



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 7, 2020.

Date of Meeting: May 21, 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 5:32 p.m., on Tuesday, May 21, 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	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Paul Durham	Council Member Ward 3
Shirley C. Scott	Vice Mayor, Council Member Ward 4
Richard G. Fimbres	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
Suzanne Mesich	Assistant City Clerk

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

a. INVOCATION

The invocation was given by Rabbi Ruven Barker, Congregation Anshei Israel.

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 150, dated May 21, 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 Vice Mayor Scott, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Joseph Patterson to the Barrio Historico Historic Zone Advisory Board (BHHZAB) and Erik Stanford to the Commission on Food Security, Heritage, and Economy (CFSHE).

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 151, dated May 21, 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 to report on current events and asked if there were any reports.

Current event reports were provided by Council Members Cunningham and Fimbres.

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

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

Mayor Rothschild announced City Manager's communication number 152, dated May 21, 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 for that report.

Current event report was provided by Michael Rankin, City Attorney.

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 153, dated May 21, 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)

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

c. Special Event(s)

NOTE: There are no application(s) for special events scheduled for this meeting.

d. Agent Change/Acquisition of Control/Restructure

1. Sentinel Peak East, Ward 2
9155 E. Tanque Verde Rd. #177
Applicant: Kevin Arnold Kramber
Series 12, City AC2-19
Action must be taken by: June 3, 2019

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 Fimbres, duly seconded, and carried by a voice vote of 7 to 0 to forward liquor license application 5d1 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:

J.P. Salvatierra
Cecilia Cruz
Mary Kelso

Ruth Beeker
Yolanda Herrera

David Johnson
Kathleen MacFarlane

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 I

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 MAY21-19-154 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of December 4, 2018
3. Mayor and Council Study Session Meeting Minutes of December 4, 2018

b. TUCSON CODE: AMENDING (CHAPTER 8) EXPANDING THE SCOPE OF CASES TO BE SET BEFORE PIMA COUNTY JUSTICES OF THE PEACE

1. Report from City Manager MAY21-19-167 CITY WIDE
2. Ordinance No. 11653 relating to City Court; to facilitate the operations of the Consolidated Misdemeanor Problem Solving (CPMS) Court, expanding the scope of the automatic appointment of Pima County Justices of the Peace as City Special Magistrates, which currently includes presiding over arraignments, initial appearances, and designated conflict cases, to now also include presiding over any other cases designated by the Presiding Magistrate of the Tucson City Court; amending Tucson Code Section 8-2.5; and declaring an emergency.

- c. LICENSE AGREEMENT: WITH FATBEAM, LLC, FOR FIBER OPTIC COMMUNICATIONS EQUIPMENT IN RIGHT-OF-WAY
 - 1. Report from City Manager MAY21-19-168 WARD 4
 - 2. Resolution No. 23033 relating to Transportation and Information Technology; approving and authorizing execution of a License Agreement with Fatbeam, LLC, (Fatbeam) for construction and installation of fiber optic infrastructure in City of Tucson (City) right of way (ROW); and declaring an emergency.
- d. LABOR AGREEMENT EXTENSION: WITH THE COMMUNICATIONS WORKERS OF AMERICA
 - 1. Report from City Manager MAY21-19-157 CITY WIDE
 - 2. Resolution No. 23031 relating to Employee Relations; authorizing and approving the Memorandum of Understanding between the City of Tucson and the Communication Workers of America ("CWA") extending the 2018-2019 labor agreement for an additional one-year period; and declaring an emergency.
- e. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH MELANIE AMHOWITZ, OWNER OF PARCEL 205-36-2350, FOR WATER SERVICE
 - 1. Report from City Manager MAY21-19-160 WARD 2 AND OUTSIDE CITY
 - 2. Resolution No. 23032 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Melanie Amhowitz, owner of Parcel 205-36-2350.
- f. FINAL PLAT: (S18-067) THORPE ACRES, LOTS 1-A AND LOT 2-A
 - 1. Report from City Manager MAY21-19-155 WARD 3
 - 2. Staff recommends that the Mayor and Council approve the plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- g. FINAL PLAT: (S19-006) 1014 N. 7TH AVENUE
 - 1. Report from City Manager MAY21-19-161 WARD 1

2. Staff recommends that the Mayor and Council approve the plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- h. **BOARDS, COMMITTEES AND COMMISSIONS: AMENDING TUCSON CODE (CHAPTER 10A) RELATING TO MEMBERSHIP OF THE COMMISSION ON FOOD SECURITY, HERITAGE, AND ECONOMY**
 1. Report from City Manager MAY21-19-162 CITY WIDE
 2. Ordinance No. 11649 relating to Boards and Commissions; amending Tucson Code Section 10A-251 to reduce the membership of the Commission on Food Security, Heritage, and Economy (CFSHE) from 17 to 12 members; and declaring an emergency.
- i. **REAL PROPERTY: AMENDING AND ASSIGNING THE LEASE AGREEMENT WITH PIMA COMMUNITY COLLEGE AT 401 NORTH BONITA AVENUE**
 1. Report from City Manager MAY21-19-172 WARD 1
 2. Ordinance No. 11654 relating to Real Estate; authorizing and approving the Assignment, Assumption and Amendment of Lease and Parking Easement and Consent ("Amended Lease") between the City of Tucson ("City") and Pima County Community College District ("PCC") for the benefit of Intermountain Centers for Human Development, Inc. ("Intermountain") and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and carried by a roll call vote of 7 to 0, that Consent Agenda Items a – i be approved and/or adopted and proper action taken.

8. PUBLIC HEARING: APPLICATION BY TURF PARADISE FOR AN OFF-TRACK PARIMUTUEL WAGERING SITE AT MIDTOWN TAVERN, 3620 NORTH 1ST AVENUE (CONTINUED FROM THE MEETING OF APRIL 9, 2019)

Mayor Rothschild announced City Manager's communication number 163, dated May 21, 2019, 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 for a new Parimutuel Wagering license for off-track betting located at Midtown Tavern, 3620 North 1st Avenue.

Council Member Durham said that since House Bill (HB) 2547 had not been signed by the Governor, they could not proceed on this matter and recommend this item be continued to the meeting of June 4, 2019.

It was moved by Council Member Durham, duly seconded, and carried by a voice vote of 7 to 0, to continue this item to the meeting of June 4, 2019.

9. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED ANNUAL BUDGET FOR FISCAL YEAR 2020

Mayor Rothschild announced City Manager's communication number 169, dated May 21, 2019, 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 Fiscal Year 2020 recommended budget. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Mayor Rothschild asked if there was anyone wishing to be heard on the item

There was no one.

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

Mayor Rothschild announced the tentative adoption of the Fiscal Year 2020 Budget was scheduled for later that evening. He said another legally required public hearing was scheduled for June 4th for the purpose of public comment on the budget as tentatively adopted at the evening's Mayor and Council meeting.

10. FINANCE: TENTATIVE ADOPTION OF FISCAL YEAR 2020 BUDGET

Mayor Rothschild announced City Manager's communication number 166, dated May 21, 2019, was received into and made part of the record. He asked the City Clerk to read Resolution 23020 by number and title only.

Resolution No. 23020 relating to Finance; adopting a tentative budget for the 2019/20 Fiscal Year and fixing times and places, confirming time and place to conduct a public hearing on said budget, to adopt the final budget in a special meeting, to fix time and place to determine the primary and secondary tax levies for said Fiscal Year.

It was moved by Council Member Cunningham, duly seconded, and carried by a roll call vote of 7 to 0, to pass and adopt Resolution 23020.

Mayor Rothschild announced the final hearing for adoption of the budget was scheduled for June 4, 2019.

11. ZONING: (C9-19-03) TOWN WEST – FIRST AVENUE, R-2 TO C-1, CITY MANAGER'S REPORT

Mayor Rothschild announced City Manager's communication number 156, dated May 21, 2019, was received into and made part of the record. He also announced this was a request to rezone approximately 3.03 acres from R-2 to C-1 zoning. The rezoning site was comprised of five parcels located west of First Avenue, south of Limberlost Drive, and north of Calle Arizona. He said staff recommends authorization of C-1 zoning subject to certain conditions. The Zoning Examiner recommends approval of C-1 zoning.

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

Raul Reyes, Town West Design Development, Inc., on behalf of the owner, 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 7 to 0, to approve the request as recommended by the Zoning Examiner.

12. ZONING: (C9-19-02) BRAKEMAX – TANQUE VERDE ROAD, C-1 TO C-2, CITY MANAGER'S REPORT

Mayor Rothschild announced City Manager's communication number 158, dated May 21, 2019, was received into and made part of the record. He also announced this was a request to rezone approximately 1.06 acres from C-1 to C-2 zoning. The rezoning site was located on the north side of Tanque Verde Road, east of Catalina Highway. He said staff recommends authorization of C-2 zoning subject to certain conditions. The Zoning Examiner recommends approval of C-2 zoning.

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

Linda Morales, The Planning Center, representing the property owners, affirmed her client was agreeable to the proposed requirements.

Council Member Cunningham asked what the approval and protest ratio was in the one hundred-fifty foot zone and what the total of approvals and protests were.

Ms. Morales replied there were one approval and no protests within the one hundred-fifty feet zone. She also stated there were five approvals and one protest.

Council Member Cunningham said the neighbors had concerns and asked if there were limitations on the times BrakeMax could be open as a C-1. He asked if they had put times on their hours of operation.

Ms. Morales answered there were no restrictions on that zoning and it was a straight C-1 and could be open twenty-four hours. She said BrakeMax limited their hours of operation for automotive use from 7:00 a.m. to 7:00 p.m.

Council Member Cunningham said he wanted to make sure there was some sound mitigation built in by BrakeMax.

Ms. Morales replied the design of the site had the openings for the automotive use only to the back so that the noise could only exit out the back. She said the front was designed to look like a retail space.

Council Member Cunningham asked if the base faced north. He also asked if the narrow area on the eastside of the property between the shop and the apartment complex was a commercial property.

Ms. Morales replied it did. She said the base faced behind the building, and would not block the access lane to the rest of the shopping center. She also said to reduce the noise they would muffle the equipment. She stated the site was commercial on all three sides.

Council Member Cunningham said his concern was that he did not want left turns coming out of BrakeMax and a traffic mitigation or traffic study might be needed.

Ms. Morales said a preliminary traffic study was done and that there would be a traffic impact analysis that would be required as part of the development plans submittal. She said there was a specific condition that was put in about the striping, at the request of the neighbors that were directly across Tanque Verde that was very specific to the way they wanted that striped. She said if the Mayor and Council wanted to leave that open to analysis, they would need to modify or strike that condition, which she was not comfortable with, given that her clients were not present to secure that. She said maybe it could be worded so that it was subjected to approval by a traffic impact report.

Council Member Cunningham voiced as long as there was a traffic impact study report in the construction phase, he thought that would cover it.

Mayor Rothschild asked Ms. Morales if there was a traffic impact study required, was that one of the conditions.

Ms. Morales answered in the affirmative.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to approve the request as recommended by the Zoning Examiner.

13. ZONING: (C9-16-14) AIR CONCEPTS - 22ND STREET, R-2, C-1 AND C-3 TO I-1, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 159, dated May 21, 2019, was received into and made part of the record. He asked the City Clerk to read Ordinance 11650 by number and title only.

Ordinance No. 11650 relating to Zoning: amending zoning district boundaries in the area located at the northwest corner of 22nd Street and Cherry Avenue, east of the Kino Parkway, in case C9-16-14, Air Concepts - 22nd Street, R-2, C-1, & C-3 to I-1; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, and carried by a roll call vote of 7 to 0, to pass and adopt Ordinance 11650.

14. ECONOMIC DEVELOPMENT: AUTHORIZING A GPLET LEASE AGREEMENT FOR THE TUXON REDEVELOPMENT PROJECT (FORMERLY HOTEL DEL SOL) (CONTINUED FROM THE MEETING OF MAY 7, 2019)

Mayor Rothschild announced City Manager's communication number 164, dated May 21, 2019, was received into and made part of the record. He asked the City Clerk to read Resolution 23030 by number and title only.

Resolution No. 23030 relating to Economic Development Incentives and Real Property; authorizing and approving the Government Property Lease Excise Tax (GPLET) Lease Agreement between the City of Tucson (City) and 2438 N Palo Verde Ave, LLC, for the redevelopment of The Tuxon located at 960 South Freeway (Project).

Council Member Romero said the project had an estimated impact of \$3.1 million in capital improvements, and the reinvestment of the hotel was welcomed by the neighborhood and City.

It was moved by Council Member Romero, duly seconded, and carried by a roll call vote of 7 to 0, to pass and adopt Resolution 23030.

15. CITY ADMINISTRATION: APPROVING THE APPOINTMENT OF COLLIN BOYCE AS THE INFORMATION TECHNOLOGY DEPARTMENT DIRECTOR, AND THE APPOINTMENT OF ROBERT SCOTT CLARK AS THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT DIRECTOR

Mayor Rothschild announced City Manager's communication number 165, dated May 21, 2019, was received into and made part of the record. He asked the City Clerk to read Ordinance 11651 by number and title only.

Ordinance No. 11651 relating to Information Technology Department; approving the appointment of Collin Boyce as the Director of the City of Tucson Information Technology Department; fixing compensation; and declaring an emergency.

It was moved by Vice Mayor Scott, duly seconded, and carried by a roll call vote of 7 to 0, to pass and adopt Ordinance 11651.

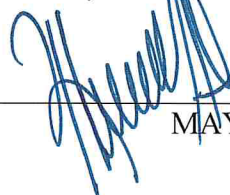
Mayor Rothschild asked the City Clerk to read Ordinance 11652 by number and title only.

Ordinance No. 11652 relating to Planning and Development Services Department; approving the appointment of Robert Scott Clark as the Director of the City of Tucson Planning and Development Services Department; fixing compensation; and declaring an emergency.

It was moved by Vice Mayor Scott, duly seconded, and carried by a roll call vote of 7 to 0, to pass and adopt Ordinance 11652.

16. ADJOURNMENT: 6:30 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, June 4, 2019, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.



MAYOR

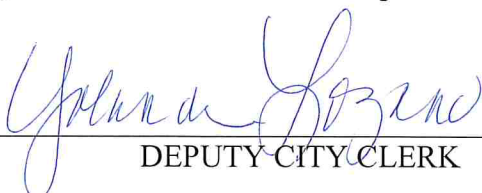
ATTEST:



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 21st day of May 2019, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

RWR:rg:yl