

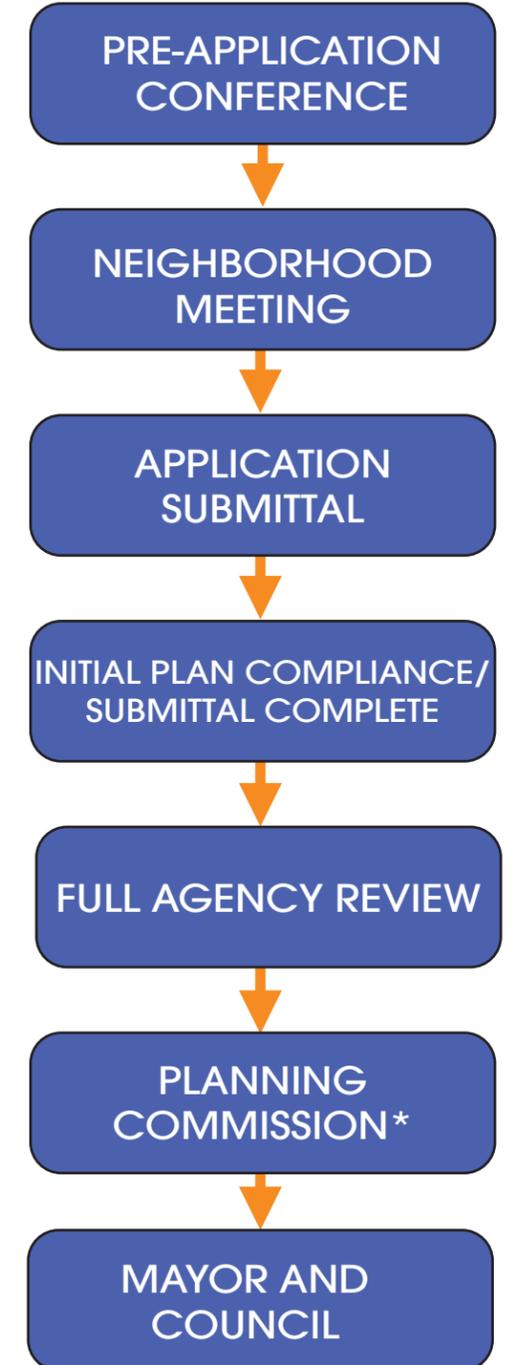
PROPOSED CONCURRENT PLAN AMENDMENT (PA) AND REZONING (RZ) OPTIONS

APPROXIMATELY 6 - 10 MONTHS

OPTION 1 APPROX. LENGTH: 8-10 MONTHS (# OF PUBLIC MEETINGS: 5)



OPTION 2 APPROX. LENGTH: 6-9 MONTHS (# OF PUBLIC MEETINGS: 4)



*Assumes Planning Commission consist of appointed individuals with direct experience in planning or other related land development fields.

MAYOR AND COUNCIL – STUDY SESSION

LEGAL ACTION REPORT AND MINUTES FOR THE MEETING OF

TUESDAY, APRIL 23, 2019

MAYOR AND COUNCIL CHAMBERS

CITY HALL, 255 W. ALAMEDA, TUCSON, AZ

Mayor Rothschild called the Study Session to order at 12:01 P.M. in the Mayor and Council Chambers, City Hall Tower, Tucson, Arizona.

OFFICIAL MEMBERS

PRESENT:

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

OFFICIAL MEMBERS

ABSENT/EXCUSED: None

STAFF: Michael J. Ortega, City Manager
Michael Rankin, City Attorney
Roger W. Randolph, City Clerk

AGENDA ITEM / MAYOR AND COUNCIL ACTION

1. [Executive Session – Broomall v. Pima County, City of Tucson, Pima County Superior Court Case No. C20180294 \(City Wide\) SS/APR23-19-89](#)

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

RECESS: 12:02 p.m.

RECONVENE: 12:27 p.m.

MAYOR & COUNCIL: All present

STAFF: All present

Executive Session was held from 12:05 p.m. to 12:15 p.m.

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

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2. [Mayor and Council Direction Regarding Executive Session – Broomall v. Pima County, City of Tucson, Pima County Superior Court Case No. C20180294 \(City Wide\) SS/APR23-19-90](#)

It was moved by Council Member Kozachik, duly seconded, and CARRIED by a voice vote of 7 to 0, to direct staff to proceed as discussed in Executive Session and settle this case for the amount of \$40,000.

3. [Integrated Weed Management \(IWM\): Organic First Tucson and Community Landscape Management \(Ward 6\) SS/APR23-19-92](#)

Introductory comments were provided by Council Members Durham and Kozachik.

Council Member Kozachik expressed his concern regarding the Parks and Recreation Department becoming overburdened by the responsibility of managing the program. He said another department or outside agency should be identified to provide oversight and administration.

Mayor Rothschild said the agenda material did not indicate the cost for implementation, nor how cost would be absorbed.

Michael J. Ortega, City Manager, said the details were still being worked out, but individual departments would absorb their own costs. Staff was looking for direction to move forward, and then would provide more information.

Information was provided by Brent Dennis, Director, Parks and Recreation Department. He said Tucson Clean and Beautiful (TCB) has been involved, and could be a reasonable option for the lead agency. He agreed that identifying a single point of contact would be good for overseeing both the IWM and the City-wide management of public landscapes.

Discussion ensued as questions were fielded and answered by Mr. Dennis.

Mr. Dennis said different landscapes would require different approaches, some of which might not follow the “pyramid” that illustrated the Weed Control Strategies Hierarchy. He said Irvine, California indicated it took three years to see both noticeable improvement and reduced costs. There were no other models in Arizona; other jurisdictions were waiting to follow Tucson’s lead.

Mr. Ortega said staff was looking for approval to continue moving forward with the proposal and would report back to Mayor and Council in approximately six months.

Mr. Dennis said Irvine, California realized approximately 30% savings in water usage, starting with the third year of their Organic First program.

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Council Member Kozachik said costs would vary by department, as would the approach, which was why they needed a single point of contact to oversee the program. However, Parks and Recreation did not have the staffing, nor the authority.

Mr. Ortega said he granted the necessary authority to Mr. Dennis, and informed the other departments of that. Once specific projects were identified, Mr. Dennis would coordinate with the appropriate departments.

Discussion ensued regarding utilizing existing landscape management employees, and opportunities to add wildlife and native plants to the landscape.

Mayor Rothschild said the conversation provided staff with enough direction to continue refining the IWM policy as requested.

No formal action was taken.

4. [Discussion of the Environmental Services Fund and the Financial Impacts Associated with the City's Recycling Program and Service Delivery Options \(City Wide\) SS/APR23-19-91](#)

Introductory comments were provided by Michael J. Ortega, City Manager, who reviewed the recommendation as presented in the agenda material. He said the proposal would provide funding for one year, during which staff would explore other potential options for future consideration.

Mayor Rothschild said he would support the recommendation to switch to every-other-week pick-up, and using the Hotel Bed Surcharge, but only for the coming year, not as a long-term solution. He said he wanted to keep paper and glass recycling for the time being, but revisit that option during the next budget cycle or sooner. He did not want to reduce services and increase fees in the same year. He said staff needed to pursue public education efforts like those used for water conservation, but acknowledged it would require resources to do so. Staff needed to be more creative in identifying and pursuing options, such as using or selling compost.

Council Member Cunningham said they could update routes and increase route efficiencies; but he was not comfortable switching to every-other-week, unless there was a sunset date to make sure they revisited whether the schedule should continue or revert back to weekly collection. He said more education and outreach was needed because the City's high contamination rates resulted in higher costs. He said the highest priority was to not raise fees; the next priority was to switch to every-other-week, but on temporary basis. They could also look at the terms of the agreement with Republic Services to increase efficiencies.

Questions were fielded and answered by Carlos De La Torre, Director, Environmental and General Services Department.

Council Member Romero said she wanted to provide direction to staff to come back with a

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more comprehensive approach that would include recycling, compost, waste, and an education component.

Mr. De La Torre explained that the every-other-week schedule was projected to save approximately \$1.4 Million through the reduction of routes. There would be a reduced need for staffing and maintenance of vehicles. He said customers would be reminded of their scheduled pick-up week by providing a sticker, mailing a yearly schedule and posting it online, and other means of public outreach.

Council Member Durham asked for an estimate of the costs associated with providing a subscription service for compostable waste, as mentioned in the agenda material. He said he would like further study of this proposed service.

Council Member Kozachik said the City was not looking to eliminate the recycling program, but they may need to consider eliminating the recycling of glass. If they did, they would need to have private haulers also eliminate glass. Private haulers needed to be included in the conversation. If they increased residential rates, they should also increase commercial rates. He suggested switching to the collection of recyclables from alleys instead of curbside, so customers would not need to remember which week their pick-up was scheduled for. He also said customers who were excessively contaminating the recycling stream were costing the City more money, so they should have their blue barrel removed.

Vice Mayor Scott said someone needed to be tasked with keeping an eye out for new markets or alternative programs. She said education efforts to reduce contamination should also address existing confusion over whether landscaping waste was recyclable.

Council Member Fimbres said an educational program would be necessary to move to every-other-week pick-up. They should look at route efficiencies and other options for glass and paper.

Council Member Durham asked why glass was not being eliminated, given the information presented in the agenda material.

Mr. Ortega said staff was proposing to use the next year to evaluate whether to eliminate glass, but Mayor and Council could also provide direction now on the elimination of glass.

Mr. De La Torre said no employees would be laid off due to the every-other-week schedule.

Discussion ensued regarding developing a comprehensive approach that was more creative than simply cutting services and increasing fees, and that included an educational component.

Council Member Cunningham said he was not ready to eliminate glass, because it reduced the use of plastic bottles and there was a market for recycled glass in the production of fiberglass and solar panels.

It was MOVED by Vice Mayor Scott, duly seconded, to approve the City Manager's

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Recommendation as presented in the agenda material, with the quarterly report to address the suggested route efficiencies, education and enforcement, negotiation with Republic Services, reduce/reuse and composting programs, reuse of plastics, comparison of rates across jurisdictions, optimal use of optical sorters, alley service, addition of an “innovation” officer, and a review of glass.

Council Member Cunningham said staff should return to Mayor and Council on September 4, 2019, for a review of the item.

Discussion ensued.

Council Member Kozachik said they did not need to wait until September for some of the information to be ready. Information on route efficiencies and alley service could be sent by memo before September.

Mayor Rothschild said a quarterly report would be due in August. He requested the item to come back for Study Session discussion in August.

The motion was CARRIED by a voice vote of 7 to 0.

(Note: Council Member Kozachik departed at 1:52 p.m.)

5. [Update on City of Tucson's pCard \(Procurement\) Program \(Continued from the meeting of April 9, 2019\) \(City Wide\) SS/APR23-19-87](#)

Introductory comments were provided by Council Member Fimbres.

(Note: Council Member Kozachik returned at 1:54 p.m.)

Information and presentation was provided by Laura Jestings, Business Services Department, who fielded and answered questions.

Ms. Jestings explained the new Virtual Payables (vPayables) Pilot, which was converting payments from being made by check to being made by pCard.

Michael J. Ortega, City Manager, said he was challenging staff to maximize transaction sizes to reduce the processing costs. He said the processing fee was the same for each transaction, so they wanted to combine multiple smaller transactions into fewer, larger ones.

Discussion ensued; no formal action was taken.

6. [Infill Incentive District \(IID\) Work Plan \(City Wide\) SS/APR23-19-86](#)

Introductory comments were provided by Michael J. Ortega, City Manager.

Information was provided by Scott Clark, Interim Director, Planning and Development

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Services Department, who fielded and answered questions.

Discussion ensued regarding partnering with other agencies on the study of homeownership of condominiums downtown; shortening the timeline; exploring a sub-district for Stone Avenue and Oracle Road; affordable housing for seniors, students, and the low-income population; a housing market study; incentivizing transit-oriented development and mobility options; utilizing incentives in Wards 2 and 4; and repurposing “mini-malls.”

Mayor Rothschild asked if staff anticipated returning to Mayor and Council in three to four months.

Mr. Clark said staff would report back before going out to stakeholders, but the market study would take approximately one year to complete. He expected using outside resources for the study.

Council Member Romero asked to include the Housing and Community Development Department (HCD), to address displacement issues.

Mayor Rothschild requested a Request for Proposals be issued in 45 days for the market study.

It was moved by Council Member Romero, duly seconded and CARRIED by a voice vote of 7 to 0, to approve the City Manager’s Recommendation as presented in the agenda material, with additional direction to staff to work with HCD on the market study, add transit-oriented development verbiage in terms of using transit passes and mobility options, and include discussions with Tucson Association of Realtors regarding housing options in the City.

7. **Concurrent Plan Amendment and Rezoning Processes (City Wide) SS/APR23-19-88**

Introductory comments were provided by Michael J. Ortega, City Manager.

Information and handout material was provided by Scott Clark, Interim Director, Planning and Development Services Department (PDSB). He said staff was seeking direction on two options presented in the agenda material.

Mayor Rothschild said he was favoring Option 1 as presented in the agenda material.

Council Member Kozachik said he preferred Option 1; however, he wanted to include a caveat that all public meetings would be required to designate separate amounts of time for discussion of the Plan Amendment, and for discussion of the Rezoning. He wanted to streamline the process without reducing the opportunity for public input. He asked if it was possible to set a deadline after which the zoning would revert back if the project did not move forward.

Michael Rankin, City Attorney, said a deadline could be set so that the Zoning approval would expire if permits were not pulled after a specified amount of time. However, he said

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he would need to check on setting a similar deadline or expiration date on the Plan Amendment.

Council Member Durham said he favored Option 1 because he did not want to restructure the Planning Commission. He asked what the process would be to move forward with Option 1.

Mr. Clark said Option 1 had the least amount of changes to the Unified Development Code (UDC). Any amendment to the UDC would require review by the Planning Commission, and he recommended including outreach to stakeholders such as neighborhood associations and the building community. Input from the public and from the Planning Commission could result in changes to the proposal before it would ultimately come back to Mayor and Council for final approval. Any appeal of an application filed after implementation of the UDC amendment would follow the standard process to appeal a Plan Amendment decision, and to appeal a rezoning decision. The concurrent review process would be an additional option for applicants; they could also choose to use the existing, separate, processes for Plan Amendments and for Rezonings.

Discussion continued, with questions fielded and answered by Mr. Clark and Koren Manning, Planning Administrator, PDSO.

It was moved by Council Member Cunningham, duly seconded and CARRIED by a voice vote of 7 to 0, to direct staff to pursue Option 1 as presented in the agenda material, with a caveat that the opportunity for public input not be truncated, and including a deadline after which an approved rezoning and plan amendment would revert back.

8. [Submission of FY2020 Compensation Plan Recommendation \(City Wide\) SS/APR23-19-85](#)

Introductory comments were provided by Mayor Rothschild.

Information was provided by Ana Urquijo, Business Services Department Director, who fielded and answered questions. Ms. Urquijo said the labor unions had been involved and were in agreement, and a meeting with them was scheduled for the following day.

Discussion ensued; no formal action was taken.

RECESS: 2:55 p.m.
RECONVENE: 3:17 p.m.
MAYOR & COUNCIL: All present
STAFF: All present

9. [Submission of the City Manager's Recommended Fiscal Year 2019/20 Budget \(City Wide\) SS/APR23-19-93](#)

Introductory comments were provided by Michael J. Ortega, City Manager.

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Joyce K. Garland, Chief Financial Officer/Assistant City Manager, said the total amount of the recommended budget is \$1.556 Billion. The total was \$56 Million more than the previous year, primarily due to setting up the health insurance trust fund.

Discussion ensued, as questions were fielded and answered by Mr. Ortega and Ms. Garland.

Council Member Cunningham said he wanted to bring back or continue the neighborhood pavement chipseal program, independent of funding from Proposition 407. He also wanted to invest in turf management on athletic fields, and replacement of playground equipment.

Council Member Kozachik said he supported covering the health insurance increase, but they needed to be careful that it did not become an expectation.

Michael Rankin, City Attorney, said he would check with outside counsel on litigation against 3M, and provide an update on the status. He also said that, as discussion continued on Development Impact Fees, he would look into whether Impact Fees could be charged for work done by utility companies on City streets.

Mr. Ortega said staff would follow up with information on the status of the combined Fire/Police Station, under the Special Revenue Fund.

Mr. Ortega said staff was still analyzing information related to electric vehicles for Sun Van and Sun Tran. They were working with vendors on that and would provide it to Mayor and Council.

Mr. Ortega said the Homeless Work Program would need additional funding due to the increase in the minimum wage.

Ms. Garland said adoption of the tentative budget would be scheduled for the meeting of May 21, 2019.

Discussion ensued; no formal action was taken.

10. [Barrio Historico Historic Zone Advisory Board; Composition and Functions of the Board, Qualifications of Members, and Process for Consideration of Appointments to the Board \(Ward 6\) SS/APR23-19-94](#)

Introductory comments were provided by Mayor Rothschild. He said Council Member Kozachik and staff received information on four potential appointees to the Barrio Historico Historic Zone Advisory Board (BHHZAB).

Information was provided by Michael Rankin, City Attorney, who fielded and answered questions.

Discussion ensued.

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Council Member Romero questioned changing the appointment process for the Board.

Council Member Kozachik said he wanted to follow the same process that was already established for appointing members to the Board.

It was MOVED by Council Member Kozachik, duly seconded, to forward the applicants' names to BHHZAB and to the Planning and Development Services Department (PDSD) for review, to be returned to Mayor and Council for formal action.

Mr. Rankin said relevant neighborhood associations can be provided notice of when the appointments will be considered by Mayor and Council for approval.

The motion was CARRIED by a voice vote of 7 to 0.

14. [Update Relating to Asylum-seekers in Tucson \(City Wide\) SS/APR23-19-98](#)

This item was taken out of order.

Introductory comments were provided by Michael J. Ortega, City Manager, who said he directed staff to open up City facilities to help Catholic Community Services (CCS) process asylum-seekers.

Discussion ensued regarding soliciting help in the form of volunteers and supplies, but also needing to identify available City and community resources and coordinate everyone's efforts.

Chris Magnus, Chief of Police, said the people seeking asylum were here legally, and were typically waiting for up to 72 hours to receive money for a bus ride to their final destination where they have family or sponsors.

Parks and Recreation was providing use of its facilities. Assistance was also being provided by Border Patrol and the Pima County Health Department.

Mr. Ortega said staff was looking into opportunities for grant funding that may be available to pay for a coordinator at CCS, and they were tracking costs for possible reimbursement. CCS was asked to provide a specific list of needs so City staff could see where they can help. Emergency Management staff was working with Pima County, but also working with CCS to coordinate the specific call to action for the community to help.

Mr. Ortega said Albert Elias, Assistant City Manager, would be coordinating the City's efforts on a macro scale to identify and mobilize resources internally. John Strader, Tucson Police Department, would be in charge of "boots on the ground," assuming the role of volunteer coordinator.

Discussion continued; no formal action was taken.

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11. Updates on State and National Legislation and Regional Committees (City Wide) SS/APR23-19-82

Andrew Greenhill, Intergovernmental Relations Manager, said all of the City's congressional offices were updated and informed about Mayor and Council's discussion of item 14, related to Asylum-seekers in Tucson.

Mr. Greenhill provided handout material and reminded Mayor and Council of the answers he already provided to questions from Vice Mayor Fimbres.

Mr. Greenhill provided an update *Wayfair v. South Dakota*, litigation relating to collecting online sales tax.

It was moved by Council Member Fimbres, duly seconded and CARRIED by a voice vote of 7 to 0, to support and oppose the bills as recommended in the material provided by Mr. Greenhill.

12. Mayor and Council Discussion of Regular Agenda (City Wide) SS/APR23-19-83

Council Member Kozachik had a question regarding Consent agenda item 7c:

Item 7c: Real Property: Acquisition of Right-of-Way for the Silverbell Road, Goret Road to Camino Del Cerro Project (Wards 1 and 3) APR23-19-117

Albert Elias, Assistant City Manager, said the City had an agreement with the Regional Transportation Authority (RTA) for acquisition of Rights-of-Way. That agreement provides for reimbursement by the RTA.

Vice Mayor Scott requested Consent Agenda item 7f be considered separately:

Item 7f: Parks and Recreation: Naming the Golf Links Softball Complex the "Todd M. Harris Sports Complex" (Ward 4) APR23-19-124

Council Member Kozachik requested Consent Agenda item 7e be considered separately:

Item 7e: Parks and Recreation: Naming the Reid Park Rose Garden the "Cele Peterson Rose Garden" (Ward 6) APR23-19-123

Michael Rankin, City Attorney, announced a correction to Consent Agenda item 7h:

Item 7h: Employee Benefits: Adoption of Fiscal Year 2020 Self-Insurance Medical Rates (City Wide) APR23-19-128

Mr. Rankin said the Communication for this item accurately identified the amount of \$3.9 Million, but the Ordinance had an incorrect amount of \$4.3 Million. The

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Ordinance would be corrected to reflect \$3.9 Million.

13. [Mayor and Council Discussion of Future Agendas \(City Wide\) SS/APR23-19-84](#)

No items were identified for future agendas.

14. Update Relating to Asylum-seekers in Tucson (City Wide) SS/APR23-19-98

This item was taken out of order and considered after item 10.

ADJOURNMENT: 5:09 p.m.

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