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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on October 10, 2019.

Date of Meeting: December 18, 2018

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:30 p.m., on Tuesday, December 18, 2018, 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 (arrived 5:33 p.m.)
Paul Durham	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Vice Mayor, Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

Michael J. Ortega	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	Chief Deputy City Clerk

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

a. INVOCATION

The invocation was given by Rabbi Batsheva Appel, Temple Emanu-El.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 413, dated December 18, 2018, was received into and made part of the record. He asked for a motion to approve the appointments in the report

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Mark Rubin to the Tucson Supplemental Retirement System Board of Trustees (TSRS), and the reappointment of Martha McClements to the Armory Park Historic Zone Advisory Board (APHZAB).

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

Vice Mayor Fimbres announced his personal appointment of Eddie Rios to the Independent Audit and Performance Commission (IAPC).

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

Mayor Rothschild announced City Manager's communication number 400, dated December 18, 2018, 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 and the City Manager to report on current events and asked if there were any reports.

Current event reports were provided by Vice Mayor Fimbres, and Council Members Romero, Cunningham, Durham and Kozachik.

No report was given by the City Manager.

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 401, dated December 18, 2018, was received into and made part of the record. He also announced this 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 reports were given.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Rothschild announced City Manager's communication number 402, dated December 18, 2018, 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)

NOTE: There are no application(s) for new licenses scheduled for this meeting.

Person/Location Transfer(s)

1. Siduris Craft Beer & Wine, Ward 2  
7215 E. 22nd St. #101  
Applicant: Damion Jacob Jenkins  
Series 7, City 90-18  
Action must be taken by: December 28, 2018

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

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

c. Special Event(s)

1. Tucson Botanical Gardens, Ward 6  
2150 N. Alvernon Way  
Applicant: Mary Ann Confrey  
City T141-18  
Date of Event: January 26, 2019  
(Fundraiser)

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

2. Museum of Contemporary Art Tucson, Ward 6  
265 S. Church Ave.  
Applicant: Elizabeth Courtney Johnson  
City T142-18  
Date of Event: December 21, 2018  
(Winter Solstice Celebration)

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

d. Agent Change/Acquisition of Control/Restructure

1. U of A Liquors, Ward 6  
1002 E. 6th St.  
Applicant: Dharmesh J. Patel  
Series 9, City AC16-18  
Action must be taken by: December 30, 2018

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

2. First Avenue Beverage, Ward 3  
3149 N. 1st Ave.  
Applicant: Dharmesh J. Patel  
Series 9, City AC17-18  
Action must be taken by: December 30, 2018

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

3. Amigos Burgers & Beer, Ward 5  
6372 S. Nogales Hwy  
Applicant: Roberto Valenzuela Gonzalez  
Series 12, City AC18-18  
Action must be taken by: December 28, 2018

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 Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5c1 through 5c2, and 5d1 through 5d3 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:

Collette Altaffer	Robert Reus	Ruth Beeker
Karen Greene	Hanson Fotherby	Lisa Olson
Michael Harris	Debbie Yoder	Richard Bergen
Edward Messing	John L. Dickinson	

Council Member Romero and Mayor Rothschild requested staff provide residents in the Dunbar Springs and other nearby neighborhoods an update on the status of the property located at the southwest corner of Speedway Boulevard and Stone Avenue.

Michael Rankin, City Attorney, said the update would include the direction provided during that afternoon’s Study Session regarding property at the subject intersection.

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 G**

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 DEC18-18-410 CITY WIDE
2. Mayor and Council Regular Minutes of May 22, 2018
3. Mayor and Council Study Session Minutes of May 22, 2018

Roger W. Randolph, City Clerk, announced a correction to the Regular Meeting Minutes for approval. He said, on page 19, in the first paragraph, the word “Team” should not be capitalized.

- b. FINANCE: WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE
  - 1. Report from City Manager DEC18-18-403 CITY WIDE
  - 2. Resolution No. 22972 relating to Business Services, authorizing the write-off of certain Uncollectable Accounts, and declaring an emergency.

(This item was continued at the request of staff.)
- c. GRANTS: GRANT-IN-AID AGREEMENT WITH TOHONO O'ODHAM NATION FOR VARIOUS PROJECTS
  - 1. Report from City Manager DEC18-18-404 CITY WIDE
  - 2. Resolution No. 22973 relating to Finance; approving Grant-in-Aid funding from the Tohono O'odham Nation ("Nation") for certain projects; authorizing the Director of the Department of Finance to enter into Agreement between the City of Tucson ("City") and the Nation for such projects; and declaring an emergency.
- d. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AWARD
  - 1. Report from City Manager DEC18-18-405 CITY WIDE
  - 2. Resolution No. 22974 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement (IGA) between the City of Tucson (City) and Pima County for the 2017 Department of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award; and declaring an emergency.
- e. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AWARD
  - 1. Report from City Manager DEC18-18-406 CITY WIDE
  - 2. Resolution No. 22975 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement (IGA) between the City of Tucson (City) and Pima County for the 2018 Department of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award; and declaring an emergency.

f. TUCSON CODE: AMENDING (CHAPTER 10) MODIFICATIONS TO THE ANNUAL COMPENSATION PLAN FOR FISCAL YEAR 2019 AND AMENDING ORDINANCE 11558

1. Report from City Manager DEC18-18-412 CITY WIDE
2. Ordinance No. 11611 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service - Human Resources, Article II, Compensation Plan, Section 10-31, amending Ordinance No. 11558 to approve revised compensation schedules; otherwise reaffirming the provisions of Ordinance No. 11558; setting an effective date; and declaring an emergency.

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

g. GRANT APPLICATION: TO THE FEDERAL TRANSIT ADMINISTRATION FOR URBANIZED AREA FORMULA FUNDS AND BUSES AND BUS FACILITIES

1. Report from City Manager DEC18-18-416 CITY WIDE
2. Resolution No. 22977 relating to transportation and mass transit authorizing and approving the submission of a Federal Transit Administration (FTA) Application, FTA Grant #1667-2018-2 for Urbanized Area Formula Funds (Section 5307) and Buses and Bus Facilities (Section 5339); and declaring an emergency.

Michael Rankin, City Attorney, announced an amendment to the list of projects for this item, as discussed in the Study Session and requested by Council Member Durham. He said the description of three project names would be modified to add the words “and/or electric” after “CNG.”

It was moved by Council Member Durham, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – g, with the exception of Item b which was continued, Item f, which was considered separately and the amendments to Items a and g, be passed and adopted and the proper action taken.

**7. CONSENT AGENDA – ITEM F**

f. TUCSON CODE: AMENDING (CHAPTER 10) MODIFICATIONS TO THE ANNUAL COMPENSATION PLAN FOR FISCAL YEAR 2019 AND AMENDING ORDINANCE 11558

1. Report from City Manager DEC18-18-412 CITY WIDE

2. Resolution No. 22977 relating to transportation and mass transit authorizing and approving the submission of a Federal Transit Administration (FTA) Application, FTA Grant #1667-2018-2 for Urbanized Area Formula Funds (Section 5307) and Buses and Bus Facilities (Section 5339); and declaring an emergency.

Michael Rankin, City Attorney, commented that as discussed during the Study Session, some adjustments to Schedule C-2 for Fire-Suppression, Non-Exempt needed to be read into the record. He said, for Pay Grade 401S, Step 0, the hourly rate was \$15.74, and the associated annual rate was \$45,834.88. The hourly rate for Step 1 was \$16.13, and the associated annual rate was \$46,970.56.

It was moved by Council Member Cunningham, duly seconded, that the pay grade for Step 0 be \$16.13 and the pay grade for step 1 be \$16.53.

Council Member Cunningham explained that his reasoning for making this request was that moving forward, with the upcoming pay scale adjustments, this adjustment would already be in place. He also stated this was the original assumption of the labor group. Most importantly, he expressed his concern that the base pay for firefighters was lower than any other in the area. He feared this might result in a shortage of employees, as the City had faced that in the past with the other public safety groups.

Council Member Kozachik stated when the 2.5% pay increase was approved, it was his assumption it would be given across the board in all pay grades irrespective of whether or not there was an incumbent in that pay grade. He stated it was his understanding what the Mayor and Council were being asked to approve was that because there were no incumbents in Pay Grade 0 the 2.5% pay was not being applied. He said that was not his understanding, therefore he was going to support the motion.

Mayor Rothschild asked how the proposed changes would affect the annual budget.

Michael J. Ortega, City Manager, stated he had to review the changes. He asked the Mayor and Council to reiterate the motion made at the Study Session before that the maximum amount cost was \$3.5 million and staff would go back and ensure those dollars were appropriately force fitted. He said that was the spirit and intent of the \$3.5 million.

Mayor Rothschild said he would support the motion if that was the case, the \$3.5 million, which he thought was doable. If not, he said he would not support the motion. He said he wanted to be very clear that the continuing dispute with Fire was not going to affect other employee raises.

Mr. Ortega commented he did not feel there was a dispute. He said the direction was clear on the \$3.5 million. He said he wanted to make sure they were clear on the 2% allocated to employees was not for every employee, only those eligible that had two plus years of service. He said those with less than two years of service on December 23rd,

would not be eligible based on the criteria that was set. He said the intent was across the board, but for eligible employees. The intent was to help with compression issues across the board.

Council Member Durham asked if there was a cost of the proposed changes for the current year and on an annual basis. He also asked if the Mayor and Council should wait for a report back before proceeding.

Mr. Ortega started his office estimated the cost to be three to four hundred thousand dollars, but said he would look into it with more detail. He said he did not recommend waiting, but suggested that an option might be to leave the Step 0 and Step 1 as read into the record by the City Attorney. He said he would then come back to the Mayor and Council, as part of the budget conversations for the next year, the thirty thousand dollar minimum wage issue was what he was looking at for having continued discussions. He said that gave the Mayor and Council an opportunity to weigh in on that and only meant it delayed that piece, but all others could move forward. He stated if there was concern, they could delay it, but he did not want to delay it for the employees at this time.

Mr. Durham asked for clarification on the motion made by Council Member Cunningham. He said the changes would exceed the \$3.5 million, what will happen then.

Mr. Ortega replied that was his expectation. What he was asking for was latitude to go back and look at the impact and then he would "force fit" it back into the \$3.5 million budget.

Mayor Rothschild explained, as he understood Council Member Cunningham's motion it was to change Step 0 and Step 1, but stay within the \$3.5 million, the City Manager would then also adjust the other steps.

Council Member Cunningham stated that was not the intent of the motion. He said the intent was not to adjust any more steps; but adjust the two lower steps because that was what was talked about from the beginning. He said the bottom line was that if the budget was off by one hundred thousand dollars, he was under the impression that no employee was currently affected by that change anyway. So it did not matter this fiscal year; it amounted to adjusting the pay scale properly so that when another adjustment is made down the road, this discussion would not happen again.

Mayor Rothschild said the only thing that would make him more comfortable, whether now or in two weeks, since they were voting on the entire compensation schedule for all employees, was to vote on all the employees except Fire and come back in two weeks to see what that looked like.

Council Member Romero said she agreed with Council Member Kozachik that a motion had been made that throughout Fire, a 2.0% increase would be given. She said it was a complicated discussion, but it was her assumption, that across the board, with

respect to Fire, they were going to give a 2% and then take care of the compression issues. She said the numbers, presented by Council Member Cunningham, was exactly that, and the intent of the Mayor and Council.

Mayor Rothschild stated he presumed that whatever the negotiation was, because there were no employees in that step, the other numbers were increased. He said it was somewhat a question of how much it “busts” the budget since the Mayor and Council were clear on the \$3.5 million dollars and if they had to go up another one hundred and fifty thousand dollars to cover the increase as stated in the motion, that was money that needed to be covered from somewhere else.

Mr. Ortega interrupted stating he wanted to be sure everyone was on the same page. He said the change did impact people, otherwise there would not be a cost; about eighty people impacted. He said that cost was the three hundred to four hundred thousand dollars annually. He said the intent was to make a bigger spread for decompression and if the bottom level is increased, that did not help with the decompression. He apologized for giving the impression that there was no impact.

Mayor Rothschild commented that if the numbers were raised to Council Member Cunningham’s numbers, decompression was somewhat in the eye of the beholder. He said he still saw decompression at the bottom; there were still significant step differences.

Council Member Durham stated that if the change was made, would there still be the 89% decompression that he thought the Mayor and Council approved.

Mr. Ortega stated he needed to check that because if the entire salary schedule was moved up, it might not get the full 89%. He said another option to consider was to delay the discussion and call a special meeting in a week or so. He said he knew that was difficult because of the holidays, but it gave the Mayor and Council time to think about it and staff time to run the numbers to see what the impact would be.

Council Member Cunningham reiterated that there had been discussions thirteen times and he remembered having the discussion about the Step 0 part and he said the intent was to be at \$16.13 and \$16.53 which was why he had made the adjustment in his motion. He said he did not want to change anything else or have further discussions and he called the question.

Roger W. Randolph, City Clerk, commented that for clarification, under Robert Rules of Order, calling of the question did not stop the debate, it was actually a motion and there had to be a second to call the question.

Council Member Romero seconded Council Member Cunningham’s call for the question.

The motion to call the question was carried by a roll call vote of 7 to 0.

Mayor Rothschild reiterated the original motion to accept Item f, adjusting schedule C-2 for Fire suppression, making Step 0 \$16.13 and Step 1 \$16.53, and if it goes beyond the \$3.5 million the City Manager would report back to the Mayor and Council how much money would have to be made up elsewhere.

The motion was carried by a voice vote of 6 to 1 (Council Member Durham dissenting).

Mr. Rankin commented that to be clear on the motion, the annual amounts would also be adjusted to correspond to the number approved.

**8. PUBLIC HEARING: RAYTHEON WEST ANNEXATION DISTRICT**

Mayor Rothschild announced City Manager's communication number 407, dated December 18, 2018, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed annexation district located on East Aero Park Boulevard, approximately .16 miles east of South Nogales Highway.

Mayor Rothschild announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on the item.

There were no speakers.

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

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

**9. PUBLIC HEARING: *MIRAMONTE NEIGHBORHOOD PLAN* AMENDMENT (PA-18-04), EASTSIDE OF COUNTRY CLUB ROAD BETWEEN 2ND AND 3RD STREETS, TO ALLOW ADAPTIVE RE-USE OF THE BENEDICTINE MONASTERY**

Mayor Rothschild announced City Manager's communication number 408, dated December 18, 2018, 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 to amend both the Miramonte Neighborhood Plan and the Alvernon-Broadway Area Plan.

Mayor Rothschild announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked for a brief presentation from the architect/planner.

Corky Poster, Poster Frost Mirto on behalf of Ross Rulney, Tucson Monastery, LLC, made a presentation. He stated it was the original intention to move to a Planned Amendment Development (PAD). He said the PAD would allow more flexibility to manipulate the heights of the buildings, with respect to the monastery. In addition it would allow for additional uses on site, including public use of the monastery; which was currently a group dwelling.

Mr. Poster stated staff had determined that the map included in the *Plan* would not allow the PAD. Negotiations under the leadership of Council Member Kozachik with representatives from the Sam Hughes and Miramonte Neighborhoods specified exactly what the development should be and how it should operate. He said normally, that would not be in a PAD, but this was an important site and it was understandable the people in the area would want to frontload the requirements of a PAD to include some of the kind of things they could expect in the development itself.

Mr. Poster commented there were numerous meetings held with lots of good discussion, lots of sincere efforts from the neighbors, lots of effort from the developer to give up things to be responsive to the neighborhoods and their respect of this historic structure. He said they then went to the Planning Commission who in turn asked them to go back and try to hash out more of an agreement with the neighbors, which they did and stated that a written agreement was in the Mayor and Council's packet.

Mr. Poster stated he hoped to receive the Mayor and Council's approval of the Plan as submitted and recommended by staff.

The following people spoke either in support of or in opposition to the *Miramonte Neighborhood Plan* Amendment;

Ruth Beeker  
Josephine Wilson  
Jeffrey Calabrese.

Bonnie Poulos  
Halsey Taylor

Sam Behrend  
Michael Cajero

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

Council Member Kozachik addressed comments and concerns brought up by speakers. He commented that with regards to commented made about what the City was doing with the property and that they were building the Mark student housing all over the City, he said one similarity between this project and the Mark was that it was built according to the underlying zoning entitled for that parcel. He stated that project required no public involvement, even though the developer went through almost a year of public outreach with a couple of the surrounding neighborhoods, very similar to the current process. He commented that the developer, at the end of the day, took a position that there was an entitlement and exercised high rights and built without anymore public process.

Council Member Kozachik stated the Mayor and Council had no voice in it, the zoning was the zoning. Similarly, in the current project, every bit of the conversation was framed, not by some blank design slate for the site, but by what was allowed according to the underlying zoning. He said that was the beginning point for the conversation which was that it was forty feet tall, approximately six hundred and sixty student housing beds with no public use of the monastery. He said before the Mayor and Council could move forward to initiate the historic landmark designation on it, it also included demolition of the monastery.

Council Member Kozachik stated that was the beginning of the conversation; the developer came in with that as the underlying entitlement and made some proposals. He said there were over one hundred people in the first public meeting at the monastery and over a hundred at the second one. He stated that at the first one, where the initial concept of the project was presented, it was seven stories tall, approximately eighty-six feet tall, and there was an audible gasp in the room when the rendering of that was shown on the screen.

Council Member Kozachik commented that the Mayor and Council moved forward and initiated the historic landmark designation to preempt part of the conversation that had to do with demolition and was still in play. He said it had been a long process with dozens of meetings and hundreds of people included in the public outreach by the developer and architect representing not simply Miramonte and Sam Hughes Neighborhoods, but the community at large.

Council Member Kozachik continued stating that there had been three Planning Commission (PC) hearings, significant neighborhood outreach, and he agreed with Ms. Beeker that this was the poster child for why there ought to be a *Code* option for concurrently running planning and zoning plan amendments and zoning options forward. He said when the process began; there was a significant lack of trust that underlined the conversations. He said, as a result of that lack of trust on both sides, people were asking for front loading specificity into the plan amendment so that that lack of trust could be set aside so that when the rezoning part of the process was entered into, there was some assurance that there would not be some baby switch that would happen six or seven months down the road.

Council Member Kozachik stated that that evening, the Mayor and Council were addressing plan amendments and that primary questions of points of contention of the project were generally considered during the rezoning. He said they did not have the luxury of that. The property owner was a minor partner in a financial arrangement and the senior partner was back east. He stated, frankly, they were looking at a process that had been going on a year and wondering why the City, as an ownership group, simply exercise their option and write an agreement with a student housing company from out of the area and let them build a student housing project, like the Mark, limited to forty-four feet, and six hundred sixty student housing beds.

Council Member Kozachik stated the question that evening was how, if at all, could the City amend the Miramonte Neighborhood Plan and the Broadway-Alvernon Area Plan and allow something other than the six hundred sixty student housing beds and the forty-four feet. He said in the PC's first study session, they did not make a decision and sent the groups back to the table. He stated he helped facilitate those meetings, and he and the developers assumed that the people in attendance were representing the neighborhood leadership, which was how it was presented to them. He said he was sorry that neighborhood leadership had changed their position now in their letters and quite frankly, the joint letter of agreement would not have been agreed to by the developer, a bundled package which had some of the new requests and demands on the table at the time. He stated what they were asking for was with respect to the thirty-five feet or three stories on the east was nine feet less than what the developer could do by right.

Council Member Kozachik said the statement that was agreed upon had two primary pieces to it. One was to approve the plan amendment submitted by the developers and had a fifty-five foot reference to it. He said that was five stories, a ten foot floor to ceiling height, eleven feet taller than what the developer could do by right, and was about thirty feet less than where the conversation began. He stated it also incorporated the terms and conditions, not in the plan amendment, but as conditions to the rezoning that happens later on. He said the terms and conditions were very vague, except for the preservation of the monastery.

Council Member Kozachik spoke about thoughtful design and planning in the rezoning phase and engaging the public, buffers and setbacks, density of high end apartment and the agreement of no student housing on the property. He said he wanted to make the point of preserving the monastery, no student housing, significantly reducing the massing of what was originally proposed, public use of the monastery and a public process going forward in the rezoning. He stated it had been a difficult process, sensitive to both sides of the project.

It was moved by Council Member Kozachik, duly seconded, that the joint letter of agreement (Attachment H to the Mayor and Council Communication) be incorporated as conditions of the rezoning and that the *Plan* amendment be amended according to strategies in Sections 2.4.1, 2.4.2 and 2.4.3 as presented to the Planning Commission by the developer.

Mayor Rothschild asked about the fifty-five foot height limit on the east side of the property. He also asked how many student housing units could have been accommodated.

Mr. Poster responded it was four stories or forty-four feet. He said the thing about student housing, the *Land Use Code* limited the number of units by zoning, so two hundred fifty, four bedroom units, could be built on the site. He said they were asking to build two hundred fifty-five, one and two bedroom units, and exempted group dwelling from the site.

Council Member Durham commended Council Member Kozachik for his very articulate explanation of the process.

Michael Rankin, City Attorney, clarified, for the record, that the amendment included Sections 2.4.1 through 2.4.6 and asked if that was part of the motion.

Council Member Kozachik responded affirmatively.

Council Member Romero asked, for clarification, about the current zoning regulations regarding student housing. She said that was at the heart of the concern she had because of the underlying zoning. She asked about a concern presented by Ms. Beeker if there was a possible solution of changing a neighborhood or area plan that was very prescriptive.

Mr. Rankin replied that a *Code* change that allowed for concurrent review of plan amendments, as well as PADs, and/or other types of rezoning went a long way towards doing that. He said the proposed text amendment to accomplish that had been drafted and needed to go through the process and make it back to the Mayor and Council for consideration.

Mr. Rankin explained what the process was. He said the *Plan* amendment would be considered at the same time with the specifics within the rezoning and would allow for everyone to see the complete picture. He said the rezoning was the full statutory in *Code* required process which was the public notice, procedures in front of the Zoning Examiner, the Zoning Examiner's recommendation to the Mayor and Council, and the public hearing in front of the Mayor and Council before a legislative decision was made.

Council Member Romero stated that currently, they did not have the capacity and processes to do that.

Mr. Rankin affirmed her comment. He said the current processes required that the *Plan* amendment be accomplished and approved before the rezoning could move forward.

Council Member Romero asked what the reason was on the consensus for building three stories on the western edge of the property and not the same consensus for the eastern edge of the property. She also asked how they intended to disguise, protect, or buffer the eastern side of the property.

Mr. Poster replied the issue was really the monastery itself. He said it was a façade building that posed its entire front face to Country Club Road. He said throughout the public meetings and public hearings held, they heard, over and over again, the concern about what would happen along Country Club should not in any way detract from the majesty of the façade of the chapel or the monastery itself.

Mr. Poster said, as they studied the project, if there was going to be any height at all, they needed to have the height oriented east to west so that it presented a very small façade to Country Club and the Miramonte Neighborhood and that they needed something along Country Club that scaled the building in a respectful and appropriate way.

Mr. Poster stated the eastern side was the back end of the monastery and the oleanders ranged from about twelve to sixteen feet tall and in close quarters you cannot see over that. He said they were setting that back substantially from the eastside and make it beautiful so there were not intrusive elements into the neighborhood, but yet allow them to get to the height to be a sustainable development that stood up to the alternative of student housing.

Council Member Kozachik commented that they had some good discussion and reminded everyone that these were the kind of questions that would be addressed and resolved during the rezoning process. He said the project was just beginning.

Mayor Rothschild asked the City Clerk to read Resolution 22976 by number and title only.

Resolution No. 22976 relating to Planning and Zoning: amending both the *Miramonte Neighborhood Plan* and *Alvernon-Broadway Area Plan* in case PA-18-04 for property located on the eastside of Country Club Road between 2nd and 3rd Streets to allow for adaptive re-use of the Benedictine Monastery; and setting an effective date.

Resolution 22976, as clarified, was passed by a roll call vote of 7 to 0.

(NOTE: Council Member Kozachik departed at 7:34 p.m.)

**10. PUBLIC HEARING: (C8-18-07) AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE RELATING TO HOSPITAL HELIPADS**

Mayor Rothschild announced City Manager's communication number 411, dated December 18, 2018, 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 proposed amendment to the Unified Development Code to allow helipads as an accessory use to hospitals.

Mayor Rothschild announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on the item.

There were no speakers on this item.

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

Mayor Rothschild asked the City Clerk to read Ordinance 11608 by number and title only.

Ordinance No. 11608 relating to Planning and Zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Article 4, Sections 4.8.4, 4.8.5, 4.8.6, 4.8.7, 4.8.9, and 4.9.4; and setting an effective date.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Kozachik absent/excused), to pass and adopt Ordinance 11608.

(NOTE: Council Member Kozachik returned at 7:35 p.m.)

**11. PUBLIC HEARING: (C8-18-06) AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE RELATING TO ANIMAL BOARDING IN COMMERCIAL ZONES**

Mayor Rothschild announced City Manager's communication number 414, dated December 18, 2018, 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 public hearing on a proposed amendment to the Unified Development Code to allow animal boarding in commercial zones.

Mayor Rothschild announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on the item.

There were no speakers on this item.

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

Mayor Rothschild asked the City Clerk to read Ordinance 11609 by number and title only.

Ordinance No. 11609 relating to Planning and Zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Sections 4.8.6 & 4.9.4; and setting an effective date.

It was moved by Council Member Cunningham, duly seconded, to pass and adopt Ordinance 11609.

Council Member Kozachik stated he wanted to make sure, at the very least, that they were allowing the use adjacent to residential areas, if it needed to be subject to

special exception so that neighbors and businesses had a voice in setting conditions to the attached operation.

Daniel Bursuck, Planning and Development Services Department Lead Planner, responded it was set up that when it was closer than two hundred feet from a residential zone, it was required to go through a Zoning Examiner special exception process and all those site specific conditions could be applied.

Ordinance 11609 passed by a roll call vote of 7 to 0.

**12. ZONING: (C9-09-02) KINO CAMPUS PAD-18 DISTRICT, R-1, R-2 AND C-2 TO PAD-18, MAJOR CHANGE, CITY MANAGER'S REPORT, ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager's communication number 409, dated December 18, 2018, was received into and made part of the record. He also announced this was a request to expand the Planned Area Development boundary and area by adding approximately 172 acres into the Kino Campus PAD-18 District. He said the Zoning Examiner and staff recommend approval of the PAD zoning and adoption of the ordinance.

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

Tom Coil, Pima County; stated they were in agreement with the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 11610 by number and title only.

Ordinance 11610 relating to Zoning: amending zoning district boundaries in the area located in the proximity south of Interstate 10, east of Campbell Avenue, north of Benson Highway, and west of Treat Avenue in case C9-09-02, Kino Campus Planned Area Development (PAD-18), R-1, R-2 and C-2 to PAD-18; and setting an effective date.

It was moved by Vice Mayor Fimbres, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11610.

Council Member Kozachik stated the Mayor and Council was being asked to allow retail in a small cross hashed area and if that was the only change being asked.

Mr. Coil responded that the public facility was in the Kino expansion was permitted effectively by right, but the commercial area was the area that was associated with this action and by it being in a PAD, they were integrating both the public uses in the future private uses, which would support more facilities.

Council Member Kozachik said that a couple of months ago, they approved the plat for seven hundred fifty-five units and asked what happen to that.

Mr. Coil said the developer did not go through with the project, and the plat was abandoned sometime in September.

Council Member Kozachik confirmed that Pima County was looking at building soccer fields with a retail component to support the soccer activity. He asked if this helped preserve the Rillito Race Track by moving some of the soccer fields to this area.

Mr. Coil responded affirmatively.

Ordinance 11610 passed by a roll call vote of 7 to 0.

**13. ZONING: (C9-18-10) LA ROCA VISTA – TANQUE VERDE ROAD, SR TO R-1, CITY MANAGER'S REPORT (CONTINUED FROM THE MEETING OF DECEMBER 4, 2018)**

Mayor Rothschild announced City Manager's communication number 415, dated December 18, 2018, was received into and made part of the record. He announced this was a request to rezone approximately 4.58 acres from SR to R-1 zoning. The rezoning site was located on the south side of Tanque Verde Road, approximately 0.63 miles east of Catalina Highway. He said the Zoning Examiner and staff recommend approval of the R-1 zoning subject to the revised Preliminary Development Package dated October 12, 2018 and certain conditions.

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

Brian Underwood, The Planning Center, representing the property owner, Frances Hart, was present.

Mayor Rothschild stated that he had heard and had seen something as recent as the early afternoon that the property owner had agreed to some of the requests from the neighbors. He said he also heard from a couple of neighbors who said that if those agreements were put into the record, they would withdraw their objection. He said the reason that was important was that he believed that the withdrawal of the objections would take the item from a super majority vote requirement to a majority vote requirement. He asked staff if that was correct.

Mike Rankin, City Attorney, replied that was his understanding with respect to the super majority vote down to a majority vote. He said to incorporate the conditions; those had to be specifically identified.

Council Member Cunningham read the conditions and discussion was held.

Mayor Rothschild addressed the two gentlemen who were in opposition to the rezoning to confirm that their questions were answered and if they agreed to withdraw their objections.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to authorize the request for rezoning as recommended by the Zoning Examiner, with the revised conditions to accommodate the following:

- Combine Lots 1 and 2, and renumber all lots as 1 through 15,
- Limit all lots to one story, except Lots 14 and 15 (the last two lots on the southwest corner, which would be two-story),
- 30-foot setback on all lots, except Lot 12 (which will have a 27-foot setback),
- 10-foot landscape buffer along the eastern property boundary, and immediately adjacent to Lot 1 on the west side,
- Move Lot 15 to the east to accommodate a 20-foot sewer easement, and a 25-foot setback from the neighboring home to the west, and
- Increase the setback on Lot 13 (the southeastern-most lot), so the building is at least 50 feet from the neighboring home to the east.

10. **ADJOURNMENT:** 7:48 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, February 5 2019, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

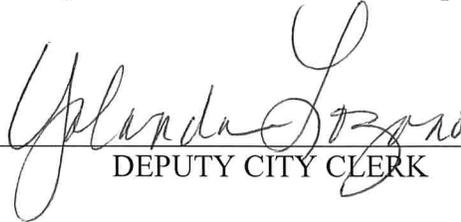
ATTEST:

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CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 18th day of December, 2018, and do hereby certify that it is an accurate transcription.



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DEPUTY CITY CLERK

RWR:jrc:yl