

MAYOR AND COUNCIL – STUDY SESSION

**LEGAL ACTION REPORT
AND MINUTES FOR THE MEETING OF
TUESDAY, AUGUST 9, 2016
MAYOR AND COUNCIL CHAMBERS
CITY HALL, 255 W. ALAMEDA, TUCSON, AZ**

Mayor Rothschild called the Study Session to order at 1:02 P.M. in the Mayor and Council Chambers, City Hall Tower, Tucson, Arizona.

OFFICIAL MEMBERS

PRESENT: Mayor Jonathan Rothschild
Vice Mayor Steve Kozachik (Ward 6)
Council Member Regina Romero (Ward 1)
Council Member Paul Cunningham (Ward 2) (arrived at 3:20 p.m.)
Council Member Karin Uhlich (Ward 3)
Council Member Shirley C. Scott (Ward 4)
Council Member Richard G. Fimbres (Ward 5)

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. [Discussion of the "Best 23 Miles of Mexican Food" \(City Wide\) SS/AUG09-16-152](#)

Introductory comments were provided by Mayor Rothschild.

Information was provided by Council Member Romero regarding the designation of the "Best 23 Miles of Mexican Food" in Tucson.

Discussion ensued.

Additional information was provided by J. Felipe Garcia, Visit Tucson.

Formal action was taken during the Regular Meeting under Consent Agenda item 7t.

2. [Executive Session - Potential Sale of City-Owned Property Located at 114 & 124 E. Broadway Boulevard \(Ward 6\) SS/AUG09-16-143](#)

4. **Executive Session – Proposal by Rio Nuevo Multipurpose Facilities District relating to the Acquisition of City-Owned Property for the Caterpillar Project (City Wide) SS/AUG09-16-153**

This item was taken out of order.

It was moved by Council Member Fimbres, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Cunningham absent/excused), to enter into Executive Session for Items 2 and 4 as noticed in the agenda.

RECESS: 1:16 p.m.

RECONVENE: 2:32 p.m.

MAYOR & COUNCIL: All present

STAFF: All present

Executive Session was held from 1:22 p.m. to 2:24 p.m.

It was moved by Council Member Fimbres, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Cunningham absent/excused), to return to open session.

3. [Mayor and Council Direction Regarding Executive Session - Potential Sale of City-Owned Property Located at 114 & 124 E. Broadway Boulevard \(Ward 6\) SS/AUG09-16-144](#)

It was moved by Council Member Fimbres, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Cunningham absent/excused), to proceed as discussed in Executive Session, with direction to bring the matter back to Mayor and Council on a future agenda for consideration of the process going forward.

4. [Executive Session – Proposal by Rio Nuevo Multipurpose Facilities District relating to the Acquisition of City-Owned Property for the Caterpillar Project \(City Wide\) SS/AUG09-16-153](#)

This item was taken out of order and considered after item 2.

5. [Mayor and Council Direction Following Executive Session - Proposal by Rio Nuevo Multipurpose Facilities District relating to the Acquisition of City-Owned Property for the Caterpillar Project \(City Wide\) SS/AUG09-16-154](#)

It was moved by Council Member Romero, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Cunningham absent/excused), to direct the City Manager proceed as discussed in Executive Session, in order to provide for the transfer to the Rio Nuevo Multipurpose Facilities District of the property needed for the Caterpillar relocation; and to bring back an agreement consistent with the terms discussed in Executive Session for Mayor and Council consideration and approval; and that the property in question is approximately 7.85 acres, bounded by Avenida del Convento on the west, Cushing Street on the north, and the Santa Cruz River on the east.

6. [Discussion of Primary Jobs Incentive for Mainstreet Capital Partners, LLC \(Ward 6\) SS/AUG09-16-145](#)

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

Information was provided by Camila Bekat, Economic Initiatives.

It was moved by Vice Mayor Kozachik, duly seconded and CARRIED by a voice vote of 6 to 0 (Council Member Cunningham absent/excused), to direct staff to return with the development agreement finalizing the incentive points, including a prorated incentive, as recommended in the agenda material.

12. [Transit and Park Tucson \(City Wide\) SS/AUG09-16-151](#)

This item was taken out of order.

Introductory comments were provided by Council Member Uhlich.

It was MOVED by Council Member Uhlich, duly seconded, to direct staff to return in 120 days with best practices across the country for integrated planning that addresses parking, transit and cycling, and provide some options prudent for consideration in Tucson, utilizing the Jarrett Walker study.

Discussion ensued.

The motion was CARRIED by a voice vote of 6 to 0 (Council Member Cunningham absent/excused).

7. [Title VI Transit Service and Fare Equity Analyses \(City Wide and Outside City\) SS/AUG09-16-150](#)

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

Information was provided by Carlos de Leon, Transportation Department Deputy Director, who fielded and answered questions.

Discussion ensued; formal action was taken during the Regular Meeting under Consent Agenda item 7o.

8. [Sign Code Revision Project \(City Wide\) SS/AUG09-16-147](#)

(Note: Council Member Cunningham arrived at 3:20 p.m.)

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

Information and presentation was provided by Jim Mazzocco, Zoning Examiner, who fielded and answered questions.

Discussion ensued.

It was MOVED by Council Member Scott, duly seconded, to direct staff to proceed as recommended in the agenda material.

Discussion continued.

Mr. Rankin addressed questions regarding the regulation of political signs and signs in the public right-of-way, and said the City does not have as many *Reed* compliance issues as are found in some other jurisdictions.

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

9. [Text Amendment to Table 6.3-4B of the Unified Development Code \(City Wide\) SS/AUG09-16-146](#)

Introductory comments and handout material were provided by Vice Mayor Kozachik.

It was MOVED by Vice Mayor Kozachik, duly seconded, to direct staff to return with an amendment to the Unified Development Code that addresses appropriate uses above 50 feet in the C-3 zone, while retaining the prohibition that applies to group dwellings.

Information was provided by Nicole Ewing-Gavin, Planning and Development Services Department Interim Director, who fielded and answered questions.

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

10. [Follow up on Quality of Life Issues in Neighborhood Surrounding the University Including Red Tag and Group Dwelling Ordinances \(Wards 3, 5, and 6\) SS/AUG09-16-148](#)

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

Information was provided by Nicole Ewing-Gavin, Planning and Development Services Department Interim Director, who fielded and answered questions.

Discussion ensued with additional questions fielded and answered by Michael Rankin, City Attorney; Mike Wyneken, Code Enforcement; Captain Eric Kazmierczak, Tucson Police Department; and Mr. Ortega.

It was MOVED by Vice Mayor Kozachik, duly seconded, to direct staff to:

- work with Mayor and Council on expansion of the Neighborhood Preservation Zone;
- track and conduct Code Enforcement investigations of those who receive a second “red tag” violation within 180 days;
- ensure the City Prosecutor’s Office understands the importance of prosecuting offenders;
- finalize the Memorandum of Understanding with the University of Arizona;
- continue with the Tucson Police Department’s pilot program for the fall semester, as described in the agenda material; and
- continue collaborating with the Campus Community Relations Committee

Mayor Rothschild offered an AMENDMENT to the motion, which was ACCEPTED by the motion-maker, to direct staff to review increasing fines, if not extending the exposure period from 180 days to 1 year, and also look at cost recovery.

Council Member Fimbres offered an AMENDMENT to the motion, which was ACCEPTED by the motion-maker, to direct staff to report back in 90 days and include the Miles and San Antonio neighborhoods in the expansion of the Neighborhood Preservation Zone.

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

11. [Grant Road \(Oracle Road to 1st Avenue\) Real Estate Remnant Disposition Strategy \(Ward 3\) SS/AUG09-16-149](#)

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

It was moved by Council Member Uhlich, duly seconded and CARRIED by a voice vote of 7 to 0, to direct staff to proceed with the real estate disposition strategy as described in the agenda material.

12. [Transit and Park Tucson \(City Wide\) SS/AUG09-16-151](#)

This item was taken out of order and considered after item 6.

13. [Updates on State and National Legislation and Regional Committees \(City Wide\) SS/AUG09-16-140](#)

Andrew Greenhill, Tucson Water, provided an update on proposed legislation regarding postal reform.

No formal action was taken.

14. [Mayor and Council Discussion of Regular Agenda \(City Wide\) SS/AUG09-16-141](#)

Council Member Uhlich requested Consent Agenda item 7j be considered separately.

Item j: Memorial: Relating to Predatory Payday and Car Title Lending Practices (City Wide) AUG09-16-286

Michael J. Ortega, City Manager, answered questions from Council Member Fimbres regarding Consent Agenda item 7l.

Item l: Intergovernmental Agreement: with Pima County for the Incarceration of City Prisoners (City Wide) AUG09-16-287

Council Member Romero confirmed that Consent Agenda item 7b would be considered separately to allow for an amendment.

Item b: Tucson Code: Amending (Chapter 14) relating to the Procedure for Labor Organization and Employee Association Elections (City Wide) AUG09-16-290

15. [Mayor and Council Discussion of Future Agendas \(City Wide\) SS/AUG09-16-142](#)

Mayor Rothschild requested a future agenda item regarding jail board costs. Michael J. Ortega, City Manager, said the item would be presented to Mayor and Council in 90 days.

ADJOURNMENT: 4:02 p.m.

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