



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 22, 2018.

Date of Meeting: November 8, 2017

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:33 p.m., on Wednesday, November 8, 2017, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero
Paul Cunningham
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

Vice Mayor, Council Member Ward 1
Council Member Ward 2 (arrived at 5:35 p.m.)
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

Karin Uhlich

Council Member Ward 3

Staff Members Present:

Michael J. Ortega
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION, PLEDGE OF ALLEGIANCE AND APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

a. INVOCATION

The invocation was given by Pastor Larry Munguia, The S.O.B.E.R. Project, after which the Pledge of Allegiance was presented by the entire assembly.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. PRESENTATIONS:

1. Mayor Rothschild proclaimed November 19, 2017 to be Tucson Educational Empowerment for Minorities Day. Marie Cepher accepted the proclamation.
2. Mayor Rothschild proclaimed November 26, 2017 to be Dia del Salvadoreño en Tucson, Arizona. German Alvarez, Consul General of El Salvador, accepted the proclamation.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 368, dated November 8, 2017, was received into and made part of the record. He asked for a motion to approve the appointment in the report.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to approve the appointment of Brad Yant and reappointments of Kenneth Cawthorne, and Fred Knapp to the Tucson-Pima County Joint Consolidated Code Committee (TPCJCCC).

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

There were none.

3. MAYOR AND COUNCIL / CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 364, dated November 8, 2017, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports were provided by Vice Mayor Romero and Council Members Cunningham 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. BOARDS, COMMITTEES AND COMMISSIONS: REPORTS TO MAYOR AND COUNCIL

Mayor Rothschild announced City Manager's communication number 365, dated November 8, 2017, was received into and made part of the record. He also announced that was the time scheduled to allow Boards, Committees and Commissions to report on their activities during the past year, as well as, anticipated future activities.

No report was provided.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to direct staff to return with an agenda item to sunset the Bond Project Advisory Committee.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 366, dated November 8, 2017, 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. Rancho Rustico Family Mexican Restaurant, Ward 4
10275 E. Old Vail Rd.
Applicant: Jose Luis Arceo Verbera
Series 12, City 57-17
Action must be taken by: October 9, 2017

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

2. NYPD New York Pizza Department, Ward 2
6546 E. Tanque Verde Rd. #110.
Applicant: Maria Clark
Series 12, City 68-17
Action must be taken by: November 10 2017

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

3. Grand Buffet, Ward 1
1690 W. Valencia Rd.
Applicant: Gonghui Wu
Series 12, City 71-17
Action must be taken by: November 18 2017

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/Location Transfer(s)

4. Ken’s Hardwood Barbecue, Ward 4
5250 E. 22nd St.
Applicant: Kevin Arnold Kramber
Series 12, City 61-17
Action must be taken by: November 18 2017

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

5. Arco AM/PM, Ward 1
802 W. Speedway Blvd.
Applicant: Inder Preet Kaur
Series 12, City 73-17
Action must be taken by: November 18 2017

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

NOTE: State law provides that for a person and location transfer Mayor and Council may consider both the applicant's capability qualifications reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Fourth Avenue Merchants Association, Ward 6
4th Ave. from University Blvd to 8th St.
Applicant: Monique Marie Vallery
City T124-17
Date of Event: December 8, 2017 - December 10, 2017
(Winter Street Fair)

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

2. Desert Diamond Distillery Inc., Ward 6
434 E. 9th St.
Applicant: John W. Patt
City T150-17
Date of Event: December 8, 2017 - December 10, 2017
(4th Avenue Street Fair)

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

3. Tucson Jewish Community Center, Ward 3
3800 E. River Rd.
Applicant: Joline M. Riddle
City T151-17
Date of Event: December 2, 2017
(School Fundraiser)

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

4. Bootstraps to Share of Tucson, Inc., dba BICAS, Ward 3
1122 N. Stone Ave.
Applicant: Matthew Justin Harmon
City T152-17
Date of Event: December 1, 2017 – December 2, 2017
(BICAS Art Auction Fundraiser)

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

5. Watershed Management Group, Ward 6
1137 N. Dodge Blvd.
Applicant: Jamie Louise Manser
City T155-17
Date of Event: November 28, 2017
(Fundraiser)

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

6. Tucson Veterans Serving Veterans, Ward 1
101 N. Stone Ave.
Applicant: Bruce Edward Hamilton
City T156-17
Date of Event: November 11, 2017
(Hats Off to Heroes)

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

7. Arts Express, Ward 6
222 S. 5th Ave.
Applicant: Karen F. Wiese
City T157-17
Date of Event: November 18, 2017
(El Tour de Tucson)

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

d. Agent Change/Acquisition of Control

1. Food City #133, Ward 5
3030 E. 22nd St.
Applicant: Michael Joseph Basha
Series 9, City AC63-17
Action must be taken by: November 13, 2017

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

2. Food City #69, Ward 3
3923 N. Flowing Wells Rd.
Applicant: Michael Joseph Basha
Series 9, City AC64-17
Action must be taken by: November 13, 2017

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

3. Bashas #100, Ward 3
3275 N. Swan Rd.
Applicant: Michael Joseph Basha
Series 9, City AC65-17
Action must be taken by: November 13, 2017

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

4. Food City #165, Ward 1
428 W. Valencia Rd.
Applicant: Michael Joseph Basha
Series 9, City AC66-17
Action must be taken by: November 13, 2017

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

5. Food City #156, Ward 1
1221 W. Irvington Rd.
Applicant: Michael Joseph Basha
Series 9, City AC65-17
Action must be taken by: November 13, 2017

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

6. Food City #166, Ward 1
1225 W. Saint Mary's Rd.
Applicant: Michael Joseph Basha
Series 9, City AC68-17
Action must be taken by: November 13, 2017

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

7. Food City #139, Ward 1
1740 W. Ajo Way
Applicant: Michael Joseph Basha
Series 9, City AC69-17
Action must be taken by: November 13, 2017

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

8. Food City #171, Ward 5
2000 E. Irvington Rd.
Applicant: Michael Joseph Basha
Series 9, City AC70-17
Action must be taken by: November 13, 2017

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

9. Cheddar's Casual Café, Ward 6
3455 E. Broadway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC71-17
Action must be taken by: November 19, 2017

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

NOTE: The local governing body of the city town or county may protest the acquisition of control within sixty days based on the capability reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to forward items 5b1 through 5b5, 5c1 through 5c7, and 5d1 through 5d9, 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:

Pedro Gonzales	Francesca Jarvis	Edward Cizek
Paul Parisi	Camille Kershner	

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

7. CONSENT AGENDA – ITEMS A THROUGH E

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 NOV08-17-367 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of February 22, 2017
3. Mayor and Council Study Session Legal Action Report and Minutes of February 22, 2017

b. INTERGOVERNMENTAL AGREEMENT: WITH THE TUCSON UNIFIED SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

1. Report from City Manager NOV08-17-373 CITY WIDE

2. Resolution No. 22837 relating to Police and Intergovernmental Agreements (IGAS); approving the IGA between the City of Tucson (City) and Tucson Unified School District (TUSD) for joint funding of six School Resource Officers (SROs) for the 2017-18 school year; and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Romero.)

c. AGREEMENT: WITH HEALTH CURRENT TO PARTICIPATE IN THE STATEWIDE HEALTH INFORMATION EXCHANGE (CONTINUED FROM THE MEETING OF OCTOBER 24, 2017)

1. Report from City Manager NOV08-17-369 CITY WIDE
2. Resolution No. 22834 relating to Fire; authorizing and approving the Network Participation, Services & Funding Agreement between the City of Tucson, acting through the Tucson Fire Department, and Health Current, Arizona's statewide health information exchange; and declaring an emergency.

d. INTERGOVERNMENTAL AGREEMENT: WITH THE CITY OF PHOENIX FOR STORAGE, RECOVERY AND EXCHANGE OF CAP WATER – PHASE 2 (CONTINUED FROM THE MEETING OF OCTOBER 24, 2017)

1. Report from City Manager NOV08-17-374 OUTSIDE CITY
2. Resolution No. 22836 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Phoenix and the City of Tucson for storage, recovery, and exchange of Central Arizona Project Water - Phase 2; and declaring an emergency.

e. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION (AHCCCS) FOR THE ACCESS TO PROFESSIONAL SERVICES INITIATIVE PROGRAM AT TUCSON MEDICAL CENTER (TMC)

1. Report from City Manager NOV08-17-378 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 22838 relating to Intergovernmental Agreements (IGAs); approving and IGA between Arizona Health Care Cost Containment System Administration (AHCCCS) and the City of Tucson (City) to provide funding to secure additional federal matching funds for the Access to Professional Services Initiative Program (APSI) at Tucson Medical Center (TMC); and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused), that Consent Agenda Items a – e, with the exception of Item b, which was considered separately, be passed and adopted and proper action taken.

7. CONSENT AGENDA – ITEM B

b. INTERGOVERNMENTAL AGREEMENT: WITH THE TUCSON UNIFIED SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

1. Report from City Manager NOV08-17-373 CITY WIDE
2. Resolution No. 22837 relating to Police and Intergovernmental Agreements (IGAS); approving the IGA between the City of Tucson (City) and Tucson Unified School District (TUSD) for joint funding of six School Resource Officers (SROs) for the 2017-18 school year; and declaring an emergency.

Vice Mayor Romero stated she and the Tucson Unified School District (TUSD) were happy with the partnership with the Tucson Police Department (TPD) regarding the School Resource Officers (SROs) at the schools. She said she wanted to be sure there was language in the Intergovernmental Agreement (IGA) that protected students no matter of their immigration status. She said the Mayor and Council needed to make sure schools were safe for students and their families and that they understood there was a trusting relationship between SROs, students, and families.

Vice Mayor Romero stated she had requested to have clarifying language in the agreement three years ago and was requesting it at this time as well. She said she was committed to protecting all the students, along with everyone else involved, and wanted to be sure a new Section 2 was read into the record, that stated, “At all times during the term of the IGA, TPD personnel, including all SROs, shall be subject to the policies and practices of the General Orders of the Chief of Police of the Tucson Police Department, including General Order 2300 relating to immigration policy”.

Mayor Rothschild asked the City Attorney if that was appropriate.

Mike Rankin, City Attorney, advised it was and would be added to the Resolution. He said in addition to approving the IGA, it would include that specific direction from the Mayor and Council.

Mayor Rothschild asked if an amendment was needed.

Mr. Rankin replied what Vice Mayor Romero read it into the record was suitable.

Mayor Rothschild asked if there was a second to Vice Mayor Romero’s language.

Vice Mayor Romero stated she wished to include for the record and for public knowledge, that there were many concerned families, with the current Trump era in the country, with pre-emption occurring from the State Legislature to the cities. She said the City needed to take a clear stance in the protection of Tucson's residents, students and their families no matter of status. She said there was a 1487 inquiry from the Attorney General's Office to the City of Phoenix about the General Orders; which the City of Phoenix had taken from the City of Tucson. She commented that the General Orders basically passed muster in regards to SB1070 law in the State of Arizona.

Vice Mayor Romero stated based on the Attorney General's approval of passing muster for the City of Phoenix General Orders, Tucson's General Orders were clear and specific about how to handle minors and students and SROs/TPD personnel not asking for immigration status of anyone on school grounds. She also wanted to be sure, TPD General Orders were specifically stated within the Resolution and IGA, and her motion accomplished that and alleviated stress and anxiety for students and their families.

It was moved by Vice Mayor Romero, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused), to pass and adopt Resolution 22837, as amended.

8. PUBLIC HEARING: ZONING (C9-07-18) S&L DEVELOPMENT - HOUGHTON ROAD, SR TO C-1, REQUEST FOR CASE REACTIVATION, FIVE-YEAR TIME EXTENSION, CHANGE OF PRELIMINARY DEVELOPMENT PLAN AND CONDITIONS, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 375, dated November 8, 2017, was received into and made part of the record. He also announced this was the place and time legally advertised for a public hearing for reactivation, a five year extension, change of Preliminary Development Plan and change of conditions for property located on the southeast corner of East 22nd Street and South Houghton Road.

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

The following people spoke during the public hearing:

Roy Maynard

Linda Schaub

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

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

Mayor Rothschild called on staff from the Planning and Development Services Department (PDSD) to answer the questions from the hearing.

Scott Clark, Planning and Development Services Department (PDSD) Interim Director, stated that in the Zoning Examiner's conditions for the drainage design, he did not believe there was a mechanism in place to dedicate a trail. He advised regarding the traffic, a traffic study was required and was a reduction in the development approved in 2008. He said that approval, at that time, was when the Office of Conservation and Planning had made previous recommendations.

Council Member Scott advised there were further concerns with regard to the floodplain and drainage issue. She said the entrance for the new proposal needed to be realigned, there some issues with regard to the riparian area, landscaping and open space wildlife corridor, the map could not be used for rezoning, and there was an assurance for a positive economic impact. She stated there would be an opportunity for a review of the matter and this was just a five-year extension for PDSD, with all of the steps in place for everyone to come together and discuss the concerns.

Mr. Clark replied that was correct, however, when the submittal of the development package was received, that was where the engineers had the opportunity to look at the drainage design, roads, and environmentally sensitive resource zones. He said that was when the final conditions would be applied to the site that the developer had to meet for construction. He further explained that the economic development was a formula the industry used and also a formula the City uses and whether that panned out or not was subject to the market.

Mayor Rothschild said he wanted to clarify the concerns expressed that evening. He said what he understood from Council Member Scott was that those concerns could be addressed at the final plan and at this meeting, the Mayor and Council were approving the five year extension.

Mr. Clark advised that was correct.

Vice Mayor Romero mentioned there had been concerns about the parcel with the Office of Conservation and Sustainable Development and wanted to be sure Ms. Schaub had her questions answered, along with the Mayor and Council also receiving a copy of the responses. She continued saying that although this was only to approve the five-year extension, the issues needed to be resolved and replied to.

Mayor Rothschild advised Mr. Clark that he was comfortable moving forward with the item, as long as Mr. Clark took the input from the speakers and responded to both the citizens and the Mayor and Council with the answers.

Council Member Cunningham said he was not comfortable moving forward with the item. He said there was an upcoming case for the next meeting and both should be taken in conjunction with one another, since the parcels were adjacent from each other. He said he thought the cases were interrelated, although extending this case would be tough on the developer, it did not make sense to consider one and not the other which would affect both cases and the entire neighborhood in the area.

Mayor Rothschild advised this was purely an extension.

Council Member Kozachik clarified the request was to extend and reopen the rezoning request to January of 2018. He stated the proposal for this site was a three lot subdivision, with a one story building on each lot at twenty-six thousand square feet and was not like the ninety-eight thousand square feet that was caddy corner across the street. He asked what public process was left for this site before January of 2018, in order to have the questions from the public answered.

John Beall, Planning and Development Services Department Section Manager, replied there was no formal public process left. He said the developer could meet with the neighborhoods again, but the developer had already met with the surrounding citizens when the extension and reactivation was applied for.

Council Member Kozachik stated, if there was no formal process left, and the Mayor and Council voted to extend the time, were they in essence voting to approve the site plan as defined in the Zoning Examiner's recommendation with those conditions without the public's questions being formally answered and incorporated into the decision.

Mr. Beall advised that was correct, saying that the conditions for the drainage had gone through the formal review process with City Engineering, and the time for those to be addressed would be at the time of the development package, which would be when the applicant returned with the development package for the project.

Council Member Kozachik asked for clarification if there was public involvement at that time.

Mr. Beall stated that was not.

Council Member Scott inquired if the developer was present to provide a response.

Dave Long, Tucson Development Group LLC and Daniel White, P.E. of Physical Resource Engineering, came forward and stated they would be happy to answer any questions regarding the riparian area and any other concerns expressed.

Mayor Rothschild advised Mr. Long to address the concerns, the process they had been through, and to get back to the Mayor and Council with the answers.

Mr. Long advised yes and many of the concerns could be addressed that evening, and he called on Dan White, of Physical Resource Engineering, to assist with the technical questions being asked.

Daniel White, P.E., of Physical Resource Engineering said he would be happy to answer any questions.

Council Member Kozachik asked what would happen to the project if the Mayor and Council said no that evening to the request for an extension and was the option to continue the item still on the table.

Mike Rankin, City Attorney, advised the option was still available to continue the item, but to keep in mind the timeline in terms of the expiration of the ten years in January of 2018.

Mayor Rothschild advised the other zoning request mentioned had a hearing on December 5, 2017 and he was not inclined to hear them at the same time due to the cases being unrelated. He asked if there was time in December to hear the current case.

Mr. Rankin stated the expiration date of ten years was January 8, 2018.

Mayor Rothschild inquired if the case was brought back in December to allow time to have the concerns answered in a more organized manner by staff and the representatives to give the opportunity to grant the extension.

Mr. Rankin advised it was possible; however the applicant would need to show compliance of the recommended conditions with the recordation of a final plat.

Mr. Long added it did not provide them with enough time and believed they would be able to answer all of the questions that evening. He further added that with respect to the riparian area, there was a set of stipulations that were approved and attached to the project as part of the previously approved development plan. He said one of the stipulations was with respect to the trail and the Estes Wash. He stated they had heard several different points of view in regard to the trail, stating some neighbors did not want the trail at all, however, it was part of their requirement to dedicate that and they were completing that through a blanket easement. He continued saying that if the Mayor and Council agreed with not having a trail in the Estes wash, they were behind the decision, but the developer could not make that choice independently, they were just adhering to their original stipulations from 2007. He then called upon Mr. White to answer the concerns in regards to the run-off and increasing the watershed.

Mr. White stated the dedication language for the trail easement was on the final plat, which was conditionally approved and there should not be an issue with trail easement.

Mayor Rothschild advised the two significant issues were with the drainage and the traffic and requested answers for the neighbors' concerns.

Mr. White replied in terms of the drainage, the development plan had to meet certain requirements; of those requirements a drainage report was required to be submitted and approved. He said an analysis was done on the wash based on the information created from their Plan; which meant taking into account the runoff, stored the runoff as part of the detention/retention and whatever overflow from the hundred year

storm that wound up in Estes Wash. He stated from that point, the wash was modeled to verify if it exceeded the requirements by the City of Tucson; the requirements were set such that the water level cannot be exceeded by more than one tenth of a foot during the hundred year storm, and the numerical analysis showed it did not. He said the drainage report was submitted and approved by the City, so he felt comfortable that they had done the necessary work to make the project achievable.

Mayor Rothschild inquired about the traffic issues.

Mr. White responded a traffic impact analysis, which was reviewed by the City's Transportation and Planning Departments, and approved. He continued to say the distance specified between the access and intersection met the requirement of one hundred fifteen feet, and was why the Plan was approved.

Mayor Rothschild asked if there was any further discussion on the matter.

Council Member Scott said there was question regarding silt build up and wanted to know if that was in the drainage tubes already in existence and if that would be addressed or was it a different matter.

Mr. White replied the tubes in place were the responsibility of the City or the Pima County to maintain and the developer had no control over that.

Council Member Scott questioned if the entrance to the property could be placed in a different area, however, it was stated the developer was complying with the City of Tucson standards.

Mr. White stated that was correct and part of the issue was being limited of entrance along Houghton Road, due to one third of the project was held as riparian area and undeveloped. He said they had to provide where the entrance would be, which was farther north.

Council Member Scott added another concern was that the map could not be used for the rezoning.

Mr. White said he did not understand the reason for that. He said the *General Plan* stipulated a neighborhood activity center, which designated the site to support mixed use commercial areas to the surrounding neighborhood.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 11500.

Council Member Kozachik agreed the zoning case was not related to an upcoming zoning case across the street. He continued to say the mass and scale of this case was significantly less than what it was originally. He said if there was a culvert that was getting built up in it, that was up to the City or County to clean it out and would

positively affect the sheet flow in the area. He said that was the responsibility of the City or County, not the developer to clean it up. He encouraged the developer to continue to reach out to the neighbors to address concerns before the matter came back to the Mayor and Council.

Council Member Cunningham stated many of his concerns were addressed; however, even though his colleagues did not feel this case was related to an upcoming zoning case, he was concerned if the other zoning case approved, it would change the numbers for the drainage. He said if the cases were considered separately, moving forward nothing could be assumed and the more prudent thing to do was to approve the five-year extension and if necessary come back in the future to address any concerns.

Mayor Rothschild asked the City Clerk to read Ordinance 11500 by number and title only.

Ordinance No. 11500 relating to Zoning: amending zoning district boundaries in the area of the southeast corner of South Houghton Road and East 22nd Street in Case C9-07-18 S & L Development, SR to C-1; and setting an effective date.

The motion to approve Ordinance 11500, as recommended by the Zoning Examiner, was passed and adopted by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused).

9. PUBLIC HEARING: ZONING (C9-17-09) EL RIO HEALTH CENTER – 22ND STREET, R-2, C-3 AND I-1 TO C-2, CITY MANAGER'S REPORT, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF OCTOBER 24, 2017)

Mayor Rothschild announced City Manager's communication number 372, dated November 8, 2017, was received into and made part of the record. He announced this was the place and time legally advertised for a public hearing to rezone approximately 7.58 acres from R-2, C-3 and I-1 to C-2 zoning for property located at the southwest corner of 22nd Street and Cherrybell Stavenue.

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 the representative or owner of the project were present. He said he normally allowed the owner/presentative to give a five-minute presentation at the beginning of the public hearing, but this time he wanted them to do their presentation at the end of the public hearing, so they could hear what public had to say and respond. He asked if that was acceptable to the owner/representative.

The owner/representative stated it was acceptable.

3The following people spoke at the public hearing:

Glenn Davis

Willie Blake

Sara O'Neil

Kristie Ramos
Nancy Jones

Cynthia Harper-Ayala
Timothy Haver

Gwendolyn Valentine

Council Member Kozachik asked the City Attorney to explain the change in state law notices, zoning boundaries and buffers. He asked if that had any effect on what the Mayor and Council just heard from Mr. Davis.

Mike Rankin, City Attorney, responded that Council Member Kozachik was absolutely correct and that it had been discussed in the context of another matter. He said state law changed with respect to how the protest area was calculated such that public rights-of-way were included within the one hundred fifty foot calculation. He stated that explained the issues that Mr. Davis voiced about the change in the protest area.

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

Nancy Johnson, El Rio Health Center, said they provided the Mayor and Council with a history of all of the community meetings held since purchasing the property. She stated they spent a lot of time within the community, assessing their needs and what they might be able to provide for them. She said that, over the past forty-seven years, they had proven themselves to be an asset to the community in taking care of everyone that needed care.

Ms. Johnson said she was excited about the project because it was in the middle of where they currently were, the southeast, west, southwest side and the northwest, which had been a very large gap in care. She said they had spoken to the Transportation Department about their ability to get patients where they needed to go. She explained that the catalyst for them was the City of Tucson electing to broaden Broadway Blvd.

Ms. Johnson stated they were on a timeline; beginning in 2019 they were expected to be out of their current Broadway Health Center in the Broadway and Highland area. She said their plan, with approval of this rezoning, was to get the new building built and be able to move in by December 31, 2018. She said the health center would also be a teaching center with all of the disciplines available such as dental, behavioral health, medical, pediatrics and midwifery care, and would be a stellar addition.

Ms. Johnson also commented they were excited about feedback from the neighborhood association's that talked about the need for a safe walking path. She said the property intended to have a walking path around it and to be a place for healthy activities, indoors as well as outdoors. She thanked the Mayor and Council for their support.

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

It was moved by Council Member Fimbres, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance No. 11495.

Mayor Rothschild asked the City Clerk to read Ordinance 11495 by number and title only.

Ordinance No. 11495 relating to Zoning: amending zoning district boundaries in the area located at the southwest corner of 22nd Street and Cherrybell Stravenue in case C9-17-09 El Rio Health Center – 22nd Street, R-2, C-3, and I-1 to C-2; and setting an effective date.

The motion to approve Ordinance 11495 was passed and adopted by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused).

10. ZONING: (C9-17-10) TCC PAD (PAD-5) – HOTEL MAJOR AMENDMENT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 376, dated November 8, 2017, was received into and made part of the record. He asked the City Clerk to read Ordinance 11501 by number and title only.

Ordinance No. 11501 relating to Zoning: amending the Tucson Convention Center (TCC) Planned Area Development (PAD), PAD-5, bounded by S. Church Street on the east, W. Cushing Street on the south, S. Granada Street on the west, and La Placita on the north in case C9-17-10, TCC PAD - Hotel; and setting an effective date.

Council Member Kozachik stated he had a couple of questions for staff. He said there were some concerns raised by the surrounding neighborhoods in the outreach meetings that Rio Nuevo and the Design Team held, as well as, with the Wards 5 and 6 Council Offices. He said with respect to parking issues that already existed in the surrounding areas, not necessarily related or anticipated to be exacerbated by the TCC, but the issue of the parking concerns “bubbled up” as a result of the proposed hotel.

Council Member Kozachik indicated there were ninety-five parking spaces that would be dedicated, which was an increase of twenty spaces from what was already in the footprint of the TCC parking lot. He asked what kinds of design considerations were being built into the Plan to discourage vehicular traffic into the south and to encourage pedestrian connections into the neighborhoods.

Steven Shell, Zoning Examiner (ZE), stated based on the public hearing the overwhelming consensus was in favor of the hotel, however, there was a lot of discussion regarding the parking. He said, the applicant by just reconfiguring the existing parking, was able to create an additional ninety-five spaces and seventy five of those spaces would be necessary for the hotel itself, leaving twenty spaces to assist with the neighborhood issue.

Mr. Shell added that when he asked about the timeline for the hotel, it was a ways out into the future, so he asked if it was possible to have the parking reconfigured now, create the ninety-five spaces, to at least provide some alleviation to the neighborhood, until such time the hotel was built. He said any chance he had to receive something now was a sign of good faith to reconfigure the parking lot, subject to the condition of one year from the adoption of the Ordinance.

Council Member Kozachik asked what was being done with respect to special event parking in surrounding area.

Greg Jackson, Management Coordinator, advised for special events downtown, the City typically notified neighborhood associations when those events take place. He added that for TCC events, there was not enough parking, additional parking was needed and felt a parking garage could be constructed, however people would continue to look for free parking in the surrounding neighborhoods.

Council Member Kozachik commented that it sounded like the City was acknowledging the concerns of the neighborhood. He said in Barrio Viejo, the streets were very narrow and due to the TCC's over flow parking, the neighborhood was being impacted by City events and prohibited from parking in front of their own homes. He said the City needed to do a better job on correcting that.

Council Member Kozachik stated he had one more concern with the financial considerations in the materials. He said that it stated there may be a cost to the City for constructing the parking. He asked what the cost was and how it was going to be funded.

Mr. Shell replied he was not aware of the financial obligation and the applicant, at the public hearing, was quite clear stating there were three partners involved.

Council Member Kozachik read what the financial considerations stated, "should the Mayor and Council adopt the Zoning Examiner's recommendation regarding the building of the hotel parking, there may be a cost to the City of Tucson and/or the District."

Mike Rankin, City Attorney, replied there would only be a financial impact if the City agreed to appropriate funds to address the parking issue. He said there would not be a commitment by the Mayor and Council to do so by approving the ZE's recommendation.

Mr. Shell added that part of why he made the recommendation that he did was because he could not delve into the past and why the problem existed, who created it and what the ultimate resolution was. However, he said he felt that the hotel itself was the only burden he needed to be concerned with as part of the item.

Council Member Kozachik advised setting the hotel aside, it was acknowledged there was a pre-existing problem with parking that the City needed to address.

Mayor Rothschild asked for clarification that there would be no cost to the City for the parking.

Mr. Rankin advised it could be made expressly clear as part of the motion that as part of the approval, the City was not making any commitment to financial considerations with respect to the parking.

Mayor Rothschild clarified that it did not mean they could not in the future.

Mr. Rankin stated yes that was correct, but that no commitment was being made.

Council Member Fimbres commented that several meetings were held with Rio Nuevo staff where they came up with the recommendations and received input on a traffic impact analysis of the area, designs for development in these areas to include adequate parking spaces to the TCC, review of the residential parking permit program, concerns from the Barrio Viejo neighborhood, placement of residential only signs, and elderly and disabled parking in front of their own homes.

Council Member Fimbres advised that the TCC, the Tucson Police Department and Park Tucson work together to do some enforcement as they did for the University of Arizona football/basketball games in the Sam Hughes Neighborhood.

Mayor Rothschild said he got the impression Barrio Viejo did not want to be a Park Wise neighborhood, however, on certain nights signs could be placed that stated parking was prohibited unless they were a resident.

Vice Mayor Romero stated most of the issues she had had been addressed in terms of the neighborhood and the traffic impact analysis. She said she thought it was important to codify that Barrio Viejo be included in the process as the development continued. She brought forth her concerns in regards to the lack of information in terms of financials for the future of the City of Tucson that were created with such projects by the Rio Nuevo Board. She said ideally, she wanted to make sure the Board, before making huge financial decisions, the Mayor and Council and surrounding neighborhoods were included in the conversations because of the potential of not having an extension for the TIF. In other words, she said, what were the financial consequences being presented to the Mayor and Council on decisions made by the Board that could potentially impact the finances of future councils.

Fletcher McClusker, Rio Nuevo Board Chair, said that the Rio Nuevo Board did not commit any funds on behalf of the City. He advised the project was incredibly unique and that none of the money being invested in the project was either state, city or county tax based. He said it was entirely funded by the private sector and named a few of the representatives present at the meeting. He said that other than parking, nothing was funded by a government entity. He stated the Rio Nuevo Board, at their last meeting, agreed to fund, in its entirety, the placement of the ninety-five parking spaces which was estimated to be approximately one hundred thousand dollars.

Mr. McClusker stated that, as a rule, the Board did not do anything where they tried to create a match or a requirement for the City to match. He continued saying that most of the work the Board did was in partnership with the private sector. He commented that if the Board found it necessary to have the City's participation, they would come to them well in advance. He stated the project was unique in anything the Board had ever approached in that it required zero State or City tax dollars; all that was being asked was to deed to the investors, in some sort of nominal lease, a site under which to build the hotel.

Vice Mayor Romero said she appreciated Mr. McClusker's clarification due to other instances which required some financial commitments into the future. She said she wanted to make sure that besides the public process and including neighborhoods, that communication was included amongst the Rio Nuevo Board and the Mayor and Council to ensure collaboration. She stated she was in support of the project, but had brought up this issue repeatedly because in the work that was being done with Mr. McClusker, the Mayor, City Manager, and attorneys there needed to be a very clear communication pattern with the Mayor and Council moving forward, especially with regards to the financials. She said she understood this particular project did not encumber any financial obligation into the future; however, not every case was the same.

Mr. McClusker appreciated the comments and said a better job could be done; it was an old issue of who went first. He advised that the majority of the time when the Board was considering a project that required State tax dollars committed, the Board typically went first because if it was not approved, then there was no point in bringing it forward to the Mayor and Council.

Vice Mayor Romero said she believed, before it got to the point where the Board approved a project, to keep the public and the Mayor and Council as the elected leaders of the City of Tucson informed, discussion needed to be had about the financials regarding these projects. She said she knew there were developers and investors who approached the Rio Nuevo Board and did not come to the City of Tucson. She commented that she believed it was in good form to have improved communication into the future.

Mr. McClusker said with regards to Council Member Kozachik's question to improve traffic, the Rio Nuevo Board requested, within the PAD, to close the southern entrance to Cushing Street and create an entrance/exit off to Church Street, to help alleviate traffic through Barrio Viejo.

Council Member Kozachik said he appreciated the comments that many of the issues raised were City issues and he also appreciated the closing of Cushing Street, as it addressed one of the concerns. He said it would be one hundred twenty five more rooms in addition to the AC Marriot Hotel. He commented that with respect to the financial package, there were no site specific taxes coming back into the infrastructure, no Government Property Lease Excise Tax (GPLET) or any tax rebates happening.

Mr. McClusker replied the current Plan included some tax specific rebate of the Rio Nuevo portion of the taxes for a short period of time. He said he believed it was capped at \$2.5 million, which was Rio Nuevo's contribution in the long term, and terminated in 2025.

Council Member Kozachik clarified he was asking in terms of the City's side; was there anything happening on a specific tax or GPLET.

Mr. McClusker advised they were not asking for any excise tax rebate.

Council Member Kozachik wanted to affirm that an extensive public outreach was done for the project. He questioned with the approval of the extension of the PAD, what the next steps in the process would be moving forward.

Michael J. Ortega, City Manager, replied the approval of the PAD would kick forward the building plan permits as part of the usual development process. He mentioned that the closure of Cushing Street would help with the traffic pattern and the financial impact to the City, assuming the parking took place immediately and the City chose to do that, then a cost would apply. He further stated the District already decided to complete the reconfiguration, so the City did not have an obligation to that. He advised in regards to the traffic pattern and impact in the neighborhood, that was a responsibility of the City that needed to be looked at, and was not related specifically to the hotel. He said he would have staff look at that and report back with what opportunities would be available to provide a resolution.

Mayor Rothschild wished to reflect on Council Member Fimbres' part of the motion to have the neighbors be part of the process for the redevelopment, review the residential parking paid permit program and address the elderly and those who could not afford to pay for it, and ensure elderly and disabled neighbors could park in front of their own home. He stated in the motion, there needed to be provisions to have signs and monitoring for residential parking and thought it needed to be studied and a cost provided for as well as the traffic impact analysis report as part of the City's responsibility. He said he wanted to get a sense of the cost to ensure it was possible.

Mr. Ortega responded he did not have a sense of what the cost might be, however, he would look at it internally and use staff to perform the analysis. He advised the Mayor and Council to keep in mind the impact of the hotel, which outlined the additional seventy-five spaces necessary for the development. He said the second piece to that, which was related but separate, was event parking in the neighborhood. He stated that a conversation would be done internally to look at what opportunities were available in terms of signage and enforcement.

Mayor Rothschild clarified that the requests made by Council Member Fimbres were things that could be absorbed internally.

Mr. Ortega replied that was his goal. He said it could also be direction from the Mayor and Council to accomplish those and he would figure out how to complete them. He stated he wanted to have the analysis complete before the end of the calendar year so that staff could come back and have a conversation with the Mayor and Council if there were any expenditures outside of what he could absorb.

Mayor Rothschild asked that the parking reconfiguration of the seventy-five painted spots to be absorbed by Rio Nuevo be included in the motion.

Mr. McClusker stated that had already been agreed upon and the process started. He requested that conditions not be put on Rio Nuevo that they could not control.

Council Member Fimbres' direction to staff included:

- Conduct a Traffic Impact Analysis covering Stone, Convent, Simpson, Meyer, Main, El Paso, Sentinel, Samaniego, Elias, Ortero Osborne, 17th and 18th Streets and Avenues, as well as Carrillo School;
- All designs for developments in the area, including changes to the TCC, to have adequate parking for customers, and neighborhoods to have a part in the planning process;
- Review the residential parking and paid permit program in the neighborhoods that request it, and include residents who are elderly and who can't afford the program;
- Ensure that the neighborhood residents who are disabled can park in front of their own homes; and
- TCC, TPD and Park Tucson to work together with the neighborhoods on parking and enforcement for major events at TCC.

It was moved by Council Member Kozachik, duly seconded and passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused), to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11501.

11. ZONING: (C9-17-08) BP SWAN INVESTORS – SWAN ROAD, R-1 TO OCR-1, CITY MANAGER'S REPORT

Mayor Rothschild announced City Manager's communication number 377, dated November 8, 2017, was received into and made part of the record. He said this was a request to rezone approximately 27.78 acres from R-1 to OCR-1 zoning, located on the southeast corner of 29th Street and Swan Road. He said the Zoning Examiner and staff recommend approval subject to certain conditions.

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

Thomas Sayler-Brown, SBBL Architecture, responded on behalf of the applicant and stated they were in agreement with the proposed requirements.

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

12. UPDATE ON STATE AND NATIONAL LEGISLATION AND REGIONAL COMMITTEES

Mayor Rothschild announced City Manager's communication number 370, dated October 24, 2017, was received into and made part of the record.

Mayor Rothschild commended Andrew Greenhill, Intergovernmental Relations Manager, on his durability.

Andrew Greenhill, Intergovernmental Relations Manager, provided an update on H.R.1, the tax cuts and jobs act. He said they had identified some provisions in the tax bill in Congress. He said with Council's direction, he wanted to work on a letter with the Mayor to send to congressional representatives, detailing the City's concerns about those provisions.

It was moved by Vice Mayor Romero, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to draft a letter with the Mayor to send to Tucson's Congressional representatives detailing concerns with certain provisions of H.R. 1.

Council Member Fimbres thanked Governor Doug Ducey for passing the executive order regarding the second chance removing the "ban the box."

13. MAYOR AND COUNCIL DISCUSSION OF FUTURE AGENDAS

Mayor Rothschild announced City Manager's communication number 371, dated November 8, 2017, was received into and made part of the record.

No future agenda items were requested.

14. ADJOURNMENT: 7:39 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on November 21, 2017, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

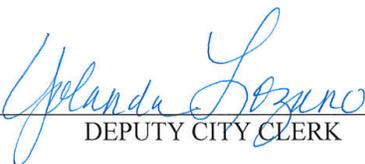
MAYOR

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 8th day of November, 2017, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR: km:agj