



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on April 14, 2020.

Date of Meeting: September 4, 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 5:49 p.m., on Wednesday, September 4, 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
Steve Kozachik
Jonathan Rothschild

Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Vice Mayor, Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Michael J. Ortega
Michael Rankin
Roger W. Randolph

City Manager
City Attorney (arrived at 6:07 p.m.)
City Clerk

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

a. INVOCATION

The invocation was given by Dr. Greg Silverman, Desert Hope Lutheran Church.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. PRESENTATIONS:

1. Mayor Rothschild proclaimed the month of September 2019 to be "Falls Prevention Awareness Month". Deborah Adams and Lee Itule-Klasen, Southern Chapter Arizona Falls Prevention Coalition, accepted the proclamation.
2. Mayor Rothschild proclaimed September 2019 to be "Hunger Action Month". Natalia Molina, Community Food Bank, accepted the proclamation.
3. Mayor Rothschild, assisted by Council Member Fimbres, presented the Sunnyside Little League Team with Certificates of Appreciation for a job well done as Little League Champions.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 274, dated September 4, 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(s) of Caryl Clement to the Design Review Board (DRB) and Janet Fischer to the Public Art and Community Design Committee (PACDC).

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 272, dated September 4, 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 Mayor Rothschild, Vice Mayor Scott, and Council Members Romero, 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 273, dated September 4, 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 reports were provided by Michael J. Ortega, City Manager, and Roger W. Randolph, City Clerk

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 275, dated September 4, 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. Salsa Verde Restaurant, Ward 2
210 N. Pantano Rd.
Applicant: Edgardo Corella Elias
Series 12, City 37-19
Action must be taken by: August 26, 2019

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

2. Bacio Italiano Restaurant, Ward 6
943 E. University Blvd. #125
Applicant: Andrew Vincent Avella
Series 12, City 40-19
Action must be taken by: September 2, 2019

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

3. Churrasco De Brasil, Ward 3
150 W. Wetmore Rd.
Applicant: Theresa June Morse
Series 12, City 41-19
Action must be taken by: September 2, 2019

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

4. Drunken Chicken, Ward 6
429 N. 4th Ave.
Applicant: Micah Aron Blatt
Series 12, City 42-19
Action must be taken by: September 5, 2019

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

5. University of Arizona-Davis Sports Center, Ward 6
640 N. National Championship Dr.
Applicant: Joel Scott Hauff
Series 5, City 44-19
Action must be taken by: September 6, 2019

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

This item was considered separately.

6. Market Basket, Ward 1
5242 S. 12th Ave.
Applicant: Ji Eun Pak
Series 10, City 45-19
Action must be taken by: September 7, 2019

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

7. University of Arizona Hillenbrand Stadium, Ward 6
1700 E. 2nd St.
Applicant: Joel Scott Hauff
Series 5, City 46-19
Action must be taken by: September 8, 2019

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

This item was considered separately.

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/Location Transfer(s)

8. Donut Bar, Ward 6
33 N. 6th Ave.
Applicant: Bradley Todd Mueller
Series 7, City 26-19
Action must be taken by: July 13, 2019
Staff has indicated the applicant is in compliance with city requirements.

9. Round 1 Bowling & Amusement, Ward 6
5950 E. Broadway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 6, City 43-19
Action must be taken by: September 2, 2019

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

10. John Henry's, Ward 6
117 N. 6th Ave.
Applicant: Brenndon Richard Scott
Series 6, City 47-19
Action must be taken by: September 12, 2019

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. Sister Jose Women's Center, Ward 2
1375 S. Camino Seco
Applicant: Jean R. Fedigan
City T69-19
Date of Event: October 26, 2019
(Fundraiser)

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

2. University of Arizona-Arizona Student Unions, Ward 6
640 N. National Championship Dr.
Applicant: Joel Scott Hauff
City T70-19
Date of Event: September 7, 2019
(Arizona Football Home Game)

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

This item was considered separately.

3. University of Arizona-Arizona Student Unions, Ward 6
640 N. National Championship Dr.
Applicant: Joel Scott Hauff
City T71-19
Date of Event: September 14, 2019
(Arizona Football Home Game)

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

This item was considered separately.

4. University of Arizona-Arizona Student Unions, Ward 6
640 N. National Championship Dr.
Applicant: Joel Scott Hauff
City T72-19
Date of Event: September 28, 2019
(Arizona Football Home Game)

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

This item was considered separately.

5. El Rio Health Center Foundation, Ward 1
101 N. Stone Ave.
Applicant: Brenda Goldsmith
City T73-19
Date of Event: September 21, 2019
(El Rio Vecinos Block Party Fundraiser)

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

6. Tucson Fire Fighters Benevolent Association, Ward 6
998 S. Concert Pl.
Applicant: Nicholas Janton
City T74-19
Date of Event: October 26, 2019
(Annual Chili Cook-off Fundraiser)

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

7. Our Lady Queen of All Saints Catholic Church, Ward 5
2915 E. 36th St.
Applicant: Robert Evert Smith
City T75-19
Date of Event: October 5, 2019 - October 6, 2019
(Fundraiser)

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

8. Tucson Hebrew Academy, Ward 3
3800 E. River Rd.
Applicant: Sharon Wolfin Eden
City T76-19
Date of Event: October 27, 2019
(Fundraiser)

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

9. Our Mother of Sorrows Church, Ward 2
1800 S. Kolb Rd.
Applicant: Argelia Saavedra
City T77-19
Date of Event: October 18, 2019 - October 20, 2019
(2019 Church Fiesta)

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

10. St. Demetrios Greek Orthodox Church, Ward 3
1145 E. Fort Lowell Rd.
Applicant: William G. Anastopoulos
City T78-19
Date of Event: September 26, 2019 - September 29, 2019
(Greek Cultural Event)

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

11. ArtSake Foundation, Ward 2
1110 S. Sherwood Village Dr.
Applicant: Paul Bear
City T79-19
Date of Event: September 7, 2019
(Fundraiser)

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

12. The Scoundrel and Scamp Theatre, Ward 6
738 N. 5th Ave.
Applicant: Bryan Rafael Falcon
City T80-19
Date of Event: September 13, 2019
(Variety Show Performance)

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

13. Tucson Symphony Orchestra, Ward 3
2175 N. 6th Ave.
Applicant: Julia Meredith Filson
City T82-19
Date of Event: September 27, 2019 - September 28, 2019
(Musical Performance)

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

14. Congregation Young Israel, Ward 6
2443 E. 4th St.
Applicant: Joseph I. Shemtov
City T88-19
Date of Event: September 22, 2019
(High Holiday 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 Vice Mayor Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward Items 5b1 through 5b4, 5b6, 5b8 through 5b10, 5c1, and 5c5 through 5c14, to the State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

5. University of Arizona-Davis Sports Center, Ward 6
640 N. National Championship Dr.
Applicant: Joel Scott Hauff
Series 5, City 44-19
Action must be taken by: September 6, 2019

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

7. University of Arizona Hillenbrand Stadium, Ward 6
1700 E. 2nd St.
Applicant: Joel Scott Hauff
Series 5, City 46-19
Action must be taken by: September 8, 2019

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

c. Special Event(s)

2. University of Arizona-Arizona Student Unions, Ward 6
640 N. National Championship Dr.
Applicant: Joel Scott Hauff
City T70-19
Date of Event: September 7, 2019
(Arizona Football Home Game)

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

3. University of Arizona-Arizona Student Unions, Ward 6
640 N. National Championship Dr.
Applicant: Joel Scott Hauff
City T71-19
Date of Event: September 14, 2019
(Arizona Football Home Game)

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

4. University of Arizona-Arizona Student Unions, Ward 6
640 N. National Championship Dr.
Applicant: Joel Scott Hauff
City T72-19
Date of Event: September 28, 2019
(Arizona Football Home Game)

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

These items were considered separately. Council Member Kozachik declared a conflict of interest.

It was moved by Vice Mayor Scott, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Kozachik recused due to a conflict of interest), to forward Items 5b5, 5b7, and 5c2 through 5c4 to the 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:

Ken Scoville
Stephen Moore

James Waddell
William Peterson

Cara Bissell
James Tickner

Mayor Rothschild requested staff to follow up with Mr. Moore on his concerns regarding the Citizen Police Advisory Review Board.

Mayor Rothschild requested staff to follow up with Mr. Tickner regarding laws addressing the use of handheld electronic devices while driving.

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 P

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. CITY ADMINISTRATION: APPROVING THE APPOINTMENT OF CHARLES W. RYAN III AS FIRE CHIEF OF THE CITY OF TUCSON, AND THE APPOINTMENT OF LIZ MORALES AS THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR

1. Report from City Manager SEP04-19-276 CITY WIDE
2. Ordinance No. 11682 relating to the Tucson Fire Department; approving the appointment of Charles W. Ryan III as Tucson Fire Chief; approving employment agreement; and declaring an emergency.
3. Ordinance No. 11683 relating to Housing and Community Development Department; approving the appointment of Elizabeth M. Morales as the Director of the City of Tucson Housing and Community Development Department; fixing compensation; and declaring an emergency.

(This item was considered separately at the request of the City Manager.)

- b. TRANSPORTATION: CERTIFICATION ACCEPTANCE AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR FEDERAL HIGHWAY ADMINISTRATION FUNDS
 - 1. Report from City Manager SEP04-19-278 CITY WIDE
 - 2. Resolution No. 23076 relating to Transportation; authorizing and approving the execution of a Certification Acceptance Agreement between Arizona Department of Transportation (ADOT) and the City of Tucson for Federal Aid Highway Program Projects; and declaring an emergency.
- c. TRANSPORTATION: APPROVING THE CITY OF TUCSON TRANSIT SERVICES TITLE VI PROGRAM FOR SUBMISSION TO THE FEDERAL TRANSIT ADMINISTRATION
 - 1. Report from City Manager SEP04-19-279 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 23077 relating to Transportation and Public Transit: approving the City of Tucson Transit Services Title VI Program for submission to the Federal Transit Authority (FTA); and declaring an emergency.
- d. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE PROVISION OF FIXED ROUTE TRANSIT SERVICES FOR DESIGNATED AREAS OF PIMA COUNTY, THE TOWN OF MARANA, AND THE CITY OF SOUTH TUCSON
 - 1. Report from City Manager SEP04-19-280 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 23079 relating to Intergovernmental Agreements and Transportation; authorizing and approving an Intergovernmental Agreement (IGA) between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for provision of Fixed Route Transit Services (Sun Tran) for designated areas of Pima County, Town of Marana, and City of South Tucson; and declaring an emergency.
- e. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR REGIONAL TRANSIT SERVICE IMPROVEMENTS FOR FISCAL YEAR 2020
 - 1. Report from City Manager SEP04-19-281 CITY WIDE AND OUTSIDE CITY

2. Resolution No. 23080 relating to Intergovernmental Agreements and Transportation; authorizing and approving an Intergovernmental Agreement (IGA) between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for Regional Transit Service Improvements; and declaring an emergency.
- f. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE SILVERBELL ROAD, INA ROAD TO GRANT ROAD IMPROVEMENT PROJECT (CONTINUED FROM THE MEETING OF AUGUST 6, 2019)
1. Report from City Manager SEP04-19-282 WARDS 1 AND 3
 2. Resolution No. 23068 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of an IGA between the City of Tucson (City) and Pima County for the Archeological Treatment and Data Recovery for the El Camino del Cerro to Goret Road portion of the Silverbell Road, Ina Road to Grant Road Improvement Project; and declaring an emergency.
- g. REAL PROPERTY: VACATION AND SALE OF SURPLUS ALLEY RIGHT OF WAY, SOUTH OF SPEEDWAY BOULEVARD, BETWEEN PARK AND TYNDALL AVENUES
1. Report from City Manager SEP04-19-283 WARD 6
 2. Ordinance No. 11676 relating to Real Property and Transportation; vacating, declaring as surplus, and authorizing the sale of Alley Right of Way, south of Speedway Boulevard between Park and Tyndall Avenues to Core Tucson JIB; and declaring an emergency.
- h. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH MARCELA DAVILA BARLEY AND SANDRA DAVILA, DBA THE LITTLE ONE, FOR CITY-OWNED SPACE AT 149 THROUGH 151 NORTH STONE AVENUE
1. Report from City Manager SEP04-19-284 WARD 1
 2. Ordinance No. 11677 relating to Real Property; approving and authorizing the Lease Agreement for City-owned space located at 149-151 North Stone Avenue to Marcela Davila Barley and Sandra Davila dba The Little One; and declaring an emergency.
- i. TUCSON CODE: AMENDING (CHAPTER 20) MOTOR VEHICLES AND TRAFFIC, RELATING TO SPEED LIMITS ON ANKLAM ROAD; REPEALING ORDINANCES 11527 AND 11528
1. Report from City Manager SEP04-19-285 WARD 1

2. Ordinance No. 11678 relating to Motor Vehicles and Traffic; repealing Ordinance No. 11527 adopted February 21, 2018; designating current streets or parts of streets where thirty miles per hour speed limit is imposed, pursuant to Section 20-140 of the Tucson Code; and declaring an emergency.
 3. Ordinance No. 11679 relating to Motor Vehicles and Traffic; repealing Ordinance No. 11528 adopted February 21, 2018; designating current streets or parts of streets where thirty-five miles per hour speed limit is imposed, pursuant to Section 20-141 of the Tucson Code; and declaring an emergency.
- j. AGREEMENT: WITH AQUA CAPITAL MANAGEMENT LP FOR A TYPE 2 NON-IRRIGATION GRANDFATHERED GROUNDWATER RIGHT
1. Report from City Manager SEP04-19-286 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 23083 relating to Water; authorizing and approving the execution of an agreement to authorize Tucson Water to purchase Type 2 non-irrigation grandfathered groundwater right in the amount of 110 acre-feet per year; and declaring an emergency.
- k. FINAL PLAT: (S19-010) LA ESTANCIA DE TUCSON BLOCK E, LOTS 1 THROUGH 105, AND COMMON AREAS "A" THROUGH "I"
1. Report from City Manager SEP04-19-287 WARD 4
 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.
- l. FINAL PLAT: (S18-075) RAENA MAE HOMES, LOTS 1 THROUGH 8, AND COMMON AREAS "A" AND "B"
1. Report from City Manager SEP04-19-288 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.
- m. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE PIMA COUNTY SAFETY AND JUSTICE CHALLENGE, GRANT FUNDED DATA ANALYST
1. Report from City Manager SEP04-19-277 CITY WIDE

2. Resolution No. 23078 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of the IGA between Pima County and the City of Tucson for the Pima County Safety and Justice Challenge; and declaring an emergency.
- n. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION (AHCCCS) FOR FEDERAL MATCHING FUNDS FOR GRADUATE MEDICAL EDUCATION AT TUCSON MEDICAL CENTER
1. Report from City Manager SEP04-19-296 CITY WIDE
 2. Resolution No. 23086 relating to Intergovernmental Agreements (IGAs); approving an IGA between Arizona Health Care Cost Containment System Administration (AHCCCS) and the City of Tucson (City) to allow the City to provide funding to secure federal matching funds for Graduate Medical Education (GME) at Tucson Medical Center (TMC); and declaring an emergency.
- o. ELECTIONS: INTERGOVERNMENTAL AGREEMENT WITH PIMA COUNTY TO PROVIDE ELECTION RELATED SERVICES FOR THE 2019 CITY OF TUCSON GENERAL ELECTION
1. Report from City Manager SEP04-19-297 CITY WIDE
 2. Resolution No. 23088 relating to Elections; approving, and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County relating to support services provided by the Pima County Recorder for the 2019 City of Tucson General and Special Elections; and declaring an emergency.
- p. INDUSTRIAL DEVELOPMENT AUTHORITY: AUTHORIZATION FOR THE ISSUANCE OF LEASE REVENUE REFUNDING BONDS, TAX-EXEMPT SERIES 2019A, AND LEASE REVENUE BONDS, TAXABLE SERIES 2019B
1. Report from City Manager SEP04-19-290 WARD 6
 2. Resolution No. 23081 a Resolution of the Mayor and Council of the City of Tucson, Arizona approving the issuance by The Industrial Development Authority of the City of Tucson, Arizona of its tax-exempt lease revenue refunding bonds (University of Arizona/Marshall Foundation Project), series 2019A and its taxable lease revenue bonds (University of Arizona/Marshall Foundation Project), series 2019B, in an aggregate principal amount not to exceed \$13,000,000 (collectively, the "Bonds") the proceeds of which will be used to currently refund the outstanding portion of \$13,440,000 The Industrial Development Authority of the City

of Tucson, Arizona tax-exempt lease revenue bonds (University of Arizona / Marshall Foundation Project), series 2002A and \$3,960,000 The Industrial Development Authority of the City of Tucson, Arizona taxable lease revenue bonds (University of Arizona/Marshall Foundation Project), series 2002B (collectively, the "Prior Bonds")

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

7. CONSENT AGENDA – ITEM A

a. CITY ADMINISTRATION: APPROVING THE APPOINTMENT OF CHARLES W. RYAN III AS FIRE CHIEF OF THE CITY OF TUCSON, AND THE APPOINTMENT OF LIZ MORALES AS THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR

1. Report from City Manager SEP04-19-276 CITY WIDE
2. Ordinance No. 11682 relating to the Tucson Fire Department; approving the appointment of Charles W. Ryan III as Tucson Fire Chief; approving employment agreement; and declaring an emergency.
3. Ordinance No. 11683 relating to Housing and Community Development Department; approving the appointment of Elizabeth M. Morales as the Director of the City of Tucson Housing and Community Development Department; fixing compensation; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the item being considered separately was Item a at the request of the City Manager.

Michael J. Ortega, City Manager, thanked Joe Gulotta for his service over the last eighteen months as Interim Tucson Fire Chief. He also introduced Charles W. Ryan III as the new Tucson Fire Chief.

Charles W. Ryan III, Tucson Fire Chief, expressed how thankful and honored he was to have been selected to be the twenty-eighth Fire Chief for the City of Tucson. He said he could not express how excited he and his wife were and were looking forward to moving to Tucson and becoming residents of the City. He also expressed how pleased and humbled he felt to see members of the command staff, as well as, the men and woman on the frontlines of the Tucson Fire Department present at the meeting.

Council Member Cunningham thanked former Interim Tucson Fire Chief Gulotta for his service to the City of Tucson. He also congratulated Mr. Ryan as the new chief and commented that he was one of the “super stars” of fire service around the United

States, an instructor at the National Fire Academy, had a law degree and was one of the most unique fire chiefs in the country.

It was moved by Council Member Cunningham, duly seconded, to pass and adopt Item a and the proper action taken.

Michael Rankin, City Attorney, announced a possible correction to Exhibit A to Ordinance 11682. He said the Fire Chief's Employment Agreement may need to be revised to correct the description of City's Deferred Compensation Plan and would be done administratively.

Consent Agenda Item a approving Ordinance 11682 and 11683 was passed by a voice vote of 7 to 0.

8. PUBLIC HEARING: AMENDING THE UNIFIED DEVELOPMENT CODE ADMINISTRATIVE MANUAL, RELATING TO ESTABLISHMENT OF PLANNED COMMUNITY DEVELOPMENT ZONE FEES

Mayor Rothschild announced City Manager's communication number 294, dated September 4, 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 proposed amendment to the Unified Development Code Administrative Manual to establish Planned Community Development Zone (PCD) rezoning application fees and PCD amendment fees.

Mayor Rothschild said 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 wishing to speak on the item.

There was no one.

It was moved by Council Member Cunningham, 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 11681 by number and title only.

Ordinance No. 11681 relating to Planning and Zoning; establishing and adopting fees to rezone to a Planned Community Development Zone (PCD) and fees to amend a PCD; amending the Administrative Manual – a supplement to the Tucson Code, Chapter 23B, Unified Development Code -at Sections 4-01.7.1.A (table) and adding new Sub-Sections 4-01.7.3.E.1., 2, and .3; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 11681.

Council Member Kozachik asked for clarification stating he understood the Mayor and Council was approving the fee structure, but the material presented stated that the State Land Department was submitting a PCD document for review. He asked if this was an actual project that was in the works, and if the Mayor and Council should be on the lookout for a potential future development.

Scott Clerk, Planning and Development Services Department Interim Director, replied that the State Land Department was currently working on their PCD application, and the Mayor and Council could expect to see it within the next 90 days.

Council Member Kozachik asked for clarification on the application.

Mr. Clark replied that it was a zoning tool that allowed for a Unified Development Plan of a large area, in which different development zones of varying sizes would come in within the course of the next twenty years; different housing, different multi-use facilities over time, not a massive twenty-six thousand home development.

Council Member Kozachik asked if the applicants were setting the framework, for the potential future development.

Mr. Clark confirmed and stated that this would be the enabling zoning tool to use.

Ordinance 11681 was passed and adopted by a roll vote of 7 to 0.

(Note: Council Member Kozachik departed at 7:15 p.m.; returned at 7:17 p.m.)

9. PUBLIC HEARING: KARMA DEL SOL ANNEXATION DISTRICT

Mayor Rothschild announced City Manager's communication number 289, dated September 4, 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 proposed annexation district located on Campbell Avenue, immediately north of the intersection of Campbell Avenue and River Road.

Mayor Rothschild said 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 wishing to speak on the item.

Keri Silvyn, Lazarus, Silvyn & Bangs, P.C., spoke on behalf of the St. Phillips Park, LLC. She stated she was aware of the issues surrounding the time tables set for this annexation. She also said she had been working with City staff and the surrounding neighbors on this project. She indicated that they had been working on mitigating some of the concerns surrounding the annexation. She stated that one of the properties in the proposed annexation was currently zoned TR, which permitted office, hotel and restaurant uses.

Ms. Silvyn indicated this parcel would be developed, and felt it was more appropriate to enter into this agreement with the City. She asked the Mayor and Council for more time to work with the neighbors, and stated she understood this would require them to begin the entire process from the beginning.

Mayor Rothschild asked if the time frame for the Public Hearing could be amended.

Michael Rankin, City Attorney, said the City scheduled the public hearing at this time pursuant to its obligations set forth in the Pre-Annexation and Development Agreement (PADA). He said the other parties to the PADA indicated they were waiving their right to hold the hearing at this time, and they recognized that meant the annexation process would have to start over from the beginning to allow for further public engagement.

Mr. Rankin said that it was not necessary to amend the PADA and added that what was understood was on record. He said the parties stated they understood that, and if the public hearing did not proceed at this time, the annexation process would start over after the desired public engagement. He stated no further steps in the annexation process would occur, unless, and until, the annexation process was restarted. He said if an annexation petition was re-filed, a public hearing would be required before anything could move forward.

Mayor Rothschild asked if the moving party was not prepared to start the annexation agreement there was no need to hold the public hearing at the evening's meeting.

Mr. Rankin replied the Mayor and Council would not have to conduct the public hearing. He said what that meant was that no further steps in the annexation process would occur until the annexation petition was refiled requiring a public hearing at that time.

Mayor Rothschild clarified the annexation process. He explained that initiating the annexation only allowed this process to move forward; and not what the end result of the process would be. He asked if that was correct.

Mr. Rankin replied the Mayor and Council could hold the public hearing if that was what they decided.

Mayor Rothschild explained the way an annexation process allowed for was for the process to go forward and did not say what the result of a zoning might be. He said once it was started, it took about a year. In that year, all of the concerns that had been addressed; view shed, compatibility with St. Phillip's, traffic, and drainage, would be worked through to see if there could be a resolution. He said the Mayor and Council, under State Constitutional Law 207, could not take back or lower zoning, once it was approved.

Mayor Rothschild stated that the west side of Campbell Avenue was zoned for one house per acre and on a three and a half acre lot, you could put three houses. The proposal was asking for seven houses. He said on the east side, it was already zoned for a hotel and restaurant and could happen without it ever coming to the Mayor and Council. He said the process, which can be painful for everyone, can often turn into a good process for everyone overall. He also commented about the zoning in the area of River Road and 1st Avenue.

Mayor Rothschild stated he did not think the Mayor and Council would make any kind of decision at the evening's meeting but would take the time to hear from a representative number of speakers. He reminded the audience about their five-minute presentations.

Council Member Durham thanked the community and neighbors for their feedback regarding this project. He stated he heard concerns involving height, traffic, view shed and historic compatibility, and that the public hearing would proceed as planned but would continue the matter to allow the developer and their attorneys the opportunity to interact with the community and try and address these concerns.

Council Member Kozachik commented that there had been a lot of confusion surrounding this whole process and that the reality of the situation was that the Mayor and Council had been told that the annexation was contingent on the project being moved forward, according to what the developer was asking for. He explained that there were only two people whose vote counted on the annexation and they were both the financial stakeholders in the process. He explained that the neighbors have no say in the process.

Council Member Kozachik stated that the proposed project was asking to be a four-story hotel, not a two-story hotel as zoning permits. He said it was his understanding that if the developer was not allowed to build a four-story building, they were prepared to relocate. He stated why proceed with the proposed annexation process if this was the potential outcome.

Mayor Rothschild asked the landowners, why they had come to the City.

Ms. Silvyn replied that all the PADA did was lay out what the property owner and developer felt was an appropriate and financially feasible project. She stated they were aware of what the process involved, and that they were not new to the process. She said it was not their intention to come in and say, "Here is the PADA and they were now moving forward." She stated they had their first neighborhood meeting and had planned a second meeting. She commented that after the first meeting, they engaged with a number of their immediate neighbors that stated they wanted to work with them. She said their intention was to start the annexation and continue the process and work it through.

Council Member Kozachik commented that the circulator he saw suggested the development was a three-story hotel and asked City staff if it was three or four stories.

He said if the City put out a circulator asking for feedback on a proposed project that was twenty-five percent smaller than what was actually intended to be built, then the circulator needed to go back through again with accurate information or if it was accurate, it should be relayed to the neighborhood.

Council Member Kozachik stated to the audience that they really needed to consider incorporating; millions of state shared dollars were being kept in Phoenix that belonged to the area and if they did not want to be members of the City, then they should incorporate and keep those dollars here one way or another.

Mayor Rothschild explained to the audience how households worked; he said it was three hundred dollars per person and the households in the Foothills had a much greater value to the region and the strength to the region than any hotel. He said it was not about being in the City or county, it was about having a strong region because those funds, out of the 9.25% sales tax, 6.2% went to the State. He stated it worked the same for income tax, but secondary property taxes stayed here, and they would get their fire service, waste management, etc., for way cheaper. He continued informing the audience of some of the reasons why they should either consider annexing or incorporating.

Council Member Romero thanked the audience for coming into the City for the meeting. She expressed the need to be able to bring back money into the region and be able to work with the community to find a way to do so, where all parties involved benefited. She stated she felt it was unfair to tie annexation with a project that already had a path of where it wanted to go. She said it was very important to have continued conversations with the people that live in the area and felt this was a perfect opportunity.

Council Member Romero said there would be a public hearing to hear the issues people were concerned about, but there should also be additional public meetings with the developers in the area to talk about what they neighborhoods wanted. She said she knew that in this particular area there was what was called "Pima Prospers," which had specific restrictive language on the Catalina Foothills. She explained there were constrictions on heights of building in the area which the Board of Supervisors reserved the right to limit construction in area to one-story buildings.

Council Member Romero commented there were concerns that the act of annexation would give the development entitlements that they did not currently have in County policy and that was why people were present at the evenings' meeting. She said she did not know if the public hearing could be held and kept open or if the public hearing was for the Mayor and Council to hear the issues of the neighbors.

Mayor Rothschild stated he felt the people in the audience wanted to be partially heard, which they would do. Then he said it would be up to Council Member Durham on the next steps.

Council Member Cunningham commented he did not understand why the public hearing would be continued at the end of the discussion. He said he did not see the

annexation happening and would rather see the Town of Catalina Foothills be formed. He stated he felt incorporating would benefit the whole community.

Comments were made by:

Thomas W. Pew Jr.	Penny Kautz	Bob Molnar
Fran Krackow	JoJene Mills	Warren Edminstor
Fr. Robert Hendrickson	Anne Elsberry	Martin Floerchinger
Dan Kautz	Peggy Otterhead	Cheryl Toff

Mayor Rothschild asked Ms. Silvyn to explain why the developers chose to come to the City of Tucson rather than Pima County on their project.

Ms. Silvyn stated there were a number of reasons. She said the hotel parcel owner/developer had been stewarding the Josler Village for quite some time and had some other owner interests for that intersection and very much, in the past, enjoyed working with the City of those developments and wanted to continue working with the same jurisdiction. She said there was also the ability to have the intersection at Campbell Road, which was currently within the City, be controlled by the City on Campbell to the north, and it brought impact fees into the City.

Ms. Silvyn said that in order to get the increased height as requested, they had to go through the same rezoning process with the County, so it was not by furcating the process and it still required working with the neighbors. She said the developer has worked with the City on a number of projects. She commented they were good stewards and wanted to continue to have ownership in the area.

Mayor Rothschild commented that the two projects the developers worked on were at 5th and Campbell, Sam Hughes Place, and the other project was on Ft. Lowell and Campbell.

It was moved by Council Member Durham, duly seconded, that the developers needed to conduct further public engagement prior to any Mayor and Council consideration of the annexation, zoning or rezoning.

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

Mayor Rothschild asked Michael Rankin, City Attorney, for a proposal on what next steps should be taken.

Mr. Rankin replied that the public hearing had already been held as required under the statutes with respect to annexation and which was provided for in the annexation agreement as was previously discussed before. He said no further action was required and if the Mayor and Council desired, as by Council Member Durham, to take up the clients and Ms. Silvyn on the suggestion that they engage in the continuation of

further public input before any further action on the annexation, and or zoning/rezoning, could be their direction.

Mayor Rothschild asked if the public hearing needed to be re-noticed publically.

Mr. Rankin replied if any consideration moving forward of the zoning or zoning adjustment statutorily required the public notice and the full zoning process and nothing in the pre-annexation and development agreement changed that.

Council Member Cunningham asked for clarification regarding the differences of voting no, opposing the item versus starting the process over.

Mr. Rankin stated when the item was brought before the Mayor and Council regarding the possibility of not holding the public hearing would have meant that any annexation process would have had to start all over again from the very beginning. He said Mayor and Council chose to hold the public hearing but were not bound to approve any annexation or rezoning, so those processes were still subject to the full public notice and statutory procedures if they were to go forward at all.

Council Member Cunningham expressed his concerns on leaving the public hearing open. He said if the developers came back and wanted a call to a vote for the item, another public hearing would need to be held.

Mr. Rankin commented that on any rezoning, there would be a public hearing through the rezoning process, which he stated he wanted to be clear because they were tied together. He said there would not need to be another public hearing on the annexation. It would have to be a separate publically noticed Mayor and Council agenda to consider the adoption of an annexation ordinance.

Council Member Cunningham stated he felt, that by leaving the public hearing open, they were opening themselves up to being accused of trying to do some “fly-by-night, under the radar” vote thing and he did not want to be part of that.

Mayor Rothschild replied the public hearing had been closed and reiterated that the developers were going to go out and engage further with regard to what a zoning or PADA would look like. He also gave different scenarios on what could potentially become of the item. He said all the Mayor and Council did at the evening’s meeting was holding the public hearing on the annexation.

Ms. Silvyn clarified they wanted the opportunity to work with the neighbors and start the process all over again.

Mr. Rankin stated if the Mayor and Council had not held the public hearing any future annexation would have had to start from the beginning, which did not prevent them from having any additional public hearings on the matter, meaning the same public hearing did not need to occur. He said if no further action was taken, what would happen

was Ms. Silvyn and her clients would have to decide how to engage with the neighbors to try and address some of the issues to see if the proposed annexation and associated zoning and rezoning could go forward into that process, which was a very public process with required statutory notice.

Council Member Romero asked if there was an opportunity for the Mayor and Council to direct staff and developers to have or commit to public engagement with the neighbors in the area.

Ms. Silvyn replied that was happening and was ongoing. She said she would need to speak to her clients and see what the next steps were and said their direction was clear.

Council Member Romero stated she felt it was more of a legal question as to whether the Mayor and Council were in a position as they closed the public hearing, to give direction.

Mr. Rankin replied that the Mayor and Council could give the direction to staff, a motion stating that prior to any Mayor and Council consideration of either the annexation or original city zoning or rezoning, that there has to be further public engagement of the type described at the evening's meeting.

A substitute motion was made by Council Member Cunningham, duly seconded, to direct City staff that prior to Mayor and Council consideration of either the annexation or original city zoning or rezoning, there has to be further public engagement of the various types discussed.

Council Member Kozachik commented that the process had been confusing to the people involved. He said the Mayor and Council needed to clean it up and vote on the annexation and start the process from the beginning if that was what the developer's intention was any way.

A substitute motion was made by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 1 (Mayor Rothschild dissenting), to reject the annexation, and restart the process from the beginning.

Mayor Rothschild asked the City Attorney what the outcome of the vote meant.

Mr. Rankin replied that based on the Mayor and Council's direction, staff would not circulate the petition to be signed by the relevant property owners and that any future attempts to move forward with the annexation would start over which meant the filing of a new blank petition and ultimately a new public hearing on the same issues.

Council Member Romero commented that the question still remained about the meeting and engaging the neighbors and stakeholders in the area. She said she wanted to ensure that the attorney for the developers and property owners had the opportunity as well to have this same conversation with them in that the process would start all over

again from the beginning. She stated that meant it was one public hearing with the Mayor and Council and it did not specifically say to work and engage with the neighbors to make sure that if there was going to be continued conversations about annexation and a development attached to said annexation, that there be public input and a process for continued engagement of the neighbors and stakeholders in the area.

10. INTERGOVERNMENTAL AGREEMENT: WITH PASCUA YAQUI TRIBE TO PLACE TRIBAL LAND WITHIN THE CITY OF TUCSON INTO TRUST

Mayor Rothschild announced City Manager's communication number 298, dated September 4, 2019, was received into and made part of the record. He asked the City Clerk to read Resolution 23085 by number and title only.

Resolution No. 23085 relating to Intergovernmental Agreements; approving an authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Pascua Yaqui Tribe to allow land within the City of Tucson to be placed in trust for the Tribe's benefit by the United States of America; and declaring an emergency.

It was moved by Council Member Durham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 23085.

11. ZONING: (C9-19-04) LITTLETOWN ROAD - CRAYCROFT LLC, R-1 TO C-1, CITY MANAGER'S REPORT

Roger W. Randolph, City Clerk, stated an updated condition needed to be read into the record, a new condition Item 13, as follows: "An updated traffic analysis shall be completed prior to the development package submittal/approval for any development subsequent to Phase 1."

Mayor Rothschild announced City Manager's communication number 292, dated September 4, 2019, was received into and made part of the record. This is request to rezone approximately 8.58 acres from the R-1 to C-1 zoning. The rezoning site is located on the southwest corner of Littletown Road and Craycroft Road. 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 a representative was present and agreeable to the proposed requirements.

Lexy Wellott, The Planning Center, spoke on behalf of the property owner DCM Development Company, LLC. She stated that her client was in agreement with the proposed requirements.

It was moved by Council Member Fimbres, 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, including the addition of new condition Item 13.

12. ZONING: (SE-19-14) VERIZON - 6161 EAST GRANT ROAD, R-3 ZONE, WIRELESS COMMUNICATIONS FACILITY, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 293, dated September 4, 2019, was received into and made part of the record. This is a special exception land use request for property located north of Grant Road and west of the Wilmot Road alignment. Staff recommends adoption of the ordinance which establishes conditions for approval. The Zoning Examiner recommends approval of the special exception request.

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

Nancy Smith, Verizon Wireless, spoke on behalf of the landowner, and stated her client was agreeable to the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 11680 by number and title only.

Ordinance No. 11680 relating to Zoning; a special exception land use - wireless communications facility - SE-19-14 Verizon - 6161 E. Grant Road - located approximately 1,500 feet north of Grant Road and 2,000 feet west of the Wilmot Road alignment; approving with conditions the construction of a wireless communication facility (WCF) disguised as a pine tree (monopine), 50 feet in height, with six antennas; placed within a 640 square foot lease area (30 feet by 21 feet-4 inches) on the northwestern corner of a 22-1/2-acre parcel in the R-3 Zone; and setting an effective date.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11680.

13. ECONOMIC DEVELOPMENT: APPROVAL OF PRIMARY JOBS INCENTIVE DEVELOPMENT AGREEMENT WITH NORTHWEST HOSPITAL, LLC

Mayor Rothschild announced City Manager's communication number 291, dated September 4, 2019, was received into and made part of the record. He asked the City Clerk to read Resolution 23082 by number and title only.

Resolution No. 23082 relating to Primary Jobs Incentive; authorizing and approving the Primary Jobs Incentive (PJI) development agreement between the City of Tucson (City) and Northwest Hospital, LLC to facilitate development of a new hospital facility on the southwest corner of Houghton Road and Old Spanish Trail.

It was moved by Vice Mayor Scott, duly seconded and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 23082.

14. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY'S PRIMARY ELECTION HELD AUGUST 27, 2019 (CONTINUED FROM THE MEETING OF SEPTEMBER 2, 2019)

Mayor Rothschild announced City Manager's communication number 295, dated September 4, 2019, was received into and made part of the record. He asked the City Clerk to read Resolution 23084 by number and title only.

Resolution No. 23084 relating to Elections: canvassing the returns and declaring the results of the Primary Election held in the City of Tucson, Arizona on August 27, 2019.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 23084.

15. ADJOURNMENT: 8:32 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on September 17, 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 4th day of September 2019, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

RWR:jrc:amo