



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 21, 2016.

Date of Meeting: November 4, 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 5:35 p.m., on Tuesday, November 4, 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	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

Michael Ortega	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Donna DeLeon of the City Clerk’s Office, after which the Pledge of Allegiance was led by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 403; dated November 4, 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, Cunningham, Uhlich, and Fimbres. A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

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

Mayor Rothschild announced City Manager’s communication number 401; dated November 4, 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 City Manager, Michael Ortega. 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 419, dated November 4, 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. 7-Eleven #18602N, Ward 2
1201 S. Avenida Polar
Applicant: Nicholas Carl Guttilla
Series 10, City 81-15
Action must be taken by: November 12, 2015

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

2. Orenccios Ristorante-Terrazza, Ward 3
1765 E. River Rd. #131
Applicant: German Canez Borquez
12, City 82-15
Action must be taken by: November 16, 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)

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

c. Special Event(s)

1. North Fourth Avenue Merchants Association, Ward 6
4th Ave. between University Blvd. & 8th St.; 7th St. between 4th Ave. & 5th Ave.
Applicant: Frederick Gabriel Ronstadt
City T131-15
Date of Event: December 11, 2015 - December 13, 2015
(Fundraising Civic Event)

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

2. Watershed Management Group, Ward 6
111 S. 6th Ave.
Applicant: Lisa Shipek
City T134-15
Date of Event: November 14, 2015
(Anniversary Event for Pueblo Vida Brewing)

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

3. Sonoran Art Foundation, Inc., Ward 5
633 W. 18th St.
Applicant: John-Peter S. Wilhite
City T135-15
Date of Event: November 21, 2015
(Fundraiser & Educational Event)

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

4. Sonoran Desert Mountain Bicyclists, Ward 1
100 S. Avenida del Convento
Applicant: Evan Kerwin Bicyclists
City T145-15
Date of Event: November 15, 2015
(Bicycle Scavenger Hunt)

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 5b2 and 5c1 through 5c4 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:

Larry Lucero	Patrick Rine	Jesse Walsh
Keith Van Heinegen	Ted Maxwell	Ken Scoville
Mary DeCamp	Mark Speer	Paula Huff
Lewis Arthur	Lynn Brown Fassel	Mark Brown

Council Member Cunningham asked the City Manager to ensure the timeline for use of photo enforcement cameras was available to the public.

Mayor Rothschild asked the City Manager to look into the location of an employee’s office in the Revenue Division.

A recording of this item is available from the City Clerk’s Office ten years from the date of this meeting.

7. CONSENT AGENDA – ITEMS A THROUGH H

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager NOV04-15-415 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of February 4, 2015
3. Mayor and Council Study Session Legal Action Report and Summary Minutes for February 4, 2015

b. TUCSON CODE: AMENDING (CHAPTER 12) RELATING TO ELECTIONS (CONTINUED FROM THE MEETING OF JULY 7, 2015) (CITY WIDE)

1. Report from City Manager NOV04-15-420 CITY WIDE
2. Ordinance No. 11316 relating to Elections; amending Tucson Code, Chapter 12, to reflect corresponding changes in State Law as enacted during the 2015 Legislative session; and declaring an emergency.

c. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY AND THE PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT FOR THE PANTANO WASH BANK PROTECTION PHASE III PROJECT AT FORT LOWELL PARK

1. Report from City Manager NOV04-15-402 WARD 2
2. Resolution No. 24872 relating to Intergovernmental Agreements and Parks; approving and authorizing execution of an Intergovernmental Agreement (IGA) between the City of Tucson (City), Pima County, and the Pima County Regional Flood Control District ("District") for the Pantano Wash Bank Protection Phase III Project at Fort Lowell Park; and declaring an emergency.

d. FINAL PLAT: (S15-017) GOLLOB, LOTS 1 AND 2

1. Report from City Manager NOV04-15-404 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 to the availability of water/sewer capacity at the time of actual application.

- e. FINAL PLAT: (S15-027) TUCSON MARKET PLACE - PHASE 4, LOTS 1 THROUGH 9
 - 1. Report from City Manager NOV04-15-411 WARD 5
 - 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.

- f. INTERGOVERNMENTAL AGREEMENT: WITH THE TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE GRANT ROAD/UNION PACIFIC RAILROAD UNDERPASS PROJECT
 - 1. Report from City Manager NOV04-15-412 WARDS 1 AND 3
 - 2. Resolution No. 22489 relating to Intergovernmental Agreements and Transportation; authorizing and approving an Intergovernmental Agreement (IGA) for transportation funding between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Grant Road/Union Pacific Railroad (UPRR) Underpass Expansion Improvement Project; and declaring an emergency.

- g. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE GOLF LINKS-AVIATION SHARED USE PATH
 - 1. Report from City Manager NOV04-15-413 WARDS 4 AND 5
 - 2. Resolution No. 22488 relating to Intergovernmental Agreements and Transportation; authorizing and approving an Intergovernmental Agreement (IGA) for transportation funding between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Golf Links Road/Aviation Parkway shared use path (Path) Project; and declaring an emergency.

- h. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE CITY OF PHOENIX FOR STORAGE, RECOVERY AND EXCHANGE OF CENTRAL ARIZONA PROJECT WATER (CONTINUED FROM THE MEETING OF OCTOBER 20, 2015)
 - 1. Report from City Manager NOV04-15-418 CITY WIDE AND OUTSIDE CITY

2. Resolution No. 22491 relating to Intergovernmental Agreements: Approving and authorizing execution of Amendment No. 1 to the Intergovernmental Agreement (IGA) between the City of Phoenix (COP) and the City of Tucson (COT) for Storage, Recovery, and Exchange of Central Arizona Project Water (CAP); and declaring an emergency.

Michael Rankin, City Attorney, read a correction into the record to say in Chapter 12 of Resolution 22491, the word “not” should be inserted after the second “whereas”. The reading should say it “would not require expansion of recharge facilities.”

Vice Mayor Uhlich asked if it was the intent that the authorities prescribed would similarly not require the expansion of facilities. She said it was in for the first 850 acre feet which she thought was intended and allowed for additional volumes of Phase One.

Albert Elias, Assistant City Manager, clarified that the idea was that one would be able to negotiate a precise amount that both parties decided to recharge. He said the intent was that it would not require expansion of the recharge facilities.

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 – h be passed and adopted and the proper action taken.

8. PUBLIC HEARING: RIVER AND KINO ANNEXATION DISTRICT

Mayor Rothschild announced City Manager's communication number 408, dated November 4, 2015, was received into and made part of the record. He also announced this was the time and place legally advertise for the proposed River and Kino Annexation District. He said the public hearing was to last no more than one hour and speakers were limited to five-minute presentations.

Mayor Rothschild asked if there was anyone in the audience that wished to be heard on this matter.

There were no speakers.

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

It was moved by Vice Mayor Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to proceed with the River and Kino Annexation District.

9. PUBLIC HEARING: ORIGINAL CITY ZONING (C15-96-05) 29TH/LOS REYES ANNEXATION DISTRICT, CHANGE OF CONDITIONS, ORDINANCE ADOPTION, AND AMENDING ORDINANCE 9009

Mayor Rothschild announced City Manager's communication number 417, dated November 4, 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 change of conditions for a site located on the east side of Avenida Los Reyes, north of Old Spanish Trail.

Mayor Rothschild said the public hearing was to last no more than one hour and speakers were limited to five-minute presentations. He asked if the representative on behalf of the property wanted to speak.

Jim Campbell, Tucson Land and Cattle Co. Manager, described this as an unnecessarily difficult development. He said there was a cemetery that was trying to stay viable and make improvements by selling excess land, neighbors who desired no change of any kind and a developer/homebuilder trying to bridge that gap. He said he was asking the Mayor and Council to look at two aspects of the project, 1) is the developer proposing the right thing and 2) was there a precedent.

Mr. Campbell commented on what was the right thing. He said they were not changing the zoning and the density was the same as the neighbors. He stated that rather than building on 36,000 sq. ft. lots, they were choosing to cluster with open space, preserving riparian, retain open space for wildlife and buffers for neighbors. He said no neighbor's home would be with 200 feet of the sub-division. Homes were limited to single story and a traffic report, as required, would be completed and approved by the City before a single house was built.

Mr. Campbell asked the Mayor and Council to consider two things about precedent; cluster homes and cemetery selling land. He said the two sections of land, north of the project, from Speedway Blvd., to 29th was almost fifty percent clustered and was the preferred development path for Pima County and the City of Tucson. He stated the neighborhood directly to the north and adjacent to All Faith Cemetery was clustered with fifty percent open space.

Mr. Campbell also mentioned other cemeteries that had sold land to builders to build homes; South Lawn Cemetery sold 26 acres to KB Homes, and built 166 homes, East Lawn Cemetery sold 13 acres and built 85 homes. He said both developments had densities that were six times what was being proposed, with no buffers from neighbors and no buffers from the Cemetery. He stated Holy Hope Cemetery sold eleven acres to the City of Tucson, specifically for soccer fields with no buffers between the cemetery and the soccer fields.

Mr. Campbell stated the most relevant sale of all was All Faith Cemetery who sold 23 acres along its north boundary, which was now part of Monument Vista.

Monument Vista was 106 lots, fifty percent open space. He said Monument Vista was directly north and adjacent to All Faith Cemetery who was proposing sixty-five percent open space, single story homes, with buffers between one hundred and three hundred feet, and preservation of all riparian. He asked for the Mayor and City Council's support.

The following people spoke in support of the change of conditions; Msgr. Jeremiah McCarthy, Diocese of Tucson, David Blanchette, Anthony Crespo, Director of Catholic Cemeteries, Thomas Hanlon, and Paula Meade.

The following people spoke in opposition to the change of conditions; Sharon Ankiewicz, Carol and George Reitz, Walter Ellis, Gerard Reneri, Anthony Crespo, Thomas Hanlon, David Baker, Paula Meade, Patricia Orose-Coghlan, and Megan Madly.

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

Mayor Rothschild asked the clerk to read Ordinance 11315 by number and title only.

Ordinance No. 11315 relating to Zoning: amending Ordinance No. 9009, adopted on February 2, 1998, which established Original City Zoning and Conditions for property zoned SH on the east side of Avenida Los Reyes approximately 375 feet north of Old Spanish Trail, in case C15-96-05 (29th/Los Reyes Annexation District); and setting an effective date.

Council Member Scott thanked everyone for coming in and discussing the change of conditions. She stated her office had received seventy written approvals and sixty-three written protests for this case. She spoke about the countless hours she and her staff had put in meeting and talking with all of the stakeholders, and debated every outcome, poured through the Tucson Code and sought legal advice. She said it was still a hard decision.

Council Member Scott commented that Tucson Land and Cattle Company had specifically proposed a maximum of twenty-five single family, detached homes on 19 acres. She said all homes were limited to single-story homes, a clustered subdivision with sixty-five percent natural open space, one hundred feet building set back from Avenida Los Reyes, two hundred foot building set back from adjacent neighbors to the South. She said this subdivision met the best practices as outlined by the City of Tucson and the Office of Integrated Planning.

Council Member Scott mentioned there was currently an existing precedent for clustering between Houghton Rd. and Melpomene Way. She said clustering was the preferred development path for both Pima County and the City of Tucson. She addressed some of the concerns brought to her attention. She said a traffic report was required to be performed on the subdivision prior to any development and the developer was responsible for any outcome on any traffic mitigation needed. She said she also spoke to

the Saguaro Monument East and this property was outside of the buffer overlay zone. Light produced from the subdivision must meet the Dark Skies Ordinance criteria unlike the existing older homes.

Council Member Scott said this was a sensitive development and she believed the Diocese of Tucson and Tucson Land and Cattle Company had done their due diligence and she was supporting the change of conditions.

It was moved by Council Member Scott, duly seconded, to pass Ordinance 11315.

Vice Mayor Uhlich asked for clarification on the covenant recorded with the land with Pima County and within the annexation documents. She said what was confusing was that she was not sure if the covenant was being released or if it had been back on July 14, 2015 and if so were there any proactive measures taken by the City or was it because it sunset.

Mr. Campbell explained that the covenant was in place two ways. He said it covered the entire cemetery, including the block that was sold. It also covered the Diocese, the Temple Emmanuel properties, the Islamic Trust, and the Knights of Pitheas. He stated when it was annexed; an "R" was put on the platting, so that was why it was restricted. The request is to lift the restriction off the plat. The wording that the covenant was released on July 14, 2015 meant that the Islamic Trust, Knights of Pitheas, the Diocese and the Temple all signed a release because the restriction was for their benefit.

Vice Mayor Uhlich asked if the City was a party as well.

Mike Rankin, City Attorney, explained the City was not a party, but it was a condition of the zoning ordinance. He said with the change of conditions, the covenant had to be recorded as part of the conditions of the zoning and was in place those two ways.

Vice Mayor Uhlich stated this was a unique situation and if the property was to be developed, this was the ideal scenario because it preserved open space and riparian in the area. She asked if there was any gift clause concern related to the City releasing a restriction on land.

Mr. Rankin replied it did not fall under the gift analysis because the Mayor and Council had the legislative authority to make zoning modifications including changes in conditions with respect to restrictions on development of property.

Ordinance 11315 was passed and adopted by a roll call vote of 7 to 0.

Walter Ellis volunteered his services to assist the engineers in order that trenching might preserve as much natural land as possible.

Mayor Rothschild told Mr. Ellis to get together with Mr. Campbell.

RECESS: 7:12 P.M.
RECONVENE: 7:20 P.M.

All members present as they were at the start of the meeting.

10. PUBLIC HEARING: ZONING (C9-10-03) ST. AUGUSTINE – 22ND STREET, RX-1 TO C-1, REQUEST FOR A FIVE YEAR TIME EXTENSION

Mayor Rothschild announced City Manager's communication number 405, dated November 4, 2015, was received into and made part of the record. He also announced this was the time and place legally advertise for a public hearing on a request for a five-year time extension for the completion of rezoning conditions for property located on the southeast corner of 22nd Street and Camino Seco.

Mayor Rothschild said 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 a representative of the property present.

Steve Austin spoke in opposition to the five-year time extension. He stated that five years before, there was a vote of 3 to 1 against the rezoning, but the rezoning went through anyway. He said at that time the Mayor and Council put restrictions on the rezoning and the only restriction that had been done was the realignment of the school entrance area. Five years later, the conditions in place for the rezoning have not been met and they are requesting another five year extension. He asked the Mayor and Council to consider the quality of life for the residents of the area and what the impacts would be.

Mike Marks, MGM Consulting and representing St. Augustine Catholic High School, said that since the rezoning was approved, 39 of the 41 acres had satisfied and completed the conditions of the rezoning. He said that was the portion associated with the school and the ordinance had been adopted for those 39 acres. He said the remaining 2.1 acres was the portion that was approved for the commercial and they need extra time to satisfy the conditions and implement the plan that was approved five years ago. He said they were not asking for any changes to the conditions.

Mayor Rothschild asked what the conditions were.

Mr. Marks said they were stated in the staff report, a development plan, compliance with the plan that was submitted and all of the intended requirements. He said all of the conditions were hashed out during the hearing five years ago, all of which were supported by the Mayor and Council; they just need additional time to carry out the commercial conditions.

Council Member Cunningham asked if anything was built yet commercially.

Mr. Marks responded that there has been nothing built on the 2.1 acres that were approved for commercial use. All of the improvements that were required for the school,

to implement a zoning ordinance, had been completed. He said the main requirements, which were the roadway at 22nd and the entrance, had been approved by the City. He stated there was one buyer that was interested in the two acres and had executed an agreement that fell through, but there is a second potential buyer. He said there were no additional improvements required.

Council Member Cunningham asked if the next buyer would abide by all the original conditions in the first agreement. He asked if there would be any road construction related to the rezoning.

Mr. Marks responded that the buyer and developer would be subject to all of those same conditions. He said that all of the roadway conditions were already implemented, completed, and accepted, by the City of Tucson. There were no more additional roadway improvements required.

Council Member Cunningham asked if there have been any major conflicts between the neighborhood and the school, with regards to the special events, adding that he had not had any complaints in his office.

Mr. Marks responded with “None to my knowledge”.

Mayor Rothschild asked for a motion to close public hearing.

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

Council Member Cunningham said he understood Mr. Austin’s concerns. He said there were circumstances out of the school’s control and many land deals had fallen through. He said with that he was recommending the extension, but he wanted the developer to know they would not be doing this again.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to approve the five year time extension as recommended by staff.

11. PUBLIC HEARING: ZONING (C9-15-02) BROADWAY VILLAGE – EASTBOURNE AVENUE, O-3 TO P, CITY MANAGER’S REPORT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 414, dated November 4, 2015, was received into and made part of the record. He also announced this was the time and place to legally advertise for a public hearing on a request to rezone property located on the southeast corner of Eastbourne Avenue and Manchester Street.

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

Council Member Kozachik asked to make a couple of comments to frame the discussion. He said this was another long and sometimes contentious issue. He said there was an intra-neighborhood dispute and would probably not be fully resolved. He stated it boiled down to three deal points and the one he wanted to confirm was that in the original Planned Area Development (PAD), it included two, ten thousand square foot buildings that were no longer going to be built. He also asked about a bus pull out.

Linda Morales, The Planning Center and representing the property owners of Broadway Village, said that was correct; there would be no new buildings, which meant the bus shelter would remain where it currently was.

Council Member Kozachik mentioned the second piece of the deal was a \$10,000 donation to the Broadway/Broadmoor Village Neighborhood Association to pursue their own historic neighborhood designation. He mentioned receiving a letter stating that the money was in escrow. He also said the most contentious part of the deal was the historical landmark designation for the Broadway Village, Joesler's Building. He asked if the owners of the leasing office, the Finfrocks, could add the Baez building into the designation.

Ms. Morales said that was correct and the property owners were agreeing to the conditions.

Council Member Kozachik added the historical landmark application had been approved and asked the City Attorney if the City had any legal ability to compel a property owner to include a particular building within a historic landmark.

Mike Rankin, City Attorney, responded that was correct.

Mayor Rothschild asked about the building that were agreed were not going to be built. He asked where in the record that was stated.

Ms. Morales stated they had worked with staff and it had been amended in the revised PAD; the revised plan amendment.

The following people spoke and made comments about the zoning of Broadway Village:

Ari Shapiro
Les Pierce
Craig Finfrock
Page Repp

Ann Pattison
John Thomas
Gene Einfrank
Mark Mayer

Michael Weingarten
Laura Tabili
Rita Toland

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

Mayor Rothschild asked about Manchester Street being narrowed. He asked if there would be fewer parking spaces in the existing parking lots.

Ms. Morales assured him the turn radius on Manchester Street was going to be easier. She said it narrower because it was under construction. She stated the intent was not to reduce parking spaces substantially.

Vice Mayor Uhlich asked the Zoning Examiner if he had been subjected to any undue influence outside of the appropriate public process in order to prepare his report or recommendation on this matter.

Linus Kafka, Zoning Examiner, stated, there was not any outside interference.

Vice Mayor Uhlich said it was important to ask that question every time a recommendation came forward given the concern Mr. Kafka had publicly expressed and given what the Mayor and Council had heard from the public. She noted that she would be asking that same question from now until January.

Vice Mayor Uhlich stated she remembered the meeting when Council Member Kozachik offered the three conditions to be responsive to the concerns associated with the approval of the PAD. She asked him what his recommendation was with respect to the historic landmark element because in essence he had offered that motion.

Council Member Kozachik expressed to Mr. Finfrock that his demeaning comments were not helpful to the process and was an example as to why this was such a contentious process. He said no one “had too much time on their hands” and there was not any bad faith on either side of the table. He said there was room for an honest difference of opinion. He said everything involved in the rezoning was to the east of Eastbourne.

Council Member Kozachik said that the language specifically related to Broadway Village Shopping Center and the Baez building was never mentioned until after the Mayor and Council voted.

Vice Mayor Uhlich agreed that tension had been raised by that kind of strong language used during the meeting. She said it was not the motion maker’s intention to include the Baez building and said she wanted to clarify that for the record.

Council Member Kozachik asked the owners what their intentions were with respect to the Table Talk building once the Bisbee Restaurant went in.

Mr. Finfrock said there was no intention to change the Table Talk (Baez) building and apologized for his unhelpful comments. He explained that they might have to add a window or change a door, to adapt to new retail spaces. When they bought the Center, their intentions were to be true to the historical concept as possible.

Mayor Rothschild asked the City Clerk to read Ordinance 11314 by number and title only.

Ordinance No. 11314 relating to Zoning: amending zoning district boundaries in the area of the southeast corner of Eastbourne Avenue and Manchester Street in case C9-15-02, Broadway Village - Eastbourne Avenue, O-3 to P; and setting an effective date.

It was moved by Council Member Kozachik, duly seconded to pass and adopt Ordinance 11314.

Council Member Romero commented on the process and said it was very usual for the representative of the ward to have detailed conversations with all the stakeholders in this type of case. She said Council Member Kozachik always went deep into the issues and keeps the other Council Members informed of all aspects of the issue. She stated that was something all council members did diligently, they do the research and not jump to conclusions because of favoritism and undue influence.

Council Member Romero stated that the Mayor and Council had the ultimate decision making in these types of cases and it was not always easy. She said they all strive for a win/win solution. She commented that the needs of the neighborhood and the rest of the community had been genuinely listened to, including the developer.

The motion to approve Ordinance 11314 was passed by a roll call vote of 7-0.

12. ZONING: (C9-15-03) NEIGHBORHOOD SHOPPING CENTER – ROSEMONT AND BROADWAY BOULEVARD, R-1 TO C-1, CITY MANAGER’S REPORT

Mayor Rothschild announced City Manager's communication number 406, dated November 4, 2015, was received into and made part of the record. He said this was a request to rezone approximately 6.98 acres from R-1 to C-1 zoning. The rezoning site was located at the southwest corner of Broadway Boulevard and Rosemont Boulevard.

Council Member Kozachik stated there had been a lengthy process with a lot of contact with surrounding neighborhoods. He asked staff about conditions #48 (median opening on Broadway) and #49 (traffic mitigation devices), if they were items that would be resolved subsequent to the Mayor and Council’s vote.

Tom Warne, MSW Development, responded that it was his understanding it would be resolved subsequent to the vote. He said there was a site agreement for Cooper Street and 13th Street. The neighborhood was not sure if they wanted mitigation and the developer had agreed to pay for the mitigation if the neighborhood decided they wanted it.

Council Member Kozachik asked Barbara Stoddard if that was her understanding and reported for the record that she said yes. He asked about the letter that was sent out with some revisions to the conditions. He said condition #11 spoke to illuminated signs

within one hundred feet of residential areas, condition #13 spoke about setbacks, and condition #'s 30, 31, 32, and 36 were all amended according to the letter.

Barbara Stoddard, Rosemont Neighborhood Association President, said these new conditions on the letter were worked out with the developer and staff.

It was moved by Council Member Kozachik, duly seconded, to authorize the request as recommended by the zoning examiner with the changes in conditions.

Council Member Fimbres asked how the vehicle access situation was dealt with.

Mr. Warne said an independent traffic study was conducted, working with the Department of Transportation, and discussed it at neighborhood meetings. Ingress and egress from Rosemont would alleviate some of the traffic and not guide it onto Broadway or other nearby streets and confirmed it was integrated.

Vice Mayor Uhlich asked the Zoning Examiner if his decision was made without undue pressure or influence.

Linus Kafka, Zoning Examiner, replied there was no inappropriate contact or influence and appeared the conditions were more restrictive.

The motion to authorize the request as recommended by the zoning examiner with the changes in conditions was carried by a voice vote of 7 to 0.

Mr. Warne complimented Council Member Kozachik on having attended every meeting and the zoning examiner was exhaustive in his questions. Everyone was accessible to him and the neighborhood. The process was thorough and they got “amazing” support from City staff. The land was owned by the Romo family, eighth generation Tucsonans. They did not interfere in any of the negotiations whatsoever.

13. REZONING: (C9-15-04) POPEYE’S CHICKEN – BROADWAY BOULEVARD, R-3 TO C-1, CITY MANAGER’S REPORT

Mayor Rothschild announced City Manager's communication number 407, dated November 4, 2015, was received into and made part of the record. He said this was a request to rezone 0.28 acres from R-3 to C-1 zoning. The rezoning site was located on the north side of Broadway Boulevard, south of 10th Street, East of Leonora Avenue.

Council Member Kozachik asked Mr. Egan to come up. He said conditions #22 and #23 dealt with road improvements to the alley that transferred responsibility for the alleyway to the applicant including future maintenance. He stated at the meeting there was talk of ownership not being conditional for maintenance. He asked if staff was comfortable with ownership as outlined in the report.

Jim Mazzocco, Planning and Development Services, Interim Director, replied in the affirmative.

Council Member Kozachik said condition #25 dealt with “pork chop” to be coordination with the Department of Transportation. He asked what the status was and how the coordination would occur and was there public participation.

Albert Elias, Assistant City Manager, replied when the development package was submitted, the applicant would have to refine the specific design of the “pork chop” and there was no public participation as it was handled through the City’s internal review process.

Council Member Kozachik asked what the intent of the traffic mitigation pork chop was.

Ryan Egan, Applicant on behalf of the property owners, Heights Properties, LLP, said it was to eliminate access from customers to the restaurant into the neighborhood via Leonora Avenue. He said their dealings with the neighborhood had been “different.” He said they knocked on doors, sat with people in their living rooms ahead of time so those concerns, while anticipated, were not as forcefully voiced.

Council Member Kozachik said in the last sentence on page one of the memorandum—“alleyways” should be singular not plural.

It was moved by Council Member Kozachik, duly seconded to authorize the request as recommended by the Zoning Examiner

Council Member Cunningham asked if the Church’s Chicken was going to be used.

Mr. Egan said the current building was being demolished. The new restaurant will have the necessary improvements required.

Vice Mayor Uhlich asked the Zoning Examiner if his decision was made without undue pressure or influence.

Linus Kafka, Zoning Examiner, there was no outside influence.

The motion to authorize the request as recommended by the Zoning Examiner was carried by a voice vote of 7-0.

14. ECONOMIC DEVELOPMENT: NOTICE OF INTENT TO ENTER INTO A TAX INCENTIVE DEVELOPMENT AGREEMENT WITH TUCSON MEDICAL CENTER

Mayor Rothschild announced City Manager's communication number 409; dated November 5, 2015 was received into and made part of the record. He asked the City Clerk to read Resolution 22486 by number and title only.

Resolution No. 22486 relating to Economic Development; approving a Notice of Intent to enter into a Tax Incentive Development Agreement ("Agreement") with Tucson Medical Center ("TMC") for construction of a medical office complex on a 40-acre parcel on the southeast corner of Houghton and Drexel Roads to be called the TMC Rincon Health Campus; making certain findings with respect to that Agreement; and adopting an Independent Economic Analysis relating to the Agreement.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22486.

15. ECONOMIC DEVELOPMENT: APPROVAL OF PRIMARY JOBS INCENTIVE DEVELOPMENT AGREEMENT WITH CAID INDUSTRIES

Mayor Rothschild announced City Manager's communication number 410; dated November 4, 2015 was received into and made part of the record. He asked the City Clerk to read Resolution 22490 by number and title only.

Resolution No. 22490 relating to Economic Development Incentives; authorizing and approving the Primary Jobs Incentive Development Agreement between the City of Tucson (City) and CAID Industries for expansion of their manufacturing facility located at 6220 South Tucson Boulevard (Project).

Council Member Fimbres asked how the City of Tucson benefited from the proposal as well as CAID Industries.

Camila Bekat, Economic Development Specialist, replied for the City, it added thirty jobs to the community and would also add sales tax and property tax revenue. For CAID Industries, it allows them to put money back into their existing operations for further expansions and use some of the incentive proceeds for job training.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22490.

16. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 416; dated November 4, 2015 was received into and made part of the record.

There were no appointments in the report at this time.

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

There were none.

17. **ADJOURNMENT:** 8:53 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on November 17, 2015, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

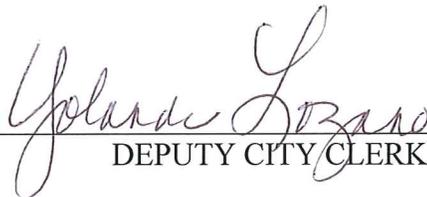
MAYOR

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 4th day of November, 2015, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

RWR:SDR:yl