring an emergency.

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

- j. REAL PROPERTY: SITE ACQUISITION FOR TARP WELL R-009A REPLACEMENT WELL PROJECT, 4775 S. 12TH AVENUE
  - 1. Report from City Manager FEB18-15-62 WARD 1
  - 2. Resolution No. 22355 relating to Water and Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located at 4775 South 12th Avenue, Tucson, Arizona, for the TARP Well R-009A Replacement Well Project; and declaring an emergency.
  
- k. WATER: PURCHASE AND SALE AGREEMENT WITH ARIZONA WATER BANKING AUTHORITY FOR LONG-TERM STORAGE CREDITS
  - 1. Report from City Manager FEB18-15-56 CITY WIDE
  - 2. Resolution No. 22351 relating to Water; authorizing and approving the execution of a Purchase and Sale Agreement for Long-Term Storage Credits between the Arizona Water Banking Authority (AWBA) and the City of Tucson for the purpose of firming water supplies for the Tucson Active Management Area (AMA); and declaring an emergency.
  
- l. WATER: ADOPTING TUCSON WATER'S FINANCIAL PLAN FOR FISCAL YEARS 2015 THROUGH FY 2020
  - 1. Report from City Manager FEB18-15-66 CITY WIDE AND OUTSIDE CITY
  - 2. Option 1
 

Resolution No. 22357 relating to Tucson Water; authorizing and adopting the Tucson Water Financial Plan and Conservation Fund Financial Plan for the period from fiscal year 2015 to fiscal year 2020; and declaring an emergency.
  - 3. Option 2
 

Resolution No. 22357 relating to Tucson Water; authorizing and adopting the Tucson Water Financial Plan and Conservation Fund Financial Plan for the period from fiscal year 2015 to fiscal year 2020; and declaring an emergency.

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

m. HUMAN RESOURCES: APPROVING THE APPOINTMENT OF CURRY C. HALE AS THE DIRECTOR OF HUMAN RESOURCES

1. Report from City Manager FEB18-15-69 CITY WIDE
2. Ordinance No. 11247 relating to the Department of Human Resources; approving the appointment of Curry C. Hale as the Director of Human Resources and fixing compensation; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – m, with the exception of Items i and l, which were considered separately, be passed and adopted and the proper action taken.

**7. CONSENT AGENDA – ITEMS I**

i. REAL PROPERTY: ACQUISITION OF RIGHT OF WAY FOR THE DOWNTOWN INTERMODAL CENTER PEDESTRIAN SAFETY AND BUS ACCESS IMPROVEMENT PROJECT

1. Report from City Manager FEB18-15-64 WARD 6
2. Resolution No. 22356 relating to Transportation and Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain rights of way and easements necessary for the Downtown Intermodal Center Pedestrian Safety and Bus Access Improvement Project ("Project"); and declaring an emergency.

Council Member Uhlich said she spoke with the City Attorney, Tucson Department of Transportation (TDOT) and Albert Elias, Assistant City Manager. She stated she would be moving the item forward with the explicit understanding that it would be taken in coordination with the Office of Integrated Planning and the current Request for Proposals (RFP) already in process for the Ronstadt Transit Center.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Consent Agenda Item i and the proper action taken.

**7. CONSENT AGENDA – ITEMS L**

l. WATER: ADOPTING TUCSON WATER'S FINANCIAL PLAN FOR FISCAL YEARS 2015 THROUGH FY 2020

1. Report from City Manager FEB18-15-66 CITY WIDE AND OUTSIDE CITY

2. Option 1

Resolution No. 22357 relating to Tucson Water; authorizing and adopting the Tucson Water Financial Plan and Conservation Fund Financial Plan for the period from fiscal year 2015 to fiscal year 2020; and declaring an emergency.

3. Option 2

Resolution No. 22357 relating to Tucson Water; authorizing and adopting the Tucson Water Financial Plan and Conservation Fund Financial Plan for the period from fiscal year 2015 to fiscal year 2020; and declaring an emergency.

Council Member Uhlich commented that there were two options before the Mayor and Council and she was inclined to support the City Manager's recommendation to approve the 7.3 percent overall plan which was Option 1. She stated she also wanted to include in her motion, if acceptable to her colleagues, a request to the Citizens' Water Advisory Committee (CWAC) to engage the community during the process regarding the potential of retaining an additional one percent in the rate for a total of 8.3 percent, which was the current fiscal year plan, with the funds to be dedicated through CWAC and the Mayor and Council for future water security. There was no second to her motion.

Council Member Romero asked if Council Member Uhlich meant her motion was for the following years, not the fiscal year to come.

Council Member Uhlich said the next step for CWAC was to reach out to the community regarding the rate structure to implement the plan, so it would be part of that conversation.

Council Member Scott asked if Council Member Uhlich was suggesting CWAC was to have some final recommendation to the Mayor and Council as to the one percent.

Council Member Uhlich said she would like CWAC to discuss it in meetings, as well as, in the public process and to include not only the rate structure but the discussion in the current plan regarding an 8.3 percent increase. She said she thought the public should be aware that if they roll rates at the 7.3 percent rate they might be missing an opportunity to hold rates steady and still fund water security measures.

Martha Durkin, City Manager, said she thought the public process for the current year had already been completed so the motion would be for subsequent years.

Council Member Uhlich asked if the rate structure process proceeded from that point. She stated the financial plan guided them as to the rate structure and asked if it was legal and could it be discussed in the rate structure process.

Michael Rankin, City Attorney, said, if the intent of the motion was to preserve the ability of the Mayor and Council, under the schedule that was included in the communication, to be able to consider a rate that included up to the 8.3 percent with the one percent to be committed in the fashion described, then they would need to make the record clear that they were approving the financial plan Option 1 subject to an amendment to allow the Mayor and Council to consider the 8.3 percent rate and that all of the other steps defined in the communication to include the rate study and the publication of the Notice of Intent, would include the ability to set the rate at that level.

Council Member Uhlich said she wanted to make it clear to her colleagues it was not to presume that, but to engage CWAC in the conversation. She said even if they came back with no recommendation at that time, she thought it would be a good opportunity to begin a conversation with them as they were the community's guiding entity.

Council Member Scott said she thought it would be clearer if the Mayor and Council just moved the recommendation and then ask that the one percent be agendized for CWAC.

It was moved by Council Member Scott, duly seconded, to approve the City Manager's recommendation and pass and adopt Consent Agenda Item 1, Option 1, and request CWAC consider the one percent for future years.

Council Member Uhlich said she totally understood the sentiment of the motion, but her concern was that it was much harder to go toward a higher rate than it was to go toward an established expectation which was the 8.3 percent. She said her concern, with not allowing for the possibility of holding the 8.3 percent the current year, was if the Mayor and Council proceeded and CWAC came back, in subsequent years, might be more difficult. She said she understood it was more complicated but water security was an issue the community recognized and they wanted to see the Mayor and Council be proactive. She said she thought the item would be a good opportunity to broach that.

Council Member Romero stated she agreed with Council Member Uhlich. She said the Mayor and Council had to have those types of conversations because she had spoken to her appointee to CWAC and Alan Forrest, Tucson Water Director, about other potential uses for the water bank funds. She said she thought, at that point in time, they had to make a decision to move forward the recommendations presented. She also suggested that the conversation start happening immediately at CWAC meetings so the Mayor and Council could hear the community had to say and plan appropriately for the use of the funds.

Council Member Romero said, though she agreed with Council Member Uhlich's sentiment, she thought the Mayor and Council needed additional time to decide, in an organized manner and being fully informed as to what the options were as they proceeded.

Council Member Cunningham said both points were valid. He stated what they had learned was Tucson Water had both good financial resources and water resources. He said he thought it was important that they got the process rolling.

Council Member Kozachik said he was inclined toward the CWAC recommendation, Option 2. It zeroed out the “in lieu” and engaged that conversation in subsequent years. He thought the \$1.6 million could best be used for reserves in reducing the rates by another .2 percent.

Consent Agenda Item 1, Option 1, with the request to CWAC to consider the one percent for future years, was passed by a roll call vote of 5 to 2 (Council Members Uhlich and Kozachik dissenting).

## **8. PUBLIC HEARING: INDIAN HILLS NORTH ANNEXATION DISTRICT**

Mayor Rothschild announced City Manager's communication number 53, dated February 18, 2015, 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 Indian Hills North Annexation District.

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 wishing to speak on the item.

There was no one.

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

Council Member Cunningham said for clarification and before he made his motion, he wanted staff to discuss the process of the annexation.

Chris Kaselemis, Economics Initiatives Program Director, explained the process. He said the City met with neighbors in the area a couple of times. Indian Hills North was a residential annexation and the people they met with seemed highly interested in the annexation and receiving City services. He said a public hearing was the first step in the process and if the Mayor and Council gave direction to move forward, they had one year to gather signatures from more than fifty percent of property owners by number and at least fifty percent by the value of the area. He stated after gathering signatures they would come back to the Mayor and Council to adopt an ordinance and thirty days after adoption the City could begin services.

Mayor Rothschild ask for verification that the Mayor and Council action that evening was to allow the City to formally speak to the neighbors to see if they would like to become part of the City.

Mr. Kaselemis stated that was correct, it was the first official step, and then they could begin collecting signatures on the petitions.

Council Member Cunningham said he knew the City placed signage within the neighborhood, but asked if any notification was placed outside that particular neighborhood.

Mr. Kaselemis explained the process was governed by State law. He said the City was required to put three signs within the district, notify every property owner by first class mail and put an ad in the newspaper, the Arizona Daily Star. He confirmed they had completed all of those requirements.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to proceed with the Indian Hills North Annexation District.

## **7. CONSENT AGENDA – ITEMS L**

(NOTE: This item was revisited to enact the emergency clause)

### **1. WATER: ADOPTING TUCSON WATER'S FINANCIAL PLAN FOR FISCAL YEARS 2015 THROUGH FY 2020**

1. Report from City Manager FEB18-15-~~66~~ CITY WIDE AND OUTSIDE CITY
2. Option 1  
Resolution No. 22357 relating to Tucson Water; authorizing and adopting the Tucson Water Financial Plan and Conservation Fund Financial Plan for the period from fiscal year 2015 to fiscal year 2020; and declaring an emergency.
3. Option 2  
Resolution No. 22357 relating to Tucson Water; authorizing and adopting the Tucson Water Financial Plan and Conservation Fund Financial Plan for the period from fiscal year 2015 to fiscal year 2020; and declaring an emergency.

Roger W. Randolph, City Clerk, announced because Resolution 22357 was passed by a 5 to 2 vote, the Mayor and Council needed to revisit the item in order to have a motion to enact the emergency clause, only.

Michael Rankin, City Attorney, confirmed that the item with the emergency clause must pass with a 5/6 vote of the Mayor and Council in order for it to become immediately effective so the study work could stay on schedule. He asked that the Mayor and Council vote on the emergency clause separately.

It was moved by Council Member Scott, duly seconded and passed by a roll call vote of 7 to 0, to approve the emergency clause only for Resolution 22357.

**9. PUBLIC HEARING: SWAN AT THE RIVER ANNEXATION**

Mayor Rothschild announced City Manager's communication number 54, dated February 18, 2015, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed Swan at the River Annexation District.

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 wishing to speak on the item.

There was no one.

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

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to proceed with the Swan at the River Annexation District.

**10. PUBLIC HEARING: AUTHORIZING THE SALE OF CERTIFICATES OF PARTICIPATION, SERIES 2015**

Mayor Rothschild announced City Manager's communication number 60, dated February 18, 2015, 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 authorizing the sale of Certificates of Participation, Series 2015. He said staff wanted to make a brief presentation before beginning the public hearing.

Sylvia Amparano, Finance Director, stated the purpose of the item was to request authority to proceed to refinance existing Certificates of Participation debt at lower interest rates. She said it was scheduled as a public hearing to follow the recently revised Comprehensive Financial Policy in an effort to enhance transparency. The current estimated debt service savings for the Certificates of Participation was about \$2 million. She said savings were subject to change based on market conditions. She informed the Mayor and Council about the recent refinancing of Tucson Water Revenue Bonds at 2.7 percent where a savings to the Utility of \$5.5 million over the term of the debt was realized.

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 who wished to speak on the item.

There was no one.

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

Mayor Rothschild asked the City Clerk to read the Resolution 22352 by number and title only.

Resolution No. 22352 relating to Real and Personal Property; authorizing the execution and delivery of amendments to Lease-Purchase Agreements, Depository Trust Agreement and a Continuing Disclosure Undertaking; acknowledging and approving the execution of a Certificate Purchase Agreement and amendments and supplements to a Declaration of Irrevocable Trust and the sale and delivery of one or more series of Refunding Certificates of Participation in the Lease-Purchase Agreements pursuant thereto; and declaring an emergency.

It was moved by Vice Mayor Fimbres, duly seconded, to pass and adopt Resolution 22352.

Council Member Cunningham asked for confirmation that the City was just lowering interest rates.

Ms. Amparano confirmed they were restructuring debt for savings purposes.

Council Member Cunningham asked if it was correct they were being charged fees for restructuring the debt but the costs were much lower than they would have paid in interest rates.

Ms. Amparano said that was correct.

Council Member Fimbres wanted to reiterate that the value savings were \$2.1 million.

Ms. Amparano said that was the current estimate and explained rates changed day by day. She said if the market held steady that was what they expected.

Resolution 22352 was passed and adopted by a roll call vote of 7 to 0.

**11. PUBLIC HEARING: ZONING (C9-09-04) BROWN FAMILY PARTNERSHIP – DREXEL ROAD, R-1 TO C-2, REACTIVATION, TIME EXTENSION AND ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF NOVEMBER 18, 2014)**

Mayor Rothschild announced City Manager's communication number 55, dated February 18, 2015, 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 a request for a reactivation and five-year time extension for the completion of rezoning conditions for property located at the southeast corner of Campbell Avenue and Drexel Road. He asked

if the applicant or a representative was present and if they were agreeable to the proposed requirements.

Jim Portner, Projects International, stated he was representing owners, the Brown Family Trust and they were agreeable to the proposed requirements.

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

Cecilia Campillo, Cherry Avenue Neighborhood Association, spoke in opposition to a storage facility at Campbell and Drexel. She said it would attract the wrong element, more graffiti, and more traffic congestion.

Robin Walker-Geurin spoke in opposition to the storage facility. She said the facility would have a negative effect on the community; instead they needed more parks and perhaps a fast food establishment where families can gather.

Mr. Portner said the facilities were clean, quiet and well maintained. They would put in sidewalks and curbs, along the Drexel Road frontage, creating a safe way for children walking to school. He explained the storage facility would not create a large volume of traffic. He said the facility would be one story and have a landscaping buffer around the walls, as well as, tag resistant paint on the walls to discourage tagging.

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 the City Clerk to read Ordinance 11215 by number and title only.

Ordinance No. 11215 relating to Zoning: amending zoning district boundaries located at the southeast corner of Campbell Avenue and Drexel Road in case C9-09-04 Brown Family Partnership – Drexel Road, R-1 to C-2; and setting an effective date.

Vice Mayor Fimbres said this item was originally approved in 2009 before he was part of the Mayor and Council. He asked staff for confirmation that the item was a request for time extension.

Ernie Duarte, Planning and Development Services Department Director, explained there were three aspects to the case. He stated this case was a reactivation since technically it had expired. He said the second component was an actual time extension and the third component was the adoption of the Ordinance. He said as indicated by Mr. Portner, plans were submitted and reviewed by staff for compliance with zoning conditions and once that was completed they brought forward an ordinance for Mayor and Council consideration that actually rezoned the property.

Vice Mayor Fimbres asked what the stipulations were for the Brown Family Partnership in regards to the facility. He asked if they had reduced the number of units from the original plan.

Mr. Duarte confirmed he was correct. The number of units was reduced from 472 to 288 single story units.

Vice Mayor Fimbres ask if the hours of operation would be from 7:00 a.m. to 7:00 p.m.

Mr. Portner said those hours were correct. He stated the facility would also have a full time live-in manager. He said the twenty-four hour presence was a huge deterrent to problems that other facilities had.

Vice Mayor Fimbres confirmed the walls and lighting that people were concerned about were included along with the restricted hours and manager presence. He also asked for confirmation that it was a secure facility.

Mr. Portner said it was a totally secure environment, there was one gate in and out, it was a card gate, and the only people allowed in and out of the facility were rent paying customers. There was no public access to the storage units.

Vice Mayor Fimbres asked if the Brown Family had any inquiries from anyone wanting to put a market or other business on that property.

Mr. Portner said that had not been the case.

It was moved by Vice Mayor Fimbres, duly seconded, to pass and adopt Ordinance 11215 as presented.

Council Member Uhlich said they were taking several actions; one was that the initial approval lapsed. She asked Mr. Duarte when it had lapsed.

Mr. Duarte said it had lapsed September 22, 2014. So, the first action was too reactive the zoning case that had expired.

Council Member Uhlich asked if the City could possibly be setting precedence, with the case, as to other lapsed approvals.

Michael Rankin, City Attorney, stated the Mayor and Council were not setting precedence. He said any decision by the Mayor and Council to reactive a case would be an independent legislative decision.

Council Member Uhlich said it was the first time she could remember a case coming back that had lapsed. She said she wanted to encourage departments and others

to come to the Mayor and Council prior to their extensions expiring. She asked if the City notified land owners when their zonings were about to lapse.

Mr. Duarte replied that owners were notified. He said it was not typical but also not unusual for cases to come before the Mayor and Council asking for a reactivation and time extension.

Council Member Uhlich indicated the case put Vice Mayor Fimbres in a difficult position as it was reviewed in great detail and approved in 2009. She said she respected the opinions of the neighbors, but she was concerned if the facility was not approved the potential was for the corner to remain a vacant lot. She said she would support the motion.

Council Member Cunningham asked the Vice Mayor Fimbres if the Sunnyside Neighborhood Association approved the rezoning.

Vice Mayor Fimbres stated they had approved the original plan and felt they did not want to interfere with the decision rendered. He said the Association preferred the storage facility over a business with a liquor license.

Ms. Campillo said neighbors would be amiable to meeting with the Brown Family to see if there was a possibility of building something other than a storage facility. She said the Mayor and Council were in charge of the City and they could help the Southside area by perhaps speaking to the Brown Family about a meeting.

Ordinance 11215 was passed by a roll call vote of 7 to 0.

**12. PUBLIC HEARING: AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE EXTENDING THE SUNSET DATE FOR THE INFILL INCENTIVE DISTRICT TERMINATION AND REPEALING THE SUNSET DATE FOR DEVELOPMENT TIMELINES AND EXPIRATION DATES AND FOR THE ZONING COMPLIANCE FOR SITE IMPROVEMENTS (CONTINUED FROM THE MEETING OF JANUARY 21, 2015)**

Mayor Rothschild announced City Manager's communication number 68, dated February 18, 2015, was received into and made part of the record. He also announced this was the time and place legally advertised for a continued public hearing on the proposed text amendments to the Unified Development Code related to the Downtown Area Infill Incentive District Zone.

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 in support of the Ordinance with comments including review in a year, traffic mitigation, and effects on historic homes, Art District considerations and strict review of group dwellings:

Thaddeus Pace  
Wiley Cornell  
Richard Mayers

Susan Gamble  
John Burr  
Tom Warne

Keri Silvyn  
Ken Scoville  
Robert Frietas

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 the City Clerk to read Ordinance 11246 by number and title only.

Ordinance No. 11246 relating to Planning and Zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Article 2, Review Authorities and Powers, Section 2.2, Review and Decision-Making Bodies, Subsection 2.2.6, Design Review Board; Article 5, Section 5.12, Downtown Area Infill Incentive District (IID); Article 11, definitions and rules of construction, Section 11.4, definitions, Subsection 11.4.2, 11.4.5, and 11.4.8; repealing Article 3, General Procedures, Section 3.3, Zoning Compliance Review Procedures, Subsection 3.3.9 Rio Nuevo District (RND) Design Review and modification of Development Regulations Procedures; and repealing and reserving Article 5, Section 5.11 in its entirety; and setting an effective date.

Council Member Kozachik thanked staff and members of the community. He affirmed that they reserved the right to monitor the ordinance and to bring it back to Council to tweak. He said he had some concerns. One was about the difference between a major and a minor review, and that the only procedural difference between the two was that in a major review the Design Review Committee (DRC) was involved. He stated he believed the DRC was a good and appropriate part of any development process. He said what an architect first brought was never what was completed and that was a result of an appropriate process where there was input from stakeholders. He explained a major review was not a burden, was not onerous, and for the few who felt it added too many elements he thought that was flat wrong. He said the other part of a major and minor review was they both ended up with staff approval, irrespective of what the uses were.

Council Member Kozachik said the composition of the DRC still needed work. He said, according to the Ordinance, a quorum was three, and they could have a DRC that was made up of the City's design professional, a general contractor and an architect; that was a quorum of three. He said there were also options of having a registered landscape architect, registered contractor, member of the development community, member to represent all neighborhood associations in the IID and some ad hoc members, such as the Fourth Avenue Merchants Association, the Downtown Tucson Partnership, a neighborhood association most directly impacted by the project, and the historic preservation zone.

Council Member Kozachik said the City Manager should be required to fill those slots. He emphasized where it said the IID that it may include one or more, it should read the City Manager shall fill the slots and the IID/DRC shall include all the members of the ad hoc groups mentioned to the extent that they are relevant. He said the quorum could

be kept at three, but fill the slots, if seven people showed up, that was even better. He said he thought it was an important change that was not presently incorporated.

Council Member Kozachik continued saying group dwellings were contentious issues because of the current history and the history with respect to the three hundred foot circumference of the towers, but also beyond the three hundred feet. He explained, currently, group dwellings were defined in the IID as two stories or higher with five or more unrelated people. He said it was intended to incentivize the types of development the City was trying to encourage in the downtown corridor. He said they needed to incentivize all forms of housing, all forms of market rates whether it was low income, affordable, or high end, and they were starting to see that happen.

Council Member Kozachik continued saying that if the City was not going to incentivize student housing towers, then at the very least require anything that was a group dwelling to come back before the Mayor and Council for final approval and not allow staff to have the final rubber stamp. He said if they left the three hundred foot rule in and allowed group dwelling student housing towers to be subject to appeal to have them come back to the Mayor and Council for final decision, there would be no predictability built into it.

Council Member Kozachik gave a recent example of predictability. He said Dinerstein Company came to the City to talk about building a student housing tower in the Corbett block. Unless changes are made, it required a major design review. All that meant was it had to go before a DRC and then staff could have approved it. He said the opportunity to appeal it still had come back to the Mayor and Council. He suggested, if they wanted predictability, the conversation up front with the Ward Office or representative needed to be engaged. He said with the Dinerstein Company, the representative wanted him to guarantee that the company would not have any problems with the development being a student housing project in the Corbett block.

Council Member Kozachik told the representative that he could not guarantee anything, as the company had already gone through meetings with neighborhoods, the merchant's council and historic area representatives and they were not interested in a student housing tower in the area surrounding the Corbett block. He said no one argued the height or massing, it was all about the use. He said he was requesting that they the three hundred foot rule be eliminated and any group dwelling, as defined in the IID, had to come back to the Mayor and Council for final approval.

Council Member Kozachik said he agreed that the Historic Warehouse Arts District was covered in the document but said the District should encourage conversion of vacant land and surface parking into compatible arts related uses, not student towers. He summed up his suggested changes, one to the DRC to and two that any group dwelling should come back to the Mayor and Council, irrespective of the three hundred foot rule, for final approval.

Council Member Romero asked if Council Member Kozachik was making a motion.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Ordinance 11246 including amendments to Section 5.12 to state the City Manager shall appoint member to fill any vacancies on the Design Review Committee and provide notice to all members of any meetings: and to eliminate the three hundred foot rule so that any group dwelling, defined in the Infill Incentive District (IID), be returned to the Mayor and Council for final approval.

Council Member Uhlich asked staff to clarify the group dwelling definition and how it differed from the existing definitions in the *Land Use Code*.

Ernie Duarte, Planning and Development Services Department Director, explained the definition of group dwelling, for the purposes of the IID, meant a structure that was greater than two stories or twenty-five feet in height.

Council Member Uhlich commented there had to be more to the definition.

Mr. Duarte said in the *Unified Development Code (UDC)* the definition included more than four unrelated people.

Council Member Uhlich said in the *UDC* there was a difference between student towers which were multi-family housing or an apartment building and group dwellings were single structures of certain dimensions with five or more unrelated people. She said, if they wanted it to apply to student towers, the group dwelling item only applied to single family. The group dwelling loophole the Mayor and Council finally closed, but student towers were just an apartment complex. She wanted to make that clear and she did not believe Council Member Kozachik's motion captured the intent he was describing.

Council Member Kozachik thought that it did.

Council Member Uhlich said mini-dorms had to go to design review but multi-family apartment buildings did not, because they were not group dwellings. She said a student tower could go up without going to design review, per the motion.

Council Member Kozachik answered that was not correct. He said a student tower fell under the description that Mr. Duarte gave. It was more than two stories and included four or more unrelated people.

Council Member Uhlich disagreed. She said she thought they needed clarification because it was very specific to single family residences where there were five or more unrelated people. She reiterated they needed to get a clearer definition of group dwellings because she did not think it included apartment complexes or multi-family housing.

Council Member Kozachik said she was correct; it did not include apartment complexes as that was a different use, but it did include a student tower.

Council Member Uhlich said did not think that was correct.

Mayor Rothschild asked for clarification.

Jim Mazzocco, Planning and Development Services Department Planning Administrator, stated the definition took care of multi-story group dwellings where the tenants were charged by their bedrooms. Anything less than the size Mr. Duarte described, twenty-five feet, those dwellings could not use the IID, they used the underlying zoning. He said it was meant to apply to tall buildings and the design of tall buildings.

Council Member Uhlich clarified that if there was a tower that included apartments where five or more unrelated individuals resided, that was a certain kind of student housing project. But if Redondo Towers was converted to rent to students that would be different because it was not being rented by the bedroom.

Mr. Mazzocco said that was correct.

Council Member Uhlich said she just wanted to make sure it was clear that apartment complexes housing students were not addressed by any amendment and could go forward and it might push the envelope toward that kind of configuration.

Mayor Rothschild asked if there were any further comments.

A substitute motion was offered by Council Member Scott, duly seconded, to pass and adopt Ordinance 11246 as presented. She said she felt it was a reflection of the Citizen's Task Force, those present at the meeting and all of the written information provided to the Mayor and Council.

Council Member Romero said everyone involved in the project had spent anywhere from three to seven years of their lives putting the document together. She said they heard many people come forward saying they liked the product, it was a consensus building exercise, not everyone was completely satisfied, but they were satisfied with the process. She said they had been respectful of each other and had worked very hard. She stated they also said the process needed to be monitored to ensure they were coming back to the Mayor and Council when issues arose. She said, although there was not consensus regarding group dwellings coming back to the Mayor and Council each time, everyone felt comfortable moving forward with the item as presented.

Council Member Romero said she preferred going with what was currently presented, monitoring it and treat it as a living document, to be watched and changed. She said she had not heard pushback regarding the particular changes suggested by

Council Member Kozachik. She preferred to respect the process, the exercise that took place the last thirty days, and give the presented documents an opportunity.

Mayor Rothschild said he was in agreement with Council Member Romero. He said of the two issues, the makeup of the DRC could be worked out on a case-by-case basis. He said the question was the three hundred foot rule and he understood the concern. He said he would interpret it as if a project was a certain size it would be in major design review. He stated the principle difficulty had been with student housing and certainly not with market rate housing; that was what they wanted to incentivize. He stated he would support the motion. He said the DRC item could be brought back in two or three weeks, and he wanted to see the Ordinance in action, but if someone saw a difficulty, it should be brought up right away.

Council Member Uhlich reiterated she thought the definition of group dwelling under Section 11.4.8, needed to be clearer to avoid confusion. She asked if that section should read: “group dwelling means a structure with units that ...” She said she would support the motion but would be watching that area very closely and wanted updates as to how it was being applied.

Council Member Kozachik asked Mr. Mazzocco if an apartment complex was a separate use than a student housing tower.

Mr. Mazzocco answered an apartment was different.

Council Member Kozachik said they had seen this in effect before; the District was a result of it. He said the issue between major and minor were just about a design review. He said all that was needed was to fill the slots and notice everyone and not to continue to monitor the DRC. He said they just needed to change the language to say the City Manager shall notice the people on the DRC. He said, as for the three hundred foot rule, the definition of a group dwelling as defined in the document, unless staff was changing their position that evening, was exactly student housing towers, not apartments. He said that was why the three hundred foot rule was important.

Mayor Rothschild said if it was limited to student housing he was on board with Council Member Kozachik, but he thought it was broader than that.

Council Member Kozachik said there was a reason it did not make sense. He said no one on the Mayor and Council was going to vote to disapprove a convent, but might vote to disapprove a student housing tower in the middle of the Warehouse Arts District. He said that was the distinction being made. He said he was not saying they were not allowed, he was saying the Mayor and Council was not going to let staff have the final decision.

Michael Rankin, City Attorney, asked to read the definition of group dwelling that was in the cross referenced section of the *UDC*. He said for the purposes of the IID, a group dwelling was one that was defined in 11.3.7 and met the additional thresholds that

Mr. Duarte already described, more than two stories or twenty-five feet. He said it included the residential occupancy of a permanent structure by five or more unrelated persons or by one or more individuals where the individual or group of individuals had the exclusive right of occupancy of a bedroom. He said that was the key feature, by the bedroom. He continued reading that typical uses included fraternities, sororities, convents, dormitories, college student rentals, rooming and boarding, boarding houses, not primarily for travelers, and apartments where individual bedrooms were separately leased. He said that was the distinction.

Council Member Kozachik reiterated that they were not saying “no” to student housing, but that the final decision making authority lied with the Mayor and Council.

Mayor Rothschild asked for a roll call vote.

Mr. Duarte announced a minor correction to the Ordinance in Section 5.12.11(I) on page 63 of the document. He said the word “areas” needed to be added in front of sub-areas. He stated the Parking Standards should read, “Parking standards for all DLS Areas and Sub-Areas are shown in Figure 5.12-E and Table 5-12-DLS-5

Mayor Rothschild asked Mr. Rankin with regard to the current definition of group dwellings, as he understood it, what the Mayor and Council was saying was that developers still had to go through a process, including the DRC, historic consideration, and possible approval by the Mayor and Council. He asked if he was correct.

Council Member Kozachik commented that that was only in an appeal.

Mr. Rankin said it would not always include the major design review because that was not incorporated within the motion to make any amendments to the *Code* as presented.

Council Member Kozachik affirmed that it neither required major design review nor the Mayor and Council final approval.

Mayor Rothschild said that would only be if it did not meet the definition of group dwelling.

Council Member Kozachik disagreed saying that it had to be within three hundred feet of a single family residence.

Mr. Rankin confirmed it was the three hundred foot rule. He said there would be an additional review if it was within the three hundred feet.

Mr. Mazzocco said that for the design there were two criteria. If they met two of the criteria, they went to the major design review. If only one criterion was met, then they went to a minor review. He stated that was what Council Member Kozachik was speaking about. It could be major in most cases, but it could also be minor.

Mayor Rothschild said he thought he understood.

Council Member Kozachik said major was still staff approval, unless it was within three hundred feet of a single family residence.

Mr. Mazzocco said that was correct.

Council Member Uhlich thanked Mr. Rankin for reading the definition as she did not remember the last portion regarding apartments, because she had been so fixated on mini-dorms happening in the neighborhoods. She restated it was five or more unrelated people or one which provided exclusive bedroom rights. She asked if they were ors, not ands.

Mr. Rankin said they were ors and then, what he read as the uses, were the examples under the definition of the uses that fell under that category, but to the extent it addresses, specifically it said apartments where individual bedrooms were separately leased.

Council Member Uhlich confirmed by adding that phrase it meant that apartments where bedrooms were not separately leased would not fall under the Ordinance. She asked if that was understood, because apartments did have five or more unrelated people.

Mr. Rankin said that was correct.

Council Member Uhlich said considering the experiences with The Towers, she did not have a problem with what Council Member Kozachik proposed. She did not think it was onerous. She said she thought those types of structures behaved differently than apartments. She said she would be more inclined to go with the initial motion but she accepted there was a substitute motion.

Council Member Romero asked staff if the topics were broached during the thirty day extension with the major design review and the three hundred foot rule.

Mr. Duarte replied affirmatively. He said that was the one area they agreed they were not in agreement. There were still neighborhood interests that wanted the three hundred foot rule removed and development/real estate interests that wanted it preserved. He said they had agreed to move forward the way the draft ordinance was originally crafted in January.

Mayor Rothschild said if Council Member Kozachik was speaking about student housing, then he was in agreement. He said he thought there were too many other things included in group dwelling that the Mayor and Council did not necessarily want to include such as market rate housing.

Council Member Kozachik said market rate housing was not included. He was only concerned with who had the final say; was it up to staff, could another district be made without Mayor and Council's consent, or failing an appeal, which put the burden on the neighborhood to bring an appeal to the Mayor and Council. He said they needed predictability; which there was none if the last step in the process was an appeal by the neighborhood to say they did not want the district. He reiterated that if a tower was proposed, the Mayor and Council had to vote on it and to engage on it from step one, not at the end of the process.

Council Member Uhlich called the question.

Mayor Rothschild asked for a roll call vote.

Roger W. Randolph, City Clerk, clarified the motion being voted on was the substitute motion to pass and adopt Ordinance 11246 as presented.

The substitute motion to pass and adopt Ordinance 11246, as presented, failed by a roll call vote of 3 to 4 (Council Members Uhlich, Kozachik, and Vice Mayor Fimbres, and Mayor Rothschild dissenting)

Mr. Randolph announced since the substitute motion failed, the item went back to the original motion which was to pass and adopt Ordinance 11246, including the amendments to Section 5.12 to state that the City Manager shall appoint members to fill any vacancies on the Design Review Committee and provide notice to all members of any meetings: and to eliminate the three hundred foot rule so that any group dwelling, defined in the Infill Incentive District (IID), be returned to the Mayor and Council for final approval.

Mayor Rothschild asked for a roll call on the original motion.

Council Member Kozachik clarified that the original motion had two parts; one was the elements of the DRC and second was the elimination of the three hundred foot rule.

Council Member Scott asked if the motion reflected the consensus of the citizens' task force and the people in attendance or was it something that was discussed, was confusing, and therefore was unresolved and should go back for further deliberation. She said if the Ordinance went forward it would be codified and would then need to be removed, adjusted or amended.

Council Member Kozachik said it was a fair question. He said if she would have participated in any of the meetings in the last eighteen months she would have understood the issue better than she did. He said there was no question whatsoever, among the people sitting in the room, whether they agreed or disagreed.

Council Member Scott restated that they were codifying something that she understood from the materials presented was a consensus built document of City staff and the citizens. She said she did not attend the meetings, but she believed what was presented was fair, balanced, and needed to be monitored over a period of a year.

Mr. Rankin stated the motion, as he recalled, included approving the IID as presented with amendments. He said there was the elimination of the three hundred foot rule so that all group dwelling applications were subject to the special exception process, which included striking out the three hundred foot rule language in certain sections. He stated he believed the motion also included the requirement of a major design review and asked if that had been dropped.

Council Member Kozachik said it had been dropped.

Mr. Rankin said then that the second part to the motion was the amendment to the DRC composition, changing Subsection 3 of Sub-paragraph G to read, “the IID DRC shall also include one or more ad hoc members who shall be appointed by the City Manager”.

Mayor Rothschild said the original motion included the wording “the IID DRC is composed of any combination of the following members appointed by the City Manager for a four year term, City’s design professional, one registered architect, one registered landscape architect, one registered contractor or member of the development committee, one member to represent all neighborhood associations, within the IID.”

Council Member Kozachik simplified by saying that the City Manager shall fill the slots, a through e and the ad hoc members as appropriate.

Council Member Uhlich stated that would be instead of any combination of.

Mayor Rothschild said the IID was composed of any combination of five people, and what Council Member Kozachik stated was fill all five people. He said on the second section where it addressed the others, those would be filled as appropriate.

Council Member Cunningham called the question on the original motion.

Mayor Rothschild said he needed to go over the three hundred foot question to make sure he understood it before he voted on it.

Mr. Rankin said he could identify the three sections to see where the wording needed to be changed.

Council Member Kozachik stated it was at the top page 17 where it stated, “if the group dwelling development site is located within three hundred feet or less of a detached single family residential dwelling.”

Mr. Rankin said the language would be stricken in Sections 5.12.6, (K) and (M) and in 5.12.11 (D)(29). He said in Sections 5.12.6 (K) on page 16 and (M) on page 18. He said it was the last clause that would be struck that read, “if the group dwelling development site is located within three hundred feet or less of a detached single family residential dwelling.” He said the same language would be struck on page 18.

Mayor Rothschild asked Mr. Rankin to take him back to the definition of group dwelling.

Mr. Rankin stated it was on page 97 of the Ordinance, Section 11.4.8 and read, “for the purposes of the IID, group dwelling is defined as “within the downtown area infill incentive district (IID) the term group dwelling means a structure that first: A) meets the definition of group dwelling contained in *UDC* Section 11.3.7.B; and B) is greater than two stories or twenty-five feet in height.” He said it was both of those conditions.

Council Member Romero stated she thought Council Member Kozachik had maintained his motion and suggested they call the question.

Mayor Rothschild asked for a roll call.

Council Member Romero stated she wanted the particular process to continue. She said she heard time and time again that the document needed to continue to be reviewed, monitored and changed. She said she was supporting the motion as put forward by Council Member Kozachik, so they could move forward and continue with the task force, discussions, and monitoring the Ordinance. She said she believed the group dwelling definition was very precise in terms in what it did.

Council Member Cunningham stated he was supporting the motion as well. He said it was an amazing process and was good they lived in a city where so many citizens could be involved and have so much input. He said that was what made Tucson special and that was why the Mayor and Council got in intense discussions and supporting the motion.

Council Member Scott said she was voting no. She said she had made her statements clear that those giving presentations had said it was a consensus built document as presented and that was why she was voting no, not because she hated the process. She said there was no real clarity at the table either, and as long as there was any question by any Council Member she thought it behooved them to go with the document before them. She stated it did not preclude going forward with another intense review by the Citizens’ Task Force for another period of time. She thanked those who had participated in the project.

Council Member Fimbres thanked everyone who worked so hard. He said he heard there were nine issues that were agreed upon and there were four that were still outstanding. He said that showed there was still some work to be done, there was a

review process and hopefully in a year they could tweak it and make it a good working document for everyone.

Mayor Rothschild said he agreed with Council Member Kozachik with regard to item one. He thought the limitation of two stories or twenty-five feet in height was just too great a limitation for what they were trying to do, so he suggested they go back and look at that. He said he agreed with Council Member Scott and respected the process, but because of the fine lines he was voting no.

Ordinance 11246, including the amendments to Section 5.12 to state that the City Manager shall appoint members to fill any vacancies on the Design Review Committee and provide notice to all members of any meetings: and to eliminate the three hundred foot rule so that any group dwelling, defined in the Infill Incentive District (IID), be returned to the Mayor and Council for final approval was passed by a roll call vote of 5 to 2 (Council Member Scott and Mayor Rothschild dissenting).

Council Member Romero commented the point regarding the definition of group dwellings was a concern for her. She said she did not want to be voting on each and every affordable housing apartment complex. She said the City needed to make sure that what was brought forward was something that fit what the Mayor and Council was concerned with. She said she felt there was continued work, but was a living document for everyone to work with.

Mayor Rothschild thanked them for all their work and if in fact the only issue left was to discuss whether if it was two stories or four stories.

**13. ZONING: (C15-88-01) COUNTRY CLUB/VALENCIA ANNEXATION DISTRICT, I-1, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager's communication number 63, dated February 18, 2015, was received into and made part of the record. He asked the City Clerk to read Ordinance 11244 by number and title only.

Ordinance No. 11244 relating to Zoning: amending Section 2 of Ordinance No. 7090, hereby amending certain conditions for property zoned I-1(R) at the northwest corner of Alvernon Way and Corona Road in Case No. C15-88-01 (Country Club/Valencia Annexation District); and setting an effective date.

It was moved by Vice Mayor Fimbres, duly seconded, to pass and adopt Ordinance 11244.

Vice Mayor Fimbres asked Keri Silvyn to explain the need for the change.

Keri Lazarus Silvyn, Lazarus, Silvyn and Bangs PC, representing Home Goods, stated it was a relocation of the Western regional distribution center for Home Goods.

She said they needed stacking room in one area of the building requiring fifty-five feet. She explained it was an internal stacking ability for the regional distribution warehouse.

Vice Mayor Fimbres asked what the maximum building height was under the zoning and if the applicant exceeded that height and if not, how many feet lower would the building be.

Ms. Silvyn said the City's I-1 zoning allowed for seventy-five feet. She said when the property was annexed in 1988; the county's equivalent zoning was a maximum height of thirty-nine feet, so the property came into the City with a cap of thirty-nine feet. She said Home Goods was asking for a portion of the building to come up to fifty-five feet, twenty-feet lower than the maximum I-1 Zoning.

Ordinance 11244 was passed by a roll call vote of 7 to 0.

**14. FINANCE: SALE OF SENIOR LEIN STREET AND HIGHWAY USER REVENUE REFUNDING BONDS, SERIES 2015**

Mayor Rothschild announced City Manager's communication number 70, dated February 18, 2015, was received into and made part of the record. He asked the City Clerk to read Ordinance 11241 by number and title only.

Ordinance No. 11241 an Ordinance relating to Finance; authorizing the issuance and sale of not to exceed \$30,000,000 City of Tucson, Arizona, Senior Lien Street and Highway User Revenue Refunding Bonds, in one or more series, as tax-exempt bonds; providing certain terms, covenants and conditions relating to the Series 2015 Refunding Bonds; providing for the application of the proceeds thereof to the redemption of the bonds to be refunded; authorizing the execution and delivery of a Bond Purchase Contract and a continuing disclosure undertaking with regard to the Series 2015 refunding bonds and a Depository Trust Agreement with respect to the bonds to be refunded; appointing a Bond Registrar, Transfer Agent and Paying Agent; authorizing the preparation and delivery of an official statement in connection with the Series 2015 Refunding Bonds; ratifying certain acts heretofore taken by City Officials; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11241.

**15. ELECTIONS: AMENDING TUCSON CODE (CHAPTER 12) RELATING TO THE ADMINISTRATION OF ELECTIONS**

Mayor Rothschild announced City Manager's communication number 67, dated February 18, 2015, was received into and made part of the record. He asked the City Clerk to read Ordinance 11245 by number and title only.

Ordinance No. 11245 relating to Elections; repealing current Tucson Code Chapter 12; enacting a new Tucson Code Chapter 12 to govern City primary, general and special elections; 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 Ordinance 11245.

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

Mayor Rothschild announced City Manager's communication number 58, dated February 18, 2015, 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 Uhlich, duly seconded and carried by a voice vote of 7 to 0, to approve the appointment of Morgan Abraham, Community Partner, to the Metropolitan Housing Commission (MEC).

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

Vice Mayor Fimbres announced his personal appointment of Sue Antonelli to the Environmental Services Advisory Committee (ESAC).

**17. ADJOURNMENT: 7:51 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 3, 2015, 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 18th day of February 2015, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:jr:agj