

MAYOR AND COUNCIL – STUDY SESSION

LEGAL ACTION REPORT AND MINUTES FOR THE MEETING OF

TUESDAY, MAY 23, 2017

MAYOR AND COUNCIL CHAMBERS

CITY HALL, 255 W. ALAMEDA, TUCSON, AZ

Mayor Rothschild called the Study Session to order at 1:32 P.M. in the Mayor and Council Chambers, City Hall Tower, Tucson, Arizona.

OFFICIAL MEMBERS

PRESENT:

Mayor Jonathan Rothschild
Council Member Paul Cunningham (Ward 2) (arrived at 1:33 p.m.)
Council Member Karin Uhlich (Ward 3)
Council Member Shirley C. Scott (Ward 4)
Council Member Richard G. Fimbres (Ward 5)
Council Member Steve Kozachik (Ward 6)

OFFICIAL MEMBERS

ABSENT/EXCUSED:

Vice Mayor Regina Romero (Ward 1)

STAFF:

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

AGENDA ITEM / MAYOR AND COUNCIL ACTION

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1. [Executive Session - Beauchamp v. City of Tucson, Claim No. 15705 \(City Wide\) SS/MAY23-17-96](#)

 3. [Executive Session - Potential Sale of City-Owned Property Located at 930 E. Broadway Boulevard \(Ward 5\) SS/MAY23-17-90](#)

 5. [Executive Session – Proposed University of Arizona Honors College Campus Project \(Ward 6\) SS/MAY23-17-92](#)

It was moved by Council Member Fimbres, duly seconded, and CARRIED by a voice vote of 6 to 0 (Vice Mayor Romero absent/excused), to enter into Executive Session for Items 1, 3, and 5 as noticed in the agenda.

RECESS: 1:33 p.m.

RECONVENE: 2:50 p.m.

MAYOR & COUNCIL: All present, except Vice Mayor Romero (absent/excused)

STAFF: All present

Executive Session was held from 1:35 p.m. to 2:47 p.m.

It was moved by Council Member Fimbres, duly seconded, and CARRIED by a voice vote of 6 to 0 (Vice Mayor Romero absent/excused), to return to open session.

2. [Mayor and Council Direction Regarding Executive Session - Beauchamp v. City of Tucson, Claim No. 15705 \(City Wide\) SS/MAY23-17-97](#)

It was moved by Council Member Kozachik, duly seconded, and CARRIED by a voice vote of 6 to 0 (Vice Mayor Romero absent/excused), to authorize and direct the City Attorney to proceed as discussed in Executive Session, to include the approval of the City's settlement of this claim for the amount of \$875,000.

3. Executive Session - Potential Sale of City-Owned Property Located at 930 E. Broadway Boulevard (Ward 5) SS/MAY23-17-90

Note: This item was taken out of order and considered before item 2.

4. [Mayor and Council Direction Regarding Executive Session – Potential Sale of City-Owned Property Located at 930 E. Broadway Boulevard \(Ward 5\) SS/MAY23-17-91](#)

It was moved by Council Member Fimbres, duly seconded, and CARRIED by a voice vote of 6 to 0 (Vice Mayor Romero absent/excused), to direct and authorize the City Manager to proceed as discussed in Executive Session, specifically authorizing the City Manager to take those steps necessary to prepare for the disposition of this property.

5. Executive Session – Proposed University of Arizona Honors College Campus Project (Ward 6) SS/MAY23-17-92

Note: This item was taken out of order and considered before item 2.

6. [Mayor and Council Direction Regarding Executive Session – Proposed University of Arizona Honors College Campus Project \(Ward 6\) SS/MAY23-7-93](#)

Council Member Kozachik stated it was the belief of the Mayor and Council, based on legal counsel, that the model being proposed by the Arizona Board of Regents (ABOR) may be illegally bypassing the public rezoning process; ABOR should advise American Campus Communities (ACC) that the City has rezoning rules in place to provide for orderly development with legitimate public input, and it is that process through which ACC should be proceeding.

It was moved by Council Member Kozachik, duly seconded, and CARRIED by a voice vote of 6 to 0 (Vice Mayor Romero absent/excused), to authorize and direct the City Attorney to proceed as discussed in Executive Session, to include the following:

- 1) The City Attorney is directed to advise in writing the University of Arizona (U of A), American Campus Communities, and the Arizona Board of Regents that, based upon the information about the Project that is currently available, the City Attorney's opinion is that the proposed Honors College Project is subject to the City's zoning regulations, and that any further actions to proceed with the Project must take into consideration the requirement to comply with those regulations;
- 2) The City Attorney is also directed to advise the U of A, ACC and ABOR of the relevant provisions of the ABOR policies and the U of A's Comprehensive Campus Plan, under which the Project can only proceed with close cooperation between the U of A, the City of Tucson, the private sector developers, affected property owners and the neighborhoods relating to the planning and implementation of the proposed Project.

7. **Discussion of Recommended Fiscal Year 2018 Budget (City Wide) SS/MAY23-17-94**

Information was provided by Michael J. Ortega, City Manager. He reviewed the agenda material which detailed changes made since the recommended budget was discussed during the Study Session on May 9, 2017.

Discussion ensued regarding the combined Primary and Secondary Property Tax rates, Recreation Centers and swimming pools, and payments related to the Public Safety Personnel Retirement System (PSPRS).

It was MOVED by Council Member Cunningham, duly seconded, to redirect \$3.5 Million from Tucson Water's surplus fund balance towards irrigation upgrades at Parks.

Discussion ensued regarding the distribution of funds across Wards, and how needs would be identified for funding.

Mr. Ortega said he would review and update the list of needs and provide a plan for improvements to parks' irrigation systems that would be equally distributed across Wards.

The motion was CARRIED by a vote of 6 to 0 (Vice Mayor Romero absent/excused).

It was moved by Council Member Kozachik, duly seconded and CARRIED by a voice vote of 6 to 0 (Vice Mayor Romero absent/excused) to direct the City Manager to maintain the twenty-year amortization period for PSPRS and delay any decision about extending it until next fiscal year.

Sally Stang, Housing and Community Development Department Director, fielded and answered questions regarding impact fee waivers for non-profit developers of affordable housing projects.

Discussion continued regarding implementation of Park Tucson's neighborhood permit plan program, use of Highway User Revenue Fund (HURF) allocations, future agreements with Tucson Medical Center, and the Recreational Vehicle (RV) surcharge.

Mr. Ortega said he would pursue an ordinance to reduce the RV surcharge from \$4 to \$2, which is what it used to be.

Discussion ensued; no further action was taken.

8. [Results of Government Property Lease Excise Tax \(GPLET\) Economic Analysis for Rendez Vous Urban Flats Development Project \(Ward 1\) SS/MAY23-17-89](#)

Introductory comments were provided by Michael J. Ortega, City Manager.

Information was provided by Camila Bekat, Economic Initiatives, who fielded and answered questions.

It was moved by Council Member Fimbres, duly seconded and CARRIED by a voice vote of 6 to 0 (Vice Mayor Romero absent/excused), to approve the City Manager's Office Recommendation as presented in the agenda material.

10. [Updates on State and National Legislation and Regional Committees \(City Wide\) SS/MAY23-17-86](#)

This item was taken out of order.

Introductory comments were provided by Andrew Greenhill, Intergovernmental Relations Manager.

Information and presentation with handouts were provided by Doug Cole, HighGround Public Affairs Consultants, and Kathy Senseman, Policy Development Group, who fielded and answered questions along with Mr. Greenhill and Michael Rankin, City Attorney.

Mr. Greenhill provided additional information on postal reform legislation, budgetary impacts on military operations and the Environmental Protection Agency, and Arizona Department of Revenue collection of Transaction Privilege Taxes.

No formal action was taken.

9. [Pima Association of Governments \(PAG\) Management Committee's Recommendations to the PAG Executive Director \(City Wide\) SS/MAY23-17-95](#)

Questions were fielded and answered by Farhad Moghimi, PAG Executive Director.

It was moved by Council Member Fimbres, duly seconded and CARRIED by a voice vote of 6 to 0 (Vice Mayor Romero absent/excused), to approve the Pima Association of Governments (PAG) Management Committee's Recommendations to the PAG Executive Director.

10. [Updates on State and National Legislation and Regional Committees \(City Wide\) SS/MAY23-17-86](#)

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

11. [Mayor and Council Discussion of Regular Agenda \(City Wide\) SS/MAY23-17-87](#)

Council Member Fimbres requested Consent Agenda item g be considered separately.

Item 7g: Transportation: Commemorative Naming of the Kino Parkway and 22nd Street Interchange for Former Tucson Mayor Robert E. Walkup (Ward 5) MAY23-17-165

Council Member Scott affirmed her continuing strong support and appreciation of the contributions being made by Pima County, City of Tucson, and Regional Transportation Authority towards the progress of the project in Consent Agenda items i and j.

Item 7i: Intergovernmental Agreement: with Pima County for the Houghton Road Widening: Union Pacific Railroad to Interstate 10 (Ward 4) MAY23-17-167

Item 7j: Intergovernmental Agreement Amendment: with Pima County for the Houghton Road Widening at Union Pacific Railroad Improvement Project (Ward 4) MAY23-17-168

Council Member Uhlich said, regarding Consent Agenda item k, she wanted to note that she interpreted the primary focus of the Transit Task Force to include providing ongoing guidance and policy recommendations.

Item 7k: Boards, Committees, and Commissions: Extending the Term of Service for the Transit Task Force; Amending Resolution 21023 (City Wide) MAY23-17-169

12. [Mayor and Council Discussion of Future Agendas \(City Wide\) SS/MAY23-17-88](#)

No items were identified for future agendas.

ADJOURNMENT: 4:04 p.m.

AUDIO RECORDING AVAILABLE UPON REQUEST FROM THE CITY CLERK'S OFFICE FOR TEN YEARS FROM THE DATE OF THIS MEETING.
