



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on April 9, 2019

Date of Meeting: June 19, 2018

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 5:41 p.m., on Tuesday, June 19, 2018, 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
Vice Mayor, Council Member Ward 2
(electronic attendance)
Council Member Ward 3
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
City Clerk

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

a. INVOCATION

The invocation was given by Reverend Sharon Ragland, St. Mark's United Methodist Church.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. PRESENTATIONS:

1. Mayor Rothschild, assisted by Roxanne Linsley, Arizona Department of Environmental Quality (ADEQ) presented the "ADEQ Voluntary Environmental Stewardship Program Award" to Tucson Water. Timothy Thomure, Tucson Water Director, accepted the award.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 195, dated June 19, 2018, 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 7 to 0, to approve the appointment of Shelby Thompson 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/CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 192, dated June 19, 2018, 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 Vice Mayor Cunningham and Council Members Romero, Durham, and Fimbres.

No report was given by the City Manager.

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

4. BOARDS, COMMITTEES AND COMMISSIONS: REPORTS TO MAYOR AND COUNCIL

Mayor Rothschild announced City Manager's communication number 193, dated June 19, 2018, was received into and made part of the record. He also announced this was the time scheduled to allow Boards, Committees and Commissions to report on their activities during the past year, as well as, anticipated future activities.

Reports were given by Brian Wong, Citizens' Water Advisory Committee (CWAC) Chair and Robert Fleming, West University Historic Zone Advisory Board (WUHZAB) Chair.

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 194, dated June 19, 2018, 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. Circle K Store #2741665, Ward 4
10335 E. Drexel Rd.
Applicant: Kim Kenneth Kwiatkowski
Series 10, City 33-18
Action must be taken by: June 25, 2018

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

2. Circle K Store #2741634, Ward 4
6310 E. Golf Links Rd.
Applicant: Kim Kenneth Kwiatkowski
Series 10, City 34-18
Action must be taken by: June 25, 2018

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

3. La Botana Tacos Patio Amigos, Ward 2
5526 E. Grant Rd.
Applicant: Osvaldo Quinonez Silva
Series 12, City 35-18
Action must be taken by: June 23, 2018

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

4. Chef Wang's Chinese Restaurant, Ward 3
356 E. Grant Rd.
Applicant: Baoge Chen
Series 12, City 36-18
Action must be taken by: June 25, 2018

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

5. MOD Pizza, Ward 1
1218 W. Irvington Rd. #190
Applicant: Andrea Dahlman Lewkowitz
Series 12, City 38-18
Action must be taken by: July 2, 2018

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

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

Person Transfer(s)

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

c. Special Event(s)

1. Tucson Parks Foundation, Ward 6
900 S. Randolph Way
Applicant: Sarinya Jackie Tingsabhat
City T65-18
Date of Event: June 21, 2018 – June 24, 2018
(Professional Baseball)

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

2. Tucson Parks Foundation, Ward 6
900 S. Randolph Way
Applicant: Sarinya Jackie Tingsabhat
City T66-18
Date of Event: July 4, 2018 – July 5, 2018
(Professional Baseball)

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

d. Agent Change/Acquisition of Control/Restructure

1. The Barn, Ward 6
340 N. 4th Ave.
Applicant: Jared Michael Repinski
Series 12, City AC7-18
Action must be taken by: June 22, 2018

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

2. La Botana Tacos Grill & Cantina, Ward 3
3200 N. 1st Ave.
Applicant: Arnolando Silva
Series 12, City AC8-18
Action must be taken by: June 23, 2018

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 Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b5, 5c1 through 5c2, and 5d1 through 5d2 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:

Eva Romero	Josh Campbell	Murdock McLennan
Kathleen Eriksen	Robert Reus	Ken Scoville
Keith Van Heyningen	Fred Markossen	Karen Greene

Comments made for Item 10 (not a public hearing) by:

Alice Roe
Vytas Sakalas
Byron Branham

Molly McKassen
Nick Moran (for Teresa Vasquez)

Frank Mascia

Council Member Romero requested that Mr. Scoville write down his ideas he spoke about and send them to the City Manager.

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 M

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 JUN19-18-196 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of December 19, 2017
3. Mayor and Council Study Session Meeting Minutes of December 19, 2017

Roger Randolph, City Clerk, announced Council Member Durham had identified a number of clerical corrections to the minutes. He said those corrections were made.

b. FINAL PLAT: (S17-068) CARRERA SUBDIVISION, LOTS 1 AND 2

1. Report from City Manager JUN19-18-197 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.

c. FINAL PLAT: (S18-008) LOZOYA HILLS, BLOCK 1

1. Report from City Manager JUN19-18-210 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.

- d. PARKS AND RECREATION: AUTHORIZING AND APPROVING A USE AGREEMENT WITH THE INTERNATIONAL SCHOOL OF TUCSON FOR JOINT USE OF RECREATIONAL FACILITIES AT JEFFERSON PARK ELEMENTARY SCHOOL
 - 1. Report from City Manager JUN19-18-211 WARD 3
 - 2. Resolution No. 22905 relating to Use Agreements; authorizing and approving the execution of the Use Agreement between the City of Tucson and the International School of Tucson for the use and maintenance of the park facilities at Jefferson Park Elementary School; and declaring an emergency.
- e. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH VARIOUS AIRLINES SUBJECT TO THE AIRPORT CORONA ANNEXATION DISTRICT AND POTENTIAL JET FUEL SALES TAXES
 - 1. Report from City Manager JUN19-18-214 WARD 5 AND OUTSIDE CITY
 - 2. Resolution No. 22909 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 various airlines, owners of personal property located at and provide service to the Tucson International Airport.
- f. PARKS AND RECREATION: AGREEMENT AMENDMENT WITH THE CONQUISTADORES YOUTH GOLF FUND FOR THE FIRST TEE PROGRAM AT TRINI ALVAREZ EL RIO GOLF COURSE (CONTINUED FROM THE MEETING OF MAY 8, 2018)
 - 1. Report from City Manager JUN19-18-200 WARD 1
 - 2. Resolution No. 22898 relating to Real Property and Parks; authorizing and approving the First Amendment to the Facility Use Agreement between the City of Tucson and the Conquistadores Youth Golf Fund (Conquistadores) at Trini Alvarez El Rio Golf Course; and declaring an emergency.
- g. INDUSTRIAL DEVELOPMENT AUTHORITY: APPOINTMENT TO THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF TUCSON
 - 1. Report from City Manager JUN19-18-201 CITY WIDE
 - 2. Resolution No. 22899 relating to the Industrial Development Authority of the City of Tucson; appointing Sandra P. Barton to the Board of Directors

of the Industrial Development Authority of the City of Tucson; and declaring an emergency.

h. INTERGOVERNMENTAL AGREEMENT: WITH VAIL UNIFIED SCHOOL DISTRICT FOR A DIGITAL INSTRUCTION PLATFORM AT SOUTHERN ARIZONA LAW ENFORCEMENT TRAINING CENTER

1. Report from City Manager JUN19-18-206 CITY WIDE
2. Resolution No. 22904 relating to Police; authorizing and approving the Intergovernmental Agreement (IGA) between the City of Tucson and Vail Unified School District (VUSD) for the Southern Arizona Law Enforcement Training Center (SALETC); and declaring an emergency.

Roger Randolph, City Clerk, announced the City Attorney had a correction to be read into the record for this item.

Michael Rankin, City Attorney, announced that with respect to the Intergovernmental Agreement, there was a new Section III (B) 3 that specified the total compensation paid to the District by the City shall not exceed forty-two hundred dollars (\$4,200). He said it was capping the amount consistent with what was described in the Communication.

i. REAL PROPERTY: SALE OF CITY-OWNED PROPERTY LOCATED AT 4767 NORTH PARKWAY DRIVE FOR THE RUTHRAUFF ROAD AND INTERSTATE 10 PROJECT

1. Report from City Manager JUN19-18-207 OUTSIDE CITY
2. Ordinance No. 11560 relating to Real Property and Tucson Water; authorizing the sale of an approximate 1/3-acre City-owned parcel to the Arizona Department of Transportation (ADOT) for its Ruthrauff Road and Interstate 10 (I-10) Project; and declaring an emergency.

j. AGREEMENT: WITH CORTARO-MARANA IRRIGATION DISTRICT FOR A GROUNDWATER SAVINGS FACILITY PROJECT

1. Report from City Manager JUN19-18-208 OUTSIDE CITY
2. Resolution No. 22906 relating to Water; authorizing and approving the execution of an Agreement between the City of Tucson and the Cortaro-Marana Irrigation District for a Groundwater Savings Facility Project; and declaring an emergency.

- k. TRANSPORTATION: APPROVING THE TITLE VI FARE EQUITY ANALYSIS FOR PERMANENT FARE CHANGES
 - 1. Report from City Manager JUN19-18-212 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22907 relating to Transportation and Public Transit: approving the Title VI Fare Equity Analysis for permanent fare changes; and declaring an emergency.
- l. PARKS AND RECREATION: APPROVAL OF TRANSITIONAL MANAGEMENT AGREEMENT WITH REID PARK ZOOLOGICAL SOCIETY
 - 1. Report from City Manager JUN19-18-209 WARD 6
 - 3. Resolution No. 22902 relating to Parks and Recreation; authorizing and approving the Transitional Management Agreement between the City of Tucson and the Reid Park Zoological Society (RPZS); and declaring an emergency.
- m. RESOLUTION: OPPOSING THE SEPARATION OF UNDOCUMENTED CHILDREN FROM THEIR PARENTS OR ADULT SUPERVISORS
 - 1. Report from City Manager JUN19-18-220 CITY WIDE
 - 2. Resolution No. 22908 a resolution in opposition to the policy of the United States Departments of Justice and Homeland Security to separate children from their parents as part of a “zero tolerance” enforcement policy; and declaring an emergency.

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

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 – l, with corrections to Items a and h, and the exception of Item m, which was considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM M

m. RESOLUTION: OPPOSING THE SEPARATION OF UNDOCUMENTED CHILDREN FROM THEIR PARENTS OR ADULT SUPERVISORS

1. Report from City Manager JUN19-18-220 CITY WIDE
2. Resolution No. 22908 a resolution in opposition to the policy of the United States Departments of Justice and Homeland Security to separate children from their parents as part of a “zero tolerance” enforcement policy; and declaring an emergency.

Council Member Romero vehemently opposed the Trump Administration’s policy of separating immigrant refugees and asylum seeking families at the border. She gave background information supporting her opposition. She stated the Pima County Board of Supervisors also passed a similar Resolution with a 3 to 2 vote that afternoon.

Council Member Durham also commented he was disturbed by the systematic practice of separating children from their parents. He called for an immediate end to a systematic practice of separating families and criminalizing asylum seekers who were fleeing violence and oppression.

Council Member Fimbres said various mayors sent letters to the Trump Administration on their policy of family separation asking for a halt of their practice and to work with Congress for comprehensive and rational immigration reform.

Mayor Rothschild said he was proud to join the mayors that border Mexico in sending letters to Attorney General Jeff Sessions and the Secretary of Homeland Security. He said they were receiving many supportive answers from people all over the country.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Item m be passed and adopted and the proper action taken.

8. PUBLIC HEARING: APPROVING THE CITY OF TUCSON FISCAL YEAR 2019 ANNUAL ACTION PLAN - PROGRAM YEAR FOUR OF THE FIVE YEAR CONSOLIDATED PLAN 2016-2020

Mayor Rothschild announced City Manager's communication number 198, dated June 19, 2018, 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 City of Tucson Fiscal Year 2019 Annual Action Plan and Update to the 2016-2020 Five-year Consolidated Plan.

Mayor Rothschild asked staff if they wanted to make a brief presentation before beginning the public hearing.

Sally Stang, Housing and Community Development Director, provided introductory comments and said the 2019 Annual Action Plan represented the fourth year of their Consolidated Plan. She announced they received funding that was 42% higher than the requested allocation for the Home Program. This amounts to more than \$10,000,000 that will be allocated in the next year. She said the Citizen Participation Plan required that they re-initiate the thirty-day comment period, hold an additional public meeting, and reschedule the Public Hearing originally scheduled for May 3rd.

Mayor Rothschild announced 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 be heard on the item.

There was no one

It was moved by Council Member Scott, 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 Resolution 22887 by number and title only.

Resolution No. 22887 relating to Public Housing; approving the proposed City of Tucson (City) Annual Action Plan Program Year four of the five year Consolidated Plan for Fiscal Year 2019; authorizing and directing submittal of that plan to the United States Department of Housing and Urban Development (HUD); and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22887 and the proper action taken.

10. ZONING: (C9-18-04) SPEEDWAY + CAMPBELL GATEWAY PAD, R-3 AND C-1 TO PAD-35, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

(This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 199, dated June 19, 2018, was received into and made part of the record. He also announced this was a request to rezone approximately 2.49 acres from R-3 and C-1 to Plan Area Development zoning. He said the site was located at the northwest corner of Campbell Avenue and Speedway Boulevard and the Zoning Examiner and staff recommend approval of PAD zoning and adoption of the ordinance.

Mayor Rothschild asked the City Clerk to read Ordinance 11563 by number and title only.

Ordinance No. 11563 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of Campbell Avenue and Speedway Boulevard in Case

C9-18-04, Speedway and Campbell Gateway Planned Area Development (PAD-35), R-3 and C-1 to PAD; and setting an effective date.

Council Member Kozachik asked the developer if the project included the Babcock Building or the University of Arizona (UofA) building on Campbell Avenue. He also asked what the Development Team's commitment was to retaining Rick Joy's architectural team throughout the course of the project.

Keri Silvyn, Lazarus, Silvyn and Bangs PC, Partner/Owner, stated the project did not include anything about the 2.49 acres. She commented that the developer had a strong commitment to keep Rick Joy involved because they had been involved for the last six years.

Council Member Kozachik stated that throughout the process, the development team was extremely engaged, listened, and incorporated to the extent they could some of the input from the public and had done their best without sacrificing some of the key elements of the project. He questioned the height of the building and asked if the two hundred fifty feet were approved, that height could only appear on thirty three percent or less of the building envelope or twenty-five percent or less of the entire property.

Ms. Silvyn stated that was correct and the building envelope Council Member Kozachik was talking about, the thirty-three percent, was in the area plan amendment and the twenty-five percent was twenty-five percent of the full acreage of the Palm Shadows project.

Council Member Kozachik asked, if with that language in the Zoning Examiner's report, was the City assured that the developer would not change their mind and drop it down and put ten stories on the corner. He said the tradeoff for the height has always consistently been pitched as a commitment to open spaces, plazas, landscaping and public access making those amenities financially viable. He also asked how those other amenities were enshrined in the PAD to ensure the City they actually wind up being part of the final product.

Ms. Silvyn stated those were maximums, but the language and design were all in the PAD. She said the PAD had a section in the development requirements that talked about the key components of the project. The plazas, the commitment to a minimum square footage of plaza space, were all built into the language in the PAD as regulatory language throughout the document.

Council Member Kozachik stated there were some concerns with respect to the height of the building, view sheds, shadowing, helicopter access to Banner UMC and said those were incorporated in appendices A, B and C, as well as, an acoustical study that was done. He said he was confirming for the record that those were a part of the study they did and asked if Ms. Silvyn wanted to speak to those.

Ms. Silvyn replied all of those issues were issues identified when the initial University Area Plan Amendment was done in 2014 as concerns that needed to be addressed during the PAD process. She said each of the individual reports were in the appendices and a summary in the regulatory section addresses those concerns.

Council Member Kozachik asked what percentage of the project was ground floor commercial or what kinds of commitments was the developer committed to in trying to attract local businesses.

Ms. Silvyn replied that a lot of the businesses that had been calling were local. She said there was a strong commitment from the beginning for a grocery store which would take up a good portion of the ground floor along with local restaurants. It also attracted businesses to the healthy living, walking lifestyle.

Council Member Kozachik stated there was a comment made with respect to the utility capacity. He asked staff if they were familiar with those, specifically the sewer lines.

Scott Clark, Interim Planning and Development Services Department Director, stated that was addressed on page 128 of the PAD, where Pima County and the developer discussed that the eight inch sewer line going down Speedway was approaching capacity. He said the developer in the PAD was committed to providing the additional capacity once they got into the development plan phase.

Council Member Kozachik commented that traffic had always been a big conversation. He said he knew staff had gone out and commissioned a new traffic study. He said one of the concerns could be alleviated by providing bus passes or Sun Go cards to tenants and asked if the developer was amenable to looking in to that.

Ms. Silvyn responded that one of their conversations, as a development team, was that they did not know what the mix of the tenants would be, but the developer was indicating a strong commitment to that. She said there was language in the PAD that talked about the importance of transit-oriented development and the need and desire for people to use the transit.

Council Member Kozachik stated that in Table 18; page 123 of the PAD was where the recommended improvements to the surrounding intersections were listed. He said the intersection of Campbell and Speedway was one of the areas and two major recommendations were the additional two left turn lanes. In the comments it was recommended that the City dedicate impact fees to those improvements. He asked the City Attorney if this was an appropriate use for those impact fees and if direction could be included to use those fees for addressing those concerns on Campbell and Speedway.

Michael Rankin, City Attorney, stated that with respect to the direction of impact fees, there had been discussions that updates were being made to the Infrastructure Improvement Plan (IIP) and other plans relating to the allocation of impact fees. He said

if the Mayor and Council wanted, they could give direction to examine inclusion of a particular improvement within the plan so that could be part of the update that could be considered when the item was brought back to Mayor and Council in August 2019.

Council Member Kozachik stated there were discussions regarding extending left hand turns on Speedway Boulevard and Cherry Avenue. He said there were four bullets in that section and it stated that these improvements were already warranted on the background conditions. He asked what that meant. He also asked about improvements at Helen Street and Martin Avenue, and also at Helen Street and Cherry Avenue. He said in general, he wanted to know how City staff would make sure that the impact fees, generated by this project, took care of those traffic conditions being caused by the project.

Mr. Scott replied that since the Mayor and Council were updating the impact fee ordinance, now was the time to look at the Infrastructure Improvement Plan for the Tucson Department of Transportation (TDOT) and ensure those projects were added as part of the plan and the impact fees which generate the new development nexus were applied towards those.

Vince Catalano, Lazarus, Silvyn and Bangs PC, stated that background traffic meant that the existing conditions already warranted improvements. He said it was good to know they had already made a commitment to make improvements to Speedway Boulevard, and Cherry Avenue, Helen Street and Martin Avenue, and Martin Avenue and Cherry Avenue because it was in the development right-of-way.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Ordinance 11563 subject to conditions contained.

Council Member Romero asked about the neighborhood and other group participation. She stated the importance of reading into the record the amount of participation from surrounding neighborhoods.

Ms. Silvyn stated they had an extensive amount of public outreach and during the plan amendment they met with specific neighborhood association leaderships from; Jefferson Park, North University, Blenman Elm, Catalina Vista, Sam Hughes, Campus Farms, Feldmans, Miramonte and West University. She said throughout the plan amendment process, they worked with these neighborhoods and discussed the request for the building and gathered information to help identify the concerns they had come across through the PAD process.

Ms. Silvyn stated they were only required to do one official neighborhood meeting for each of the processes and all together they had a total of eighteen meetings without counting the meetings with the American Institute of Architects (AIA), the Tucson Chamber of Commerce and other organizations when information was requested.

Council Member Romero added that she was comfortable with the process and amount of neighborhood participation. She asked Ms. Silvyn to talk about the conversations they had with the surrounding neighborhoods and the thought of building a twenty-story building in Tucson.

Ms. Silvyn said in 2014 a lot of the discussion was about a change in context. She said they felt it was a corner that made a lot of sense because of the surroundings. Part of the work they did back then was to identify concerns from neighbors, privacy, helicopter, noise vibration, etc. She said they worked hard to study the concerns. They were studied at the twenty story height and at two hundred fifty feet on the site.

Ms. Silvyn stated the envelope was a larger envelope in the amendment, but could sort of float in there as long as it maintained that twenty-five percent. She said that was what they worked to do. She said what was found was that this was a site where all of the unintended consequences, while appropriately identified, turned out not to bring forward the issues that people were really concerned it would.

Ms. Silvyn said they then started having the conversations of really needing to step it down at the roadways. She remarked that when you were on a roadway sidewalk you were really interfacing with the building; not interfacing with the high rise element that was right behind it. She said creating those spaces and experience had a lot to do making up that square footage to pay for the plaza spaces and other amenities as they lowered the building.

Ms. Silvyn commented they were asked to do the view shed from the surrounding neighborhoods. She said everything was not identified during the plan amendment; they continued dialogue and did extra work working through a lot of the issues.

Council Member Romero stated she would support the zoning because of the amount of discussions held with the neighborhoods, as well as, everything else the developers did to ensure the needs of the neighborhoods and the City were met.

Council Member Cunningham said a project like this can cause a lot of concerns but the way the developers had configured the square footage of the project would result in developers around the country looking at this as a model.

Mayor Rothschild stated that planning cities as they grow can be really tough. He said there was a need to look at what had been planned out. Tucson has a voter approved Plan Tucson and a University Area Plan. Both plans say that this type of infill is supported where there are two major intersections, where there are campus activities such as Banner Health Center and along the streetcar line. He said this was consistent with what the voters said they wanted.

Mayor Rothschild said the harder part of the decision was choosing between a twenty-story building surrounded by greenspace versus a set of shorter more massive buildings with less public greenspace and less visual appeal. He said considering those

options there was something to take you to that taller building in order to get flexibility. He said the City would be putting a lot of confidence in the developer and the architects.

Council Member Durham stated he was supporting the PAD and thanked the development team for an incredible amount of work and effort. He said that if we were going to stop blading the desert and stop urban sprawl while continuing to grow, the only choice was to increase density with transit oriented development.

The motion to pass and adopt Ordinance 11563 with subject conditions contained was passed by a roll call vote of 7 to 0.

9. PUBLIC HEARING: ZONING (C9-18-02) THE BAFFERT AT 5 POINTS, HC-3 TO C-3 AND C-3 TO HC-3, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 202, dated June 19, 2018, 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 to rezone approximately 0.32 acres from HC-3 to C-3 zoning and 0.07 acres from C-3 to HC-3. The rezoning sites are located near the 5 points intersection of S. Stone Avenue, S. 6th Avenue and E. 18th Street.

Mayor Rothschild said the Zoning Examiner and staff recommend approval of C-3 zoning for 747 S. 6th Avenue and HC-3 zoning for 733 S. Stone Avenue. He asked if the applicant or a representative were present and agreeable to the proposed requirements.

Rory Juneman, Lazarus, Silvyn & Bangs PC, Attorney, stated they were agreeable to the proposed requirements. He said there were twenty-one conditions they were agreeable to.

Council Member Kozachik said the evening's meeting was about the project, but they also needed to do outreach to get input on text amendments that would help ease some of the concerns about balancing good development within HPZs. He said prior to the Zoning Examiner (ZE) hearing, he sent the Planning and Development Services Department (PDSD) a list of conditions to be provided to the ZE. He said a letter from Michael Wyneken was received stating that they could not list excluded uses or prohibited uses as a zoning condition. He said the applicant proposed, in Exhibit A, as a rezoning condition that would limit uses and offered some suggested remedies; one was to start all over again, which would not happen, and the other was that the developer could restrict the uses outside of the rezoning case through a covenant.

Council Member Kozachik stated, earlier in the day, they received, from the City Attorney, a letter purporting to be a covenant that had been agreed to with the neighborhood in addition to the twenty-one conditions. He said he wanted to make sure that was a part of what they were talking about as well.

Mayor Rothschild asked if the City Attorney could read the covenant into the record.

Michael Rankin, City Attorney, read the following covenant into the record. He said there would be an additional Condition, #22, that read, "Not later than September 15, 2018, Developer will record an executed agreement between Developer and the Armory Park Neighborhood Association that defines Permitted and Excluded Uses as described in the attached Exhibit 1. The terms and conditions of the executed agreements shall run with and attach to the property, and shall not terminate in the event of the sale or transfer of the property.

- Exhibit 1 is the Permitted and Excluded Uses
 1. Permitted Uses
 - a. The Rezoning shall include all those uses permitted by *UDC* Section under C-3 zoning, except as noted below.
 2. Excluded Land Uses shall include
 - a. Restricted Adult Activities Use Group
 1. Adult Commercial Services
 2. Adult Industrial Uses
 3. Adult Recreation
 4. Adult Retail Trade
 - b. Retail Trade use Group
 1. Medical Marijuana Designated Caregiver Cultivation Location
 2. Medical Marijuana Dispensary
 3. Medical Marijuana Dispensary Off-site Cultivation Location
 4. Medical Marijuana Qualifying Patient Cultivation Location
 5. Drug Paraphernalia Store with definition description
 6. Gun Shop
 7. Pawn Shop
 8. Liquor Store
 - c. Commercial Services Land Use Group
 1. Alcoholic Beverage Bar Only
 2. Automotive Major Service and Repair
 3. Trade Service and Repair: Major and Minor
 4. Non-chartered financial institution: Check Cashing
 5. Tattoo Parlor / Body-piercing Studio
 - d. Civic Land Use Group
 1. Correctional Use: Supervision Facility
 - e. Residential Land Use Group
 1. Group Dwelling

3. Special Exception Land Uses Permitted following the *Unified Development Code*, Mayor and Council Special Exception Procedure, section 3.4.4

Mr. Juneman commented that they were agreeable to Condition #22.

Mayor Rothschild announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Comments were made by:

Keith Bagwell	Larry Kappler (for Thomas Epperson)	
Anne Cooper	John Burt	Esthermarie Hillman
David Gibbs	Martha McClements	Sloane Haywood
Joe Audino	Diana Rix	Pedro Gonzales

Mr. Juneman, provided information on zoning conditions and how they had addressed some concerns the neighborhood had regarding HPZ protection. He fielded and answered questions on why they chose the Armory Park Neighborhood.

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

Council Member Kozachik asked staff to comment on the idea of making Arizona Avenue one-way. He also asked where the City was on the text amendment understanding it was not part of what they were voting on that evening.

Michael J. Ortega, City Manager, said making Arizona Avenue one-way would be a challenge but they would look into it to ensure there were no unintended consequences.

Scott Clark, Interim Planning and Development Services Department Director, stated the text amendment process had been through all of the Historic Advisory Boards except for Fort Lowell and the Plans Review Subcommittee. He said there were mixed results. He commented that Armory Park supported it, El Presidio supported it with conditions and all others voted against it.

It was moved by Council Member Kozachik, duly seconded, to move the item with the twenty-two conditions including the covenant letter.

Council Member Romero stated she had received correspondence from constituents on this project. She said she was concerned about this particular project because historic zone boundaries were being moved. She stated people that lived in those historic zones count on those boundaries not moving and feel that the character of their neighborhood was protected by the zone designation.

Council Member Romero commented that the exchange of parcels in and out of the historic zone makes the project a little bit more tangible but she was not comfortable moving the boundaries. She said although the Armory Park Historic Zone Advisory Board (APHZAB) recommended a forty-eight foot height limit so that no building was taller than any contributing structure in the HPZ, but they ultimately opposed the project.

Council Member Romero continued stating her concerns regarding the process, the text amendments, and concerns she received from constituents. She stated it was important to not move on projects without seeing the text amendments and requested to continue this item.

The motion to pass and adopt Ordinance 11561, with the twenty-two conditions and covenant letter was passed by a roll call vote of 5 to 2 (Council Members Romero and Fimbres dissenting).

10. ZONING: (C9-18-04) SPEEDWAY + CAMPBELL GATEWAY PAD, R-3 AND C-1 TO PAD-35, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

This item was taken out of order and considered after item 8.

11. ZONING: (C9-18-06) BRAKE MASTERS – E. BROADWAY BLVD, R-2 AND O-3 to C-2, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 213, dated June 19, 2018, was received into and made part of the record. He said this was a request to rezone approximately 0.61 acres from R-2 and O-3 to C-2 zoning. The preliminary development plan shows replacement of the existing automotive service and repair facility with a new structure and site that conforms to the future Broadway widening. He said the Zoning Examiner recommends approval of C-2 zoning and adoption of the ordinance and staff recommends approval of C-2 zoning and adoption of the ordinance with conditions, including a revision to Condition 7.

Mayor Rothschild asked the City Clerk to read Ordinance 11562 by number and title only.

Ordinance No. 11562 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of E. Broadway Boulevard and N. Norris Avenue in case C9-18-06, Brake Masters – Broadway Blvd., R-2 and O-3 to C-2; and setting an effective date.

Council Member Kozachik asked the applicant and/or property owner if they were agreeable to the conditions. He stated he had received a letter the night before which was a covenant recorded against the land at 25 N. Norris and also asked if they were in agreement with that.

Jim Egan, on behalf of the property owners, stated the agreement was signed but not yet recorded because they had not received the agreement from the Sam Hughes

Neighborhood Association and as soon as he did, he would have it recorded. He said he had no problem making it a condition for the rezoning

Council Member Kozachik stated that included in the conditions were the pork chop to limit north bound traffic exiting the site, the limitation on trash collection from 7:00 a.m. to 6:00 p.m. and the limitation of the placement of signage on the property.

Mr. Egan stated he was correct on the conditions.

It was moved by Council Member Kozachik, 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 11562 including the proposed revision to the conditions.

12. FINANCE: FIXING AND LEVYING THE PRIMARY AND SECONDARY PROPERTY TAXES FOR FISCAL YEAR 2019

Mayor Rothschild announced City Manager's communication number 215, dated June 19, 2018, was received into and made part of the record. He asked the City Clerk to read Ordinance 11559 by number and title only.

Ordinance No. 11559 relating to taxation; fixing, levying, and assessing primary and secondary property taxes for the City of Tucson upon the assessed valuation of the property within the City of Tucson subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required in the annual budget, less the amounts estimated to be received from other sources of revenue and unencumbered balances from the previous fiscal year; providing funds for various purposes, all for the fiscal year ending June 30, 2019; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11559.

13. ECONOMIC DEVELOPMENT: APPROVING A GOVERNMENT PROPERTY LEASE EXCISE TAX LEASE AGREEMENT AND PRIMARY JOBS INCENTIVE DEVELOPMENT AGREEMENT FOR MISTER CAR WASH CORPORATE EXPANSION

Mayor Rothschild announced City Manager's communication number 203, dated June 19, 2018 was received into and made part of the record. He asked the City Clerk to read Resolution 22903 by number and title only.

Resolution No. 22903 relating to Economic Development Incentives and Real Property; authorizing and approving the Government Property Lease Excise Tax (GPLET) Lease Agreement and Primary Jobs Incentive Development Agreement between the City of Tucson (City) and DWB Tucson Holdings, LLC, dba Mister Car Wash, for their corporate expansion of property located at 415 N. Sixth Avenue (Project).

It was moved by Council Member Kozachik, duly seconded, and passes by a roll call vote of 7 to 0, to pass and adopt Resolution 22903.

14. AGREEMENT: FOURTH RENEWAL WITH THE DOWNTOWN TUCSON PARTNERSHIP BUSINESS IMPROVEMENT DISTRICT FOR ENHANCED SERVICES

Mayor Rothschild announced City Manager's communication number 204, dated June 19, 2018, was received into and made part of the record. He asked the City Clerk to read Resolution 22900 by number and title only.

Resolution No. 22900 relating to the Downtown Tucson Enhanced Services Agreement; authorizing and approving the renewal of the Downtown Tucson Enhanced Services Agreement No. Four between the Downtown Tucson Partnership Business Improvement District and the City of Tucson; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22900.

15. ECONOMIC DEVELOPMENT: APPROVING A TIME EXTENSION OF THE DOWNTOWN FINANCIAL INCENTIVE DISTRICT

Mayor Rothschild announced City Manager's communication number 205, dated June 19, 2018 was received into and made part of the record. He asked the City Clerk to read Resolution 22901 by number and title only.

Resolution No. 22901 relating to Economic Initiatives; approving and authorizing extension of the Downtown Financial Incentive District (DFID); and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22901.

16. TUCSON CODE: AMENDING (CHAPTER 23A) EXTENSION OF DEVELOPMENT IMPACT FEE PHASE-IN PERIOD FOR STREETS, PARKS AND RECREATION, POLICE AND FIRE

Mayor Rothschild announced City Manager's communication number 216, dated June 19, 2018 was received into and made part of the record. He asked the City Clerk to read Ordinance 11565 by number and title only.

Ordinance No 11565 relating to development impact fees for fire facilities, parks and recreational facilities, police facilities and street facilities, amending Tucson Code, Chapter 23A, Article III, Development Impact Fee Regulations, Division 4, Development Impact Fee Schedules and Effective Dates, Section 23A-90 and 23A-91; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11565.

17. ELECTIONS: CALLING A SPECIAL CHARTER AMENDMENT ELECTION FOR NOVEMBER 6, 2018 FOR VOTER CONSIDERATION OF MOVING CITY CANDIDATE ELECTION CYCLES TO EVEN NUMBERED YEARS BEGINNING IN 2020

Mayor Rothschild announced City Manager's communication number 217, dated June 19, 2018 was received into and made part of the record. He asked the City Clerk to read Ordinance 11566 by number and title only.

Ordinance No. 11566 relating to the City Charter and elections; pursuant to Chapter IV, Section 1(20), Chapter XVI, Section 6, Chapter XX, Section 2, and Chapter XXVI, Section 1 of the Tucson Charter, calling a special election to be held in the City of Tucson, Arizona, on November 6, 2018, for the purpose of submitting to the City's qualified electors, as a measured referred by Mayor and Council, proposed amendments to Tucson Charter Chapter XVI, Section 2, 3, and 4 to extend the terms of the current Mayor and Councilmembers by one year and, beginning in 2020, provide for even-year primary and general elections for the offices of Mayor and Councilmembers; specifying the ballot language for the proposed Charter amendment to be voted on; setting a deadline of August 8, 2018 for submitting arguments for and against the proposed Charter amendment; and declaring an emergency.

It was moved by Council Member Durham, duly seconded, to pass and adopt Ordinance 11566.

Council Member Romero asked the City Attorney to clarify why this ordinance was before them.

Michael Rankin, City Attorney, explained the Arizona Legislature adopted House Bill 2604 during their last session. In summary, it created an inevitable conflict with the Tucson Charter and other cities throughout Arizona. He said cities that choose to continue to hold odd-year elections in conformance with their voter-approved charters would ultimately be in conflict with State Law and could create doubt and litigation over the validity of elections if they continued to hold them that way. He stated the idea was to put it out to the voters again to see if they would agree to amend the Tucson Charter to move to even-year elections to avoid the conflict with the new State Law.

Council Member Romero stated basically the City of Tucson had to put this question out to the voters because of the intrusion of the State legislature, mandating and pre-empting the City Charter. She asked if that was correct.

Mr. Rankin replied basically the only way to bring the City Charter to be consistent with the new State law was to change the Charter.

Council Member Romero asked what would happen if the voters voted no and wanted to continue having odd year elections in the City.

Mr. Rankin said what would happen then, at some point; he guessed the City would be in court to defend their voters' choice versus the will of the legislature.

Council Member Cunningham stated that it made sense to put it out to the voters because this was the will of the voters.

The motion to pass and adopt Ordinance 11566 was passed by a roll call vote of 6 to 1 (Council Member Fimbres dissenting).

18. ELECTIONS: REFERRING A GENERAL OBLIGATION BOND QUESTION FOR PARKS AND RECREATION IMPROVEMENTS TO THE 2018 PIMA COUNTY CONSOLIDATED ELECTION BALLOT

Mayor Rothschild announced City Manager's communication number 218, dated June 19, 2018 was received into and made part of the record. He asked the City Clerk to read Ordinance 11567 by number and title only.

Ordinance No. 11567 an Ordinance ordering and calling a Bond Special Election to be held in and for the City of Tucson, Arizona, on November 6, 2018, to submit to the qualified electors thereof a question on authorizing the issuance and sale of general obligation bonds of the City in the amount of \$225,000,000 to provide funds for capital projects for Parks and Recreation, including capital improvements to existing parks; acquisition, construction, and improvement of new parks; acquisition, construction, improvement, and equipping of new and existing connectivity components between and within parks, including greenways, bike paths, sidewalks, and walkways; and payment of all necessary costs and fees in connection therewith; providing for and giving notice of the Bond Special Election; specifying the ballot language for the bond proposal to be voted on; setting a deadline of August 8, 2018 to submit arguments for and against the bond proposal to the City Clerk; and declaring an emergency.

Council Member Fimbres said the proposal did not raise property taxes but was being used to increase the capacity of the current City's property tax rates to issue the General Obligation Bonds. He said a list of projects was compiled within each ward for the proposal and it would also have a citizen's oversight committee to monitor spending. He said it was an equitable list that the citizens of Tucson could consider.

It was moved by Council Member Fimbres, duly seconded, to pass and adopt Ordinance 11567.

Council Member Durham stated he was supporting the measure and that Tucson deserved great parks. He said City parks were not only a great place to take children but were also neighborhood hubs. He mentioned the bond package invested in sports fields, walking paths, splash pads, and would be an asset to improve the livability of the

community. More importantly, he said, it addressed the City's chief concerns which were pedestrian and bicycle safety and it achieved all of that without raising property taxes.

Council Member Kozachik said they had some good discussion during the Study Session and he respected everyone's position on the Council. He stated he would do everything he could to help pass the measure, but his gut feeling was that it was a tactical mistake and made more sense to wait until 2019 to let the market settle. He requested to test the cost assumptions that were built into the projects and take more time to sell it to the voters.

Mayor Rothschild mentioned that, as a City, they were continuing to make progress on the roads and public safety and it was time to turn their attention to the parks. He said the best and most livable cities had great parks and also had parks that were connected to neighborhoods by pathways and greenways. He said a great park system was not a series of isolated oasis but a network of green; green vegetation, infrastructure or transportation and it did not get any greener than biking or walking.

Mayor Rothschild stated people could drive to a park but they should not have to. He said there was some question about the specificity of the plan. He commented that the plan was very specific and they needed to get the word out about every single part of the plan as rapidly as possible and it needed to be published. He said there was one hundred twenty miles of new sidewalks, bikeways, shared used paths and more than seventeen miles of new greenways and linear parks.

Mayor Rothschild said the plan tried to reach everybody from the age of eight to eighty years old, which was a sign of a good city. He stated with just the traditional sports such as soccer, there were not enough fields, baseball, upgrade to golf, swimming, lighting, etc. He said he was convinced while talking with everyone that they looked at what this plan could do for their ward and it was up to everyone to go out and have all City constituents understand what the benefits would be.

Mayor Rothschild stated that there needed to be dollar amounts associated with the projects and said he trusted staff would have the information within the next couple of weeks. He commented that those dollar amounts needed to get out to the constituents, they needed to be transparent because this was why the City was successful the last two times they went to the voters with this type of ballot measure. He said he was supporting this item.

Vice Mayor Cunningham thanked City staff, the Parks and Recreation team and all of the Ward offices for putting this on the ballot. He said everyone shared the same concerns as Council Member Kozachik, but either they were in or out. He said he had confidence in the community and their priorities.

Council Member Scott said she wanted to remind everyone that prior to this item coming to the ballot there was a lot of public input that went into the planning of this for a number of years. She stated it was a very deeply thought out proposal; staff from Parks

and Recreation had done a heroic job in prioritizing and pulling this together to make it equitable across all Wards. She also reminded everyone the City of Tucson will appoint a Citizens' Bond Oversight Committee to ensure the money was spent appropriately and for the right reasons.

The motion to pass and adopt Ordinance 11567 was passed by a roll call vote of 6 to 1 (Council Member Kozachik dissenting).

19. CITY CLERK: APPOINTMENT OF THE CITY CLERK

Mayor Rothschild announced City Manager's communication number 219, dated June 19, 2018 was received into and made part of the record. He asked the City Clerk to read Ordinance 11564 by number and title only.

Ordinance No. 11564 relating to the City Clerk; appointing the City Clerk; and declaring an emergency.

Council Member Fimbres congratulated Roger Randolph, City Clerk. He said he had done an outstanding job for the Mayor and Council

It was moved by Council Member Fimbres, duly seconded to pass and adopt Ordinance 11564.


Council Member Romero also thanked him for his service to the Mayor and Council, his employees, and the citizens of Tucson.

The motion to pass and adopt Ordinance 11564 was passed by a roll call vote of 7 to 0.

Roger W. Randolph, City Clerk, thanked the Mayor and Council for their support and confidence in him. He said he appreciated the opportunity to serve the citizens of Tucson for another two years. He thanked his staff stating they were an amazing group of people and a pleasure to work with and also thanked his wife for putting up with him and all that he did in his job.

20. **ADJOURNMENT:** 8:54 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, July 10, 2018, 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 June 2018, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR:am:yl