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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on June 9, 2020.

Date of Meeting: November 19, 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 5:33 p.m., on Tuesday, November 19, 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
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

Richard G. Fimbres	Council Member Ward 5
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Staff Members Present:

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

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

**a. INVOCATION**

The invocation was given by Imam Saifullah Muhammad, Islamic Center of Tucson.

**b. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was presented by the entire assembly.

**c. PRESENTATIONS:**

1. Mayor Rothschild proclaimed November 22 to be “YMCA Community Military Celebration Day”. Michael Reuwsaat and Kurtis Dawson accepted the proclamation.

**d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Rothschild announced City Manager’s communication number 377, dated November 19, 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 Durham, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Fimbres absent/excused), to approve the appointment(s) of Christopher Domin to the El Presidio Historic Zone Advisory Board (EPHZAB).

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 378, dated November 19, 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 Mayor Rothschild, Vice Mayor Scott, and Council Members Romero, Cunningham, and Kozachik.

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 379, dated November 19, 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 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 380, dated November 19, 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. MOD Pizza, Ward 4  
9210 S. Houghton Rd. #102  
Applicant: Andrea Dahlman Lewkowitz  
Series 12, City 67-19  
Action must be taken by: November 15, 2019

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

2. Indian Twist, Ward 3  
4660 E. Camp Lowell Dr.  
Applicant: Ranbir Aujla  
Series 12, City 69-19  
Action must be taken by: November 25, 2019

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)

3. 18th St Tap Room, Ward 6  
555 E. 18th St.  
Applicant: Kevin Arnold Kramber  
Series 7, City 68-19  
Action must be taken by: November 22, 2019

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

4. Tucson International Airport, Ward 5  
7250 S. Tucson Blvd. #224  
Applicant: Paul Thomas McMahon  
Series 6, City 70-19  
Action must be taken by: November 30, 2019

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

NOTE: State law provides that for a person to person transfer Mayor and Council may consider the applicant's capability qualifications and reliability. (A.R.S. Section 4-203)

c. Special Event(s)

1. St. Patrick's Day Parade of Tucson, Inc, Ward 6  
220 S. 5th Ave.  
Applicant: John Murphy  
City T113-19  
Date of Event: March 15, 2020  
(Tucson St. Patrick's Day Parade & Festival)

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

2. Tucson Botanical Gardens, Ward 6  
2150 N. Alvernon Way  
Applicant: Mary Ann Confrey  
City T126-19  
Date of Event: December 6, 2019 - December 8, 2019  
(Luminaria Nights)

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

3. Tucson Botanical Gardens, Ward 6  
2150 N. Alvernon Way  
Applicant: Mary Ann Confrey  
City T127-19  
Date of Event: December 13, 2019 - December 15, 2019  
(Luminaria Nights)

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

4. Watershed Management Group, Ward 6  
1137 N. Dodge Blvd.  
Applicant: Jamie Manser  
City T130-19  
Date of Event: December 3, 2019  
(Fundraiser)

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

5. Arts Express, Ward 6  
222 S. 5th Ave.  
Applicant: Benjamin Fletcher Wiese  
City T134-19  
Date of Event: November 21, 2019 - November 23, 2019  
(El Tour de Tucson Bike Race)

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

6. YMCA of Southern Arizona, Ward 5  
6620 S. Air Guard Way  
Applicant: Michael A. Reuwsaat  
City T135-19  
Date of Event: November 22, 2019  
(Recognition to National Guard, Reserves, Families and Employers)

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 Romero, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Fimbres absent/excused) to forward liquor license applications 5b1 through 5b4, and 5c1 through 5c6 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:

Jeffrey Calabrese	Michael Cajero	Mark Eberlein
Brent Davis	Sheila Wilson	Mark Mayer
Elliot Glicksman	Eric Erickson	Tony Fines
David Fitzsimmons		

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 NOV19-19-381 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of April 9, 2019
3. Mayor and Council Study Session Minutes of April 9, 2019

### **b. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AWARD**

1. Report from City Manager NOV19-19-382 CITY WIDE
2. Resolution No. 23113 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement (IGA) between the City of Tucson (City) and Pima County for the 2019 Department of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award; and declaring an emergency.

c. PARKS AND RECREATION: RENAMING SEARS PARK TO "LOMA VERDE PARK"

1. Report from City Manager NOV19-19-383 WARD 6
2. Resolution No. 23118 relating to Parks and Recreation; authorizing and approving the renaming of the Sears Park to the "Loma Verde Park"; and declaring an emergency.

d. PARKS AND RECREATION: NAMING THE LINCOLN REGIONAL PARK SOFTBALL FIELDS, FIELDS 5 THROUGH 8, THE "JULIE REITAN SOFTBALL COMPLEX"

1. Report from City Manager NOV19-19-384 WARD 4
2. Resolution No. 23115 relating to Parks and Recreation; authorizing and approving the renaming of the Lincoln Regional Park Softball Fields (Fields 5-8) to "Julie Reitan Softball Complex"; and declaring an emergency.

(This item was considered separately at the request of Council Member Cunningham.)

e. PARKS AND RECREATION: DEVELOPMENT AND MAINTENANCE AGREEMENT WITH INTERMOUNTAIN CENTERS FOR HUMAN DEVELOPMENT, INC. FOR A NEW PARK NEAR 401 NORTH BONITA

1. Report from City Manager NOV19-19-387 WARD 1
2. Resolution No. 23116 relating to Parks and Recreation; authorizing and approving the Development and Maintenance Agreement between the City of Tucson (City) and Intermountain Centers for Human Development, Inc. to facilitate development of a City-owned parcel into an outdoor park designed for children on the autism spectrum; and declaring an emergency.

f. GRANT APPLICATIONS: TO THE FEDERAL TRANSIT ADMINISTRATION FOR URBANIZED AREA FORMULA FUNDS, BUSES AND BUS FACILITIES, SURFACE TRANSPORTATION PROGRAM FUNDS AND LOW OR NO EMISSION GRANT PROGRAM FUNDS

1. Report from City Manager NOV19-19-388 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 23117 relating to Transportation and Mass Transit; authorizing, approving and directing the submittal of Application 1667-2019-1 for Federal Transit Administration (FTA) Section 5307 funds

(Urbanized Area Formula Program); Section 5339 funds (Bus and Bus Facilities Program); and Federal Highway Administration (FHWA) Surface Transportation Block Grant Program Funds (STBG); and Application 1667-2019-2 for FTA Section 5339(c) funds (Low or No Emission Grant Program); and declaring an emergency.

- g. FINAL PLAT: (S19-050) CIVANO II BLOCK 1, LOTS 1 THROUGH 18, AND COMMON AREA "A"
  - 1. Report from City Manager NOV19-19-385 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.
- h. FINAL PLAT: (S18-062) BROADWAY PLACE, BLOCKS 1, 2 AND 3
  - 1. Report from City Manager NOV19-19-391 WARD 6
  - 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.
- i. PARKS AND RECREATION: IMPROVEMENT AND MAINTENANCE AGREEMENT WITH THE SALVADOR INITIATIVE, LLC FOR THE GARDEN OF GETHSEMANE
  - 1. Report from City Manager NOV19-19-394 WARD 1

(This item was continued at the request of Staff.)

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Fimbres absent/excused) that Consent Agenda Items a – h with the exception of Item d, which was considered separately, and Item i, which was continued at the request of staff, be passed and adopted and the proper action taken.

**7. CONSENT AGENDA – ITEM D**

**d. PARKS AND RECREATION: NAMING THE LINCOLN REGIONAL PARK SOFTBALL FIELDS, FIELDS 5 THROUGH 8, THE "JULIE REITAN SOFTBALL COMPLEX"**

1. Report from City Manager NOV19-19-384 WARD 4
3. Resolution No. 23115 relating to Parks and Recreation; authorizing and approving the renaming of the Lincoln Regional Park Softball Fields (Fields 5-8) to "Julie Reitan Softball Complex"; and declaring an emergency.

Council Member Cunningham invited Mike Candrea, University of Arizona Softball Team Head Coach, to address the Mayor and Council on the item.

Mike Candrea, University of Arizona Softball Team Head Coach, spoke in support of renaming the park, and on behalf of Mark and Elaine Retian. He provided background on the student for whom the park would be renamed after.

Mayor Jonathan Rothschild and Council Member Cunningham thanked Mr. Candrea for his contribution.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Fimbres absent/excused) that Consent Agenda Item d be passed and adopted and the proper action taken.

**8. ZONING: (C9-19-13) ESCALERA PAD, RX-1 TO PAD-38, CITY MANAGER'S REPORT, ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager's communication number 386, dated November 19, 2019, was received into and made part of the record. He said this was a request to rezone approximately 344.3 acres from RX-1 to PAD zoning. The site is located on the southwest corner of Valencia Road and Houghton Road. The Zoning Examiner and Staff recommend approval of PAD zoning and adoption of the Ordinance which provides conditions for the rezoning.

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

Linda Morales, The Planning Center, representing the Arizona State Land Department (ASLD), confirmed that her client was agreeable to the proposed requirements.

Mayor Rothschild requested the City Clerk to read Ordinance 11712 by number and title only.

Ordinance No. 11712 relating to zoning: amending zoning district boundaries in the area located at the southwest corner of South Houghton Road and East Valencia Road

in case C9-19-13, Escalera Planned Area Development, RX-1 to PAD-38; and setting an effective date.

Vice Mayor Scott noted that this item was a great example of community cooperation and thanked those involved in the development of this proposal. She also highlighted an unsettled dispute between neighborhood representatives and the applicant, in regard to the development of trails along Atterbury Wash. The applicant planned to start developing trails after the eight hundredth house was permitted in the region, whereas neighborhood representatives wanted trail development to begin once the four hundredth house was permitted. She asked Ms. Morales if her client was agreeable to a compromise of beginning trail development after the six hundredth house was permitted.

Ms. Morales confirmed her client was agreeable to this compromise.

It was moved by Vice Mayor Scott, duly seconded, to pass and adopt Resolution 11712, with the amendment that trail building along both sides of the Atterbury Wash Tributary would begin after the six hundredth house was permitted.

Council Member Romero asked for more details on how the washes would be treated during the development process to preserve their gray infrastructure and natural amenities.

Ms. Morales said the Planned Area Development (PAD) was developed with the Houghton Area Master Plan (HAMP) in mind, preserving most of the Atterbury Wash as natural, open space, to be used as a wildlife corridor. Environmental surveys showed there were no endangered plant species concentrated in the area. She said developers also attempted to limit the amount of wash crossings as to reduce disturbance to the wash's natural functions and would create walking trails so residents could enjoy the open space.

Council Member Romero asked if there was a mitigation plan to protect wildlife during construction.

Ms. Morales said the developers had written sustainability measures into the PAD document, including preserving or replacing native plant species and providing rainwater harvesting infrastructure. She said the process would be in compliance with all City Ordinances regarding sustainable development. She also stated there were no threatened or endangered animal species in the PAD, and construction would be staged so animals had time to gradually and safely move out of building zones.

Council Member Romero asked if the current development plan allowed for connection with existing pedestrian trails and bike paths on Valencia and Houghton Roads.

Ms. Morales replied the wash trails would connect from the Houghton Road Greenway to Valencia Road, as well as connect to the Chuck Huckleberry Loop. Developers were also planning to improve inter-neighborhood bicycle and pedestrian mobility by connecting with existing Rita Ranch pedestrian paths. She said these paths

would allow pedestrian access to local shopping and schools and would be designed with input received from local homeowners.

Council Member Romero asked for details on how developers would work with the community and the City of Tucson in developing the local park plan.

Ms. Morales said the developers had created a Design Review Committee which included representatives from local neighborhoods. She said they had been working with the City of Tucson Parks and Recreation Department to design both their regional and local trails, and the development of the public park would not begin until after residents had begun moving into the new development, at which point they would be able to provide input into the design.

Council Member Romero asked for a description of how the developers involved the public in discussing the planning process.

Ms. Morales said the first public information meeting was held in April 2019 and was well attended by local residents. The developers took into account comments made by the public at this meeting when they made subsequent drafts to the plan, as well as comments made later through phone and email communication. She stated the second official forum was held several months later, after which the developers created the final draft of their plan. The majority of concerns were from local homeowners who mistakenly believed the area to be developed was a protected State Park.

Council Member Kozachik asked what would happen to the land in question if the zoning proposition was denied.

Ms. Morales replied that if the rezoning request were to be denied, the land would be held until the State was presented with a development plan which both met the requirements of the HAMP and offered an appropriate return for the sale of entrusted land.

Council Member Kozachik asked what the timeline was for the next steps in the development process. He also asked about water supply to the PAD after the period of two years, when the assured water supply letter from Tucson Water becomes null and void.

Ms. Morales asked if Keri Silvyn could answer this question.

Keri Silvyn, Lazarus, Silvyn & Bangs, P.C., said there would be further negotiations of plat details after the official auction, and the total process might take up to three years to complete before building could begin. She said, in regard to the water supply, they would simply renew the assured water supply indefinitely.

Mayor Rothschild asked staff how Tucson Water would assure water supply was given to a given development zone.

Tim Rowe, Tucson Water Department Senior Engineering Associate said Tucson Water planned ahead ten years to make sure there would be sufficient water for each assured water supply letter issued.

Council Member Kozachik mentioned water supply can never be completely assured for the future. He noted the ASLD owed the City many acre-feet of water which had not yet been realized. He said acquisition of water owed to the City by the ASLD should be made a condition of the development of this PAD. He asked staff if realization of water owed to the City had been made a condition of the two development plans being discussed that evening.

Mr. Rowe clarified the ASLD owed the City fourteen thousand acre-feet of water. He said, to his knowledge, the owed water had not been negotiated during the planning process.

Council Member Kozachik asked Ms. Morales if the development plan had taken into account the ten archaeological sites located within site limits, so as not to compromise them.

Ms. Morales said, though the sites had been identified, further investigation of those archaeological sites had not occurred as of this rezoning request. Such measures were usually taken at a later point in the development process.

Council Member Cunningham reinforced the issue of water owed to the City by the ASLD, and asked if after approving the PAD the Mayor and Council could demand delivery of owed water to support the supply to this development.

Mr. Rowe confirmed the request was possible.

The motion to approve the request as recommended by the Zoning Examiner to pass and adopt Resolution 11712, with an amendment to start the trails along both sides of the Atterbury Wash when the sixth hundredth house was permitted was carried by a voice vote of 6 to 0 (Council Member Fimbres absent/excused).

**9. ZONING: (C9-19-12) ATTERBURY TRAILS PCD, SR, RX-1, MH-1, AND I-2 TO PCD, CITY MANAGER'S REPORT, ORDINANCE ADOPTION (WARD 4)**

Mayor Rothschild announced City Manager's communication number 390, dated November 19, 2019, was received into and made part of the record. He said this was a request to rezone approximately 2,590 acres from SR, RX-1, MH-1 and I-2 to PCD zoning. The rezoning site is located roughly between Irvington Road and Valencia Road, west of Houghton Road, and between Poorman Road and Esmond Station Road, east of Houghton Road.

Mayor Rothschild said the Zoning Examiner recommends approval of PCD zoning, subject to three revisions to the PCD document as proposed by the applicant. Staff

recommends approval of PCD zoning and adoption of the Ordinance which provides conditions for the rezoning. The conditions include the three revisions recommended by the Zoning Examiner, plus a fourth revision that emerged after the Zoning Examiner public hearing.

Mayor Rothschild asked if there were further changes or amendments that should be read into the record beyond what had already been presented to Mayor and Council.

Keri Silvyn of Lazarus, Silvyn & Bangs, P.C., suggested that the changes be presented by the City Attorney.

Mike Rankin, City Attorney, presented the language of the current amendments for the record. He said on page sixty-four of the Planned Community Development Document, ("PCD") in Section IV.B., the first sentence was changed to read: "Prior to Arizona State Land Department (ASLD) disposition of any land within the PCD, ASLD and the City shall enter into an Intergovernmental Agreement ("IGA") or other acceptable form of agreement that can include Pima County as Pima County desires, and that would establish the shared responsibilities between the governmental entities for studies of water capacity (and sewer capacity if Pima County is involved), regional transportation connectivity, and basin/drainage/floodplain approach for the PCD area."

Mr. Rankin said the second amendment was made to page fifty-three of the PCD, Section III.C.4, the last paragraph reading: "The ASLD SLUPs (Special Land Use Permits) for the existing billboards that are located within Development Area Eight (southeast corner of Houghton and Poorman) and Development Area Eleven (near northeast corner of Houghton and Valencia) will be cancelled at the time of a successful auction for the parcel on which the billboard is located, and in no event later than three years from the Effective Date of this PCD. Upon a successful auction, the Developer will be responsible for the billboard removal within sixty days of the auction. If an auction does not occur within three years from the Effective Date of this PCD, ASLD will provide to the City permission to enter upon the subject property, through a separate Right of Entry agreement to be granted within ten days of the City request, for the City's removal of the billboards. ASLD will also provide to the City a copy of the SLUP notice of cancellation at the same time such notice is provided to the SLUP permittee. In no event is ASLD responsible for physical removal of the billboards."

Mr. Rankin said the last change pertained to Sections II.B. and III.C.5., referencing the billboard subject to the 2009 Settlement Agreement, whose removal date was changed from May 1, 2020 to May 17, 2020, consistent with the Settlement Agreement.

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

Ms. Silvyn confirmed her client was agreeable to the amendments.

Mayor Rothschild requested the City Clerk to read Ordinance 11711 by number and title only.

Ordinance No. 11711 relating to zoning: amending zoning district boundaries in the area located between the Harrison Road alignment and Houghton Road, extending from Irvington Road, south to Valencia Road; and east of Houghton Road, north of Valencia Road and south of Valencia Road, to approximately Esmond Station Road in Case C9-19-12, Atterbury Trails Planned Community Development (PCD), SR, RX-1, MH-1 and I-2 to PCD zone; and setting an effective date.

Vice Mayor Scott read a statement she prepared as follows: “When I was elected to office twenty-four years ago I had a vision for Ward Four. I knew the Southeast was going to become the economic growth corridor for the City of Tucson. I am proud to say that through hard work it is now designated as such in the voter approved Plan Tucson, Sonoran Desert Conservation Plan and Houghton Area Master Plan. Twenty years ago I started lobbying the Federal Government to put resources toward Houghton Road. They did and now it is the largest RTA expansion project in the City of Tucson under construction with six lanes from Tanque Verde to I-10.”

“In 2002 I brought all stakeholders together to begin creating the Houghton Area Master Plan, including the environmentalists, Fantasy Island mountain biking associations, community members, and the business and development groups. The Houghton Area Master Plan was adopted in 2005 and lays the foundation for the Planned Community Development before us today which is an infill and anti-sprawl plan.”

“In recent years, the Arizona State Land Department has seen the progress the City of Tucson has made to increase the value of the State land along Houghton Road, enabling a higher return to the State Land Trustees including K-12 education and our Universities. With the help of Keri Silvyn, the Arizona State Land Department put together a collaborative team working with the various stakeholders, neighborhoods and mountain biking associations to create the Planned Community Development. I am thrilled to have this plan before us. I want to give a sincere thank you to the representatives of the Arizona State Land Department for their commitment to Tucson and the countless miles going back and forth from Phoenix to Tucson to meet with us and the community.”

“Arizona State Land Department, the City and the Billboard Review Committee worked together the past few weeks to appropriately acknowledge the three existing billboards, and the fact that one of the billboards is subject to the Settlement Agreement with Clear Channel and requires removal by May 17, 2020. The Arizona State Land Department has also agreed to revoke the Special Land Use Permits and permit the City a right of entry to remove the other two billboards as a condition of this rezoning to Planned Community Development. This permits the City to have those additional billboards removed within three years of the effective date of this PCD.”

“For the IGA, the City is hopeful the County will participate in the IGA to deal with infrastructure planning in this area and this language encourages the County to participate but allows the City to move forward with the Arizona State Land Department to grow this infill area that has been planned for future growth since 2005 as part of the Houghton Area

Master Plan. I move to approve Ordinance No. 11711 with the changes the City Attorney Mike Rankin has already stated.”

It was moved by Vice Mayor Scott, duly seconded, to pass and adopt Resolution 11711 with the amendments as described by Mr. Rankin.

Council Member Cunningham asked if this development plan affected the Fantasy Island mountain bike trails in the area.

Ms. Silvyn said the Fantasy Island trails would benefit from the development plan because over two hundred eight acres of land south of Irvington Road would be designated specifically for mountain biking trails, whereas before they only held temporary permits in that area. She said the region would become a protected City park.

Council Member Cunningham asked if this park could be designated as a State park as opposed to a City park so the City would not be responsible for upkeep costs. He also asked if the PAD was graded to ensure water could still reach the Atterbury Wash Trail.

Mr. Rankin said that was a discussion which could be held at a later time if the Mayor and Council desired.

Mayor Rothschild clarified previous comments on who was responsible for upkeep of the biking trails within City parks. Though trails may run through or be contained within City parks, the private mountain biking associations were responsible for the costs of the trails’ upkeep.

Council Member Cunningham reiterated his previous question about water flow to the Atterbury wash so its health was maintained.

Ms. Silvyn said the presence and health of the washes and tributaries were kept in mind during all stages of developing the PCD, and the intention was to not disturb them.

Council Member Cunningham asked whether the land beyond the western boundaries of the PAD at Harrison Road was considered Federal or State-owned land. He expressed his desire for the City to use this development plan to leverage acquisition of water owed to the City by the ASLD.

Ms. Silvyn said the area west of the Harrison Road boundary of the PAD belonged to the Davis-Monthan Air Force Base.

Michael J. Ortega, City Manager, responded that if the Mayor and Council wished to make water acquisition a condition to development in the region, they must declare so during the early stages of negotiation.

Mayor Rothschild disagreed and suggested it may be possible to make these negotiations later in the development process.

Ms. Silvyn said the IGA within the PCD would ensure discussions were held between different governmental departments, regarding all infrastructures, including water systems.

Council Member Cunningham stated for the record he would keep the water owed to the City at the forefront of all rezoning requests brought forward to the Mayor and Council until the matter was resolved. He also expressed his support of the item, specifically its protection of local bike trails and the opportunity of leveraging the item for water acquisition.

Mr. Rankin said it was important to discuss these conditions at earlier stages of development because the language of the amendments stated the sale of land in this PCD by ASLD could not occur until the IGA was developed.

Council Member Kozachik expressed concern with developing so aggressively on desert lands, due to the difficulty of ensuring water supply for the area. Land located nearby the development zone, within by Pima County, was subjected to the Sonoran Desert Conservation Plan (SDCP), with much stricter limitations on how much development could be sustained. He asked Ms. Silvyn to elaborate on water conservation efforts which had written into the PCD, and how the zoning bank ensured water conservation.

Ms. Silvyn said the HAMP had been developed in compliance with the SDCP and the area being considered for rezoning was always designated as an area of future growth. The language in the PCD ensured practices for water conservation in the region would evolve based on future industry improvements.

Ms. Silvyn clarified the zoning bank only referred to regulations set forward by the types of zoning being requested in the PAD. She said this would ensure developers meet certain standards in sustainable water and electricity practices through collaboration with the City, Pima County, local School Districts, and others. She noted there was an item within the PCD which explicitly outlined the sustainability efforts to be undertaken.

Council Member Kozachik predicted that eventually there would be a water shortage faced by the City. He was concerned about committing to long-term zoning entitlements meant for development, so as not to exacerbate the future issues.

Council Member Romero asked if it would be possible to pass the PCD under the stipulation that the IGA called for a reevaluation of continued development based on City water usage and needs.

Mr. Rankin said there would be no opportunity to revisit the terms of the PCD once approved.

Mayor Rothschild noted that once a development proposal was found as not recommended by Tucson Water, the Mayor and Council would not pass it. Even though

the water was available for the current project it would be best practice to press the State for water owed whenever possible.

Council Member Cunningham said it would be better to build within the City limits in places that already had been set aside for development as opposed to building out into a sparse sprawl. He also noted the long term success of these planned developments was heavily dependent on the sustained health of the Atterbury Wash.

Council Member Romero echoed the sentiments made by Council Member Cunningham and asked that language outlining evolutionary sustainability policies be read aloud for the record.

Ms. Silvyn quoted from the PCD, page sixty-one, section III.E.1: “Sustainable development principles, including best practices in energy and water conservation, for commercial and/or residential development. (HAMP IV.D.3 and 4)” She said these HAMP policies referred to energy and water conservation.

Council Member Romero said the HAMP policies allowed for a cohesive system of affordable neighborhoods, transportation systems which allowed for alternative modes of transportation, recreational opportunities and protected natural spaces. She reiterated the importance of maintaining the health of the area washes and continuing to seek water availability for the future of the City. She thanked Council Member Scott, Ms. Silvyn and the ASLD for their efforts on developing this PCD.

Resolution 11711 as amended was passed by a roll call vote of 5 to 1 (Council Member Kozachik dissenting and Council Member Fimbres absent/excused).

**10. ECONOMIC DEVELOPMENT: AUTHORIZING A GPLET LEASE AGREEMENT FOR 127 SOUTH 5TH AVENUE (WARD 6)**

Mayor Rothschild announced City Manager's communication number 392, dated November 19, 2019, was received into and made part of the record. He requested the City Clerk to read Resolution 23119 by number and title only.

Resolution No. 23119: Relating to Economic Development incentives and real property; authorizing and approving the government property lease excise tax lease agreement between the City of Tucson and Fifth Avenue partners OF, LLC for the apartment development project located at 127 S. 5<sup>th</sup> Avenue.

Council member Kozachik said the financial benefit of this resolution would exceed the cost of the proposed taxes. He thanked the Partners of the Historic Fourth Avenue Coalition for signing the Community Benefits Agreement.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution 23119.

Council Member Romero asked for details on the Community Benefits Agreement.

Council Member Kozachik said the Historic Fourth Avenue Coalition worked with the developers to create a document to outline goals for how this initiative would help the community. He was unable to offer specific examples from the document.

Council Member Romero encouraged the developers of this location to consider use of transit packages to encourage use of the City's Streetcar line, due to its proximity to the property.

Resolution 23119 was passed and adopted by a roll call vote of 6 to 0 (Council Member Fimbres absent/excused).

**11. ECONOMIC DEVELOPMENT: APPROVAL OF GPLET LEASE AGREEMENT AND SITE SPECIFIC SALES TAX INCENTIVE DEVELOPMENT AGREEMENT WITH PUEBLO CENTER PARTNERS, LLP, AND HSL CIRCLE PROPERTIES LIMITED PARTNERSHIP LLP, FOR 181 WEST BROADWAY (WARD 6)**

Mayor Rothschild announced City Manager's communication number 393, dated November 19, 2019, was received into and made part of the record. He requested the City Clerk to read Resolution 23120 by number and title only.

Resolution No. 23120: Relating to Economic Development Incentives and Real Property; authorizing and approving the government property lease excise tax lease agreement and site specific sales tax incentive development agreement between the City of Tucson and Pueblo Center Partners, LLP and HSL Circle Properties Limited Partnership LLP for the renovation of an existing hotel located at 181 W. Broadway into a Hyatt Regency hotel.

Council Member Kozachik spoke in support of the item, and said development of this former hotel space would greatly benefit the downtown area.


It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution 23120.

Council Members Cunningham and Romero spoke in support of the item. Council Member Romero also suggested the two hundred employees of the new hotel be included in the City of Tucson Transit Pass Program to encourage the employees to use public transportation within the City.

Resolution 23120 was passed by a roll call vote of 6 to 0 (Council Member Fimbres absent/excused).

**12. ADJOURNMENT: 7:37 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, December 3, 2019, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.



MAYOR

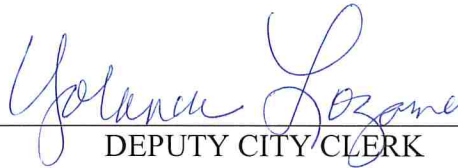
ATTEST:



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 19th day of November 2019, and do hereby certify that it is an accurate transcription.

  
DEPUTY CITY CLERK

RWR:mg:jc