



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on September 17, 2019.

Date of Meeting: January 23, 2019

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 5:31 p.m., on Wednesday, January 23, 2019, 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
Paul Durham
Shirley C. Scott
Richard G. Fimbres
Jonathan Rothschild

Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Vice Mayor, Council Member Ward 5
Mayor

Absent/Excused:

Steve Kozachik

Council Member Ward 6

Staff Members Present:

Michael J. Ortega
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

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

a. INVOCATION

The invocation was given by Reverend Owen Chandler, Saguaro Christian Church

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. PRESENTATIONS

1. Presentation to the Winners of the 2019 Ward 5 Safety Calendar Contest.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 28 dated January 23, 2019 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 Cunningham, duly seconded and carried by a voice vote of 6 to 0 (Council Member Kozachik absent/excused), to approve the appointment of Steven Washburn, to the Citizens' Water Advisory Committee (CWAC); and the reappointments of Gary Ochoa and Carol Rundell to the Veterans' Affairs Committee (VAC).

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

There were none.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 14, dated January 23, 2019 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 Council Members Romero, Cunningham, Durham and Vice Mayor Fimbres.

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

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

Mayor Rothschild announced City Manager's communication number 15, dated January 23, 2019 was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events and asked if there were any reports.

Current event report was provided by Michael J. Ortega, City Manager.

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

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 16, dated January 23, 2019, 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. Chita Kawi, Ward 5
4317 S. 6th Ave.
Applicant: Angelo Genduso
Series 12, City 91-18
Action must be taken by: December 31, 2018

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

NOTE: State law provides that for a new license application "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer(s)

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

c. Special Event(s)

1. Watershed Management Group, Ward 6
55 N. 5th Ave.
Applicant: Lisa Shipek
City T147-18
Date of Event: February 16, 2019
(Tucson Craft Beer Crawl)

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

2. Watershed Management Group, Ward 6
126 E. 7th St.
Applicant: Lisa Shipek
City T148-18
Date of Event: February 16, 2019
(Tucson Craft Beer Crawl)

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

3. Vietnam Veterans of America, Inc., Tucson Chapter 106, Ward 5
4475 S. Country Club Rd.
Applicant: Melvin Morgan
City T149-18
Date of Event: February 2, 2019 - February 10, 2019
(2019 G & LW Gem Show)

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

4. Tucson Girls Chorus, Ward 3
3800 E. River Rd.
Applicant: Marcela Molina
City T150-18
Date of Event: March 10, 2019
(Fundraiser)

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

5. Mini Time Museum of Miniatures, Ward 2
2900 - 2990 N. Swan Rd.
Applicant: Susan Eileen French
City T151-18
Date of Event: February 23, 2019
(Fundraising & Community Building)

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

6. American Cancer Society Inc., Ward 1
600 W. 22nd St.
Applicant: Keneth Aurther Foy
City T152-18
Date of Event: January 31, 2019 - February 8, 2019
(Gem Show)

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

7. Optimist International Foundation, Ward 1
600 W. 22nd St.
Applicant: Keneth Aurther Foy
City T153-18
Date of Event: February 9, 2019 - February 17, 2019
(Gem Show)

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

8. Reveille Men's Chorus, Ward 1
288 N. Church Ave.
Applicant: Frank Warren Anderson
City T2-19
Date of Event: February 3, 2019
(Fundraiser)

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

- d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no application(s) for agent changes scheduled for this meeting.

It was moved by Council Member Durham, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Kozachik absent/excused) to forward liquor license applications 5b1, 5c1 through 5c8 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 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:

Mary Kelso
Rory Juneman

Barbara Crummitt

Robert Reus

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 JAN23-19-24 CITY WIDE
2. Mayor and Council Regular Minutes of August 8, 2018
3. Mayor and Council Study Session Minutes of August 8, 2018

b. REAL PROPERTY: ACQUISITION OF PRIVATELY OWNED PROPERTY WITHIN THE TUCSON AIRPORT REMEDIATION PROJECT AREA FOR THE INSTALLATION OF A TUCSON WATER WELL

1. Report from City Manager JAN23-19-17 WARDS 1 AND 5
2. Resolution No. 22980 relating to Real Property and Tucson Water; authorizing the acquisition of privately owned property located within the Tucson Airport Remediation Project area for the installation of a Tucson water well; and declaring an emergency.

c. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE SOUTHEAST HOUGHTON AREA RECHARGE PROJECT

1. Report from City Manager JAN23-19-21 CITY WIDE

2. Resolution No. 22981 relating to Intergovernmental Agreements; authorizing and approving an Amendment to the Intergovernmental Agreement for the joint constructed recharge project known as the Southeast Houghton Area Recharge Project to mutually release the City of Tucson and Pima County from their joint obligations under the Intergovernmental Agreement; and declaring an emergency.
- d. MUTUAL AID AGREEMENT: WITH MEMBERS OF THE ARIZONA WATER AND WASTEWATER AGENCY RESPONSE NETWORK FOR EMERGENCY ASSISTANCE
 1. Report from City Manager JAN23-19-22 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 22982 relating to Water; renewal of the Mutual Aid Agreement between Tucson Water and other members of the Arizona Water and Wastewater Agency Response Network; and declaring an emergency.
- e. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA STATE UNIVERSITY FOR THE CHOICE NEIGHBORHOODS PLANNING GRANT
 1. Report from City Manager JAN23-19-25 WARDS 1 AND 3
This item has been continued at the request of Staff.
- f. FINANCE: WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE (CONTINUED FROM THE MEETING OF DECEMBER 18, 2018)
 1. Report from City Manager JAN23-19-23 CITY WIDE
 2. Resolution No. 22972 relating to Business Services; authorizing the write-off of certain uncollectible accounts; and declaring an emergency.
- g. ZONING: AMENDING ORDINANCE 11199, ELIMINATING THE SUNSET DATE FROM THE UNIFIED DEVELOPMENT CODE AMENDMENTS RELATING TO MEDICAL MARIJUANA
 1. Report from City Manager JAN23-19-18 CITY WIDE
 2. Ordinance No. 11617 relating to Planning and Zoning; amending Ordinance No. 11199 adopted on September 9, 2014 by repealing Section 3; and declaring an emergency.

Council Member Cunningham took a moment and confirmed with Joyce Garland, Assistant City Manager, stating it seemed like they were collecting more on the debt where the percentage of capture was higher and congratulated her on this.

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), that Consent Agenda Items a through g, with the exception of Consent Agenda Item e, which was continued, be passed and adopted and the proper action taken.

8. ZONING: (C15-18-03) ESTABLISHING ORIGINAL CITY ZONING FOR AIRPORT CORONA ANNEXATION DISTRICT, PIMA COUNTY ZONES MU, CI-1 AND CI-2 TO CITY ZONES MU, I-1 AND I-2, ORDINANCE ADOPTION, AND EXTENSION OF OVERLAY ZONES

Mayor Rothschild announced City Manager's communication number 19, dated January 23, 2019, was received into and made part of the record. He also announced this was a request to establish Original City zoning within the Airport Corona Annexation District, roughly bounded by Valencia Road on the north, Nogales Highway on the west, Alvernon Way on the east, and extending approximately 3,800 feet south of Los Reales Road. He said the Zoning Examiner and staff recommend approval of the Original City Zoning of MU, I-1 and I-2, the extension of Major Streets and Routes along Alvernon Way and Los Reales Road; the extension of the Environmental Resource Zone along Airport Wash; and the extension of the Airport Environs Zone with the Airport Corona Annexation District.

Mayor Rothschild asked the City Clerk to read Ordinance 11616 by number and title only.

Ordinance No. 11616 relating to Zoning: establishing original City zoning for approximately 1,488.1 acres, located in an area roughly bounded by Valencia Road on the north, Nogales Highway on the west, Alvernon Way on the east, and extending approximately 3,800 feet south of Los Reales Road. In case C15-18-03, Airport Corona Annexation District, Pima County MU, CI-1, CI-2 and overlay zones to City of Tucson MU, I-1, I-2 and overlay zones; and setting an effective date.

Vice Mayor Fimbres took a moment to thank all the staff who made this possible.

Council Member Cunningham stated the zoning was possibly one of the biggest accomplishments that probably would not have made it to one of the bigger headlines. Now that the airport was part of the City, the impact of business incentives at the airport would cultivate new jobs.

It was moved by Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 6 to 0, (Council Member Kozachik absent/excused), to approve the request for Original City Zoning as recommended by the Zoning Examiner, to pass and adopt Ordinance 11616.

9. ZONING: (C9-18-18) PRINCE OF TUCSON RV PARK – N. FREEWAY, O-3 AND C-2 TO MH-2, CITY MANAGER'S REPORT

Mayor Rothschild announced City Manager's communication number 20, dated January 23, 2019, was received into and made part of the record. He also announced this was a request to rezone approximately 1.416 acres from O-3 and C-2 to MH-2 zoning. The rezoning site is located on the west side of I-10, approximately 900 feet south of Prince Road. He said staff recommends authorization of MH-2 zoning subject to certain conditions. The Zoning Examiner recommends approval of MH-2 zoning.

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

Michael J. Marks of MJM Consulting, representing property owners at the Prince of Tucson RV LLC, affirmed that his client was agreeable to the proposed requirements.

It was moved by Council Member Durham, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Kozachik absent/excused), to approve the request as recommended by the Zoning Examiner.

10. ZONING: (SE-18-67) BIOLIFE PLASMA FACILITY - EAST GOLF LINKS ROAD, C-1 ZONE, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 27 dated January 23, 2019, was received into and made part of the record. He also announced this was special exception land use request for a property located on the north side of East Golf Links Road, approximately 400 feet east of Pantano Road in the C-1 zone. The preliminary development plan proposes an outpatient medical use (plasma donor facility) on a 3.89-acre site within a 1-story, 14,180 square foot building with associated parking, landscaping and retention basins. He said the Zoning Examiner and staff recommend approval of the request, subject to certain conditions.

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

Brent Davis, representing the property owners, affirmed that his client was agreeable to the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 11618 by number and title only.

Ordinance No. 11618 relating to Zoning; a special exception land use - blood donor center - SE-18-67 BioLife Plasma Facility - located on the north side of E. Golf Links Road approximately 400 feet east of Pantano Road; approving with conditions the construction of a 14,180 square foot blood donor center on 3.9 acres in the C-1 zone; and setting an effective date.

Council Member Scott expressed gratitude to everyone who participated and had the opportunity to review what this was and found it to be satisfactory to their neighborhood, with special thanks to Mr. Davis for his work.

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 approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11618.

11. TUCSON CODE: AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE, EXTENDING THE SUNSET DATE RELATING TO THE DOWNTOWN AREA INFILL INCENTIVE DISTRICT

Mayor Rothschild announced City Manager's communication number 26, dated January 23, 2019 was received into and made part of the record.

Mayor Rothschild asked the City Clerk to read Ordinance 11619 by number and title only.

Ordinance No. 11619 relating to Planning and Zoning; extending the sunset date contained in Chapter 23B, Unified Development Code, Section 5.12.17 *IID District Termination* to April 30, 2019; and declaring an emergency.

Mayor Rothschild confirmed the Ordinance read that the Historic Preservation Zone (HPZ) would be brought back in April, but the sunset date would be extended for four years, with the understanding that the other issues would continue to be worked on.

Council Member Romero asked if a discussion would be scheduled for a Study Session to ensure the issues discussed on January 8, 2019 would be included in the Infill Incentive District (IID). She also confirmed the Ordinance read, was extending the sunset date until April, but the Mayor and Council was extending the sunset date to four years and bringing back for further discussion.

Michael Rankin, City Attorney, stated that it was his understanding, but it did not mean they would wait four years to come back with the information. He also said he thought it was laid out in the communication the item had already been remanded for consideration on the Historic Preservation Zone (HPZ) was going through that process and was anticipated to be ready for the April date. He said by approving the ordinance as amended, or proposed to be amended in the motion, it was the first step to extending the sunset date until 2023.

Mayor Rothschild stated that coming back in April would provide an opportunity to get a status report, as well as a timeline.

Michael Rankin responded that the clarifying amendments that were discussed in January would also be brought back in April, along with the Historic Preservation Zone (HPZ) issues. He also stated that a work plan would be developed regarding the other items that required more full vetting and public review, as previously identified at the last hearing.

Council Member Cunningham confirmed that by extending the sunset date the IID could still be amended prior to that date. He also stated if possible, meeting times would be set.

Mr Rankin confirmed that it would keep the provisions alive for four years and retain all legislative authority to make amendments to the Infill Incentive District (IID) going forward.

Council Member Cunningham stated that fixing the issues would require one Study Session and another Study Session and a Regular Meeting on the same day to ensure transparency, as well as cooperation with all the stakeholders.

Mayor Rothschild said they would come back in April on the Historic Preservation Zone (HPZ) and he understood that they all agreed there were some minor adjustments to be made. He also stated that due to the complexity of some of the issues, neighborhoods and stakeholders input would be required. The intent was not to have one meeting, resolve part of the issues, then return to another meeting and resolve the rest. The intent was to have one meeting and resolve what they could; have a work plan and at least that would be the intentions moving forward.

Council Member Cunningham was satisfied and also confirmed that due to things which continued to evolve, a provision would be in place to amend it with the new sunset date after April.

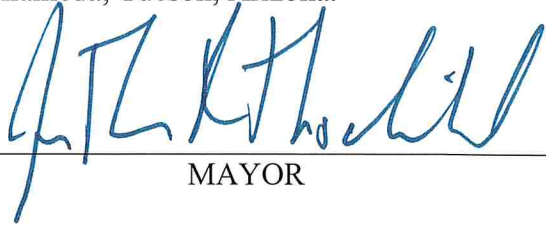
Michael Rankin confirmed that by extending the sunset date to four years, Mayor and Council would have the time needed to go through whatever process deemed necessary to decide on those additional issues.

It was moved by Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 6 to 0, (Council Member Kozachik absent/excused), to pass and adopt Ordinance 11619, with an amendment to Section 1 reflecting a four year sunset date.

Michael Rankin stated for purposes of the record, Section 1 of the Ordinance as presented, the extension date of April 30, 2019, will be changed to January 31, 2023.

12. ADJOURNMENT: 6:16 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.

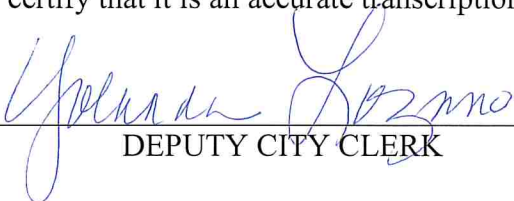

MAYOR

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 23rd day of January 2019, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR:sb:ds