

# MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting, which will be open to the public:

## REGULAR AGENDA

TUESDAY, MAY 8, 2018 – 5:30 PM

MAYOR AND COUNCIL CHAMBERS

CITY HALL, 255 W. ALAMEDA, TUCSON, AZ

1. **ROLL CALL**
2. **INVOCATION, PLEDGE OF ALLEGIANCE, AND APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**
  - a. INVOCATION - Pastor Joey Bushe, Victory Worship Center
  - b. PLEDGE OF ALLEGIANCE - Mayor, Council and public in attendance
  - c. PRESENTATIONS
    1. Proclaiming May to be "Motorcycle Safety and Awareness Month"
  - d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS
    1. Report from City Manager MAY08-18-140 CITY WIDE
    2. Tucson Commission on Gay, Lesbian, Bisexual, and Transgender Issues (GLBT): Jesse Segebartt
    3. El Presidio Historic Zone Advisory Board (EPHZAB): Richard Marschner
    4. Environmental Services Advisory Committee (ESAC): Michael Herrier
    5. Citizens' Water Advisory Committee (CWAC): Placido Dos Santos

3. MAYOR AND COUNCIL/CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager MAY08-18-129 CITY WIDE

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

- a. Report from City Manager MAY08-18-130 CITY WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager MAY08-18-148 CITY WIDE

- b. Liquor License Application(s)

New License(s)

1. Red Robin Americas Gourmet Burgers & Spirits, Ward 1  
4605 S. Landing Way #37  
Applicant: Andrea Dahlman Lewkowitz  
Series 12, City 16-18  
Action must be taken by: May 7, 2018

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

2. Fat Noodle, Ward 3  
811 E. Wetmore Rd.  
Applicant: John David Foster  
Series 12, City 19-18  
Action must be taken by: May 13, 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)

3. Jasons Mexican Restaurant, Ward 4  
2545 S. Craycroft Rd.  
Applicant: Jason Felipe Gutierrez Sandoval  
Series 6, City 17-18  
Action must be taken by: May 11, 2018

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)

Person/Location Transfer(s)

4. Zona 78, Ward 2  
7301 E. Tanque Verde Rd.  
Applicant: Thomas Peter Firth  
Series 7, City 20-18  
Action must be taken by: May 14, 2018

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

NOTE: State law provides that for a person and location transfer Mayor and Council may consider both the applicant's capability qualifications reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Wings for Women Tucson, Ward 6  
544 S. 6th Ave.  
Applicant: Esthermarie Hillman  
City T56-18  
Date of Event: May 10, 2018  
(Fundraiser)

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

2. Blair Charity Group, Ward 2  
6503 E. Tanque Verde Rd.  
Applicant: Scott Greene  
City T57-18  
Date of Event: June 8, 2018  
(Putting Kids First Event)

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

3. Humane Society of Southern Arizona, Ward 3  
119 W. Alturas St.  
Applicant: Randy Peterson  
City T58-18  
Date of Event: May 11, 2018 - May 12, 2018  
(Fundraiser)

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

4. John P. Bell Family Foundation, Ward 5  
610 S. Park Ave.  
Applicant: Michael John Bell  
City T59-18

Date of Event: June 8, 2018  
(Fundraiser for Team Lizzie Bell)

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

5. Southern Arizona Roadrunners, Ward 6  
220 S. 5th Ave.  
Applicant: Randy Accetta  
City T60-18  
Date of Event: June 2, 2018  
(Charity Running Race)

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

d. Agent Change/Acquisition of Control/Restructure

1. Lucky M Market, Ward 5  
1353 S. 4th Ave.  
Applicant: Somaly Sip  
Series 10, City AC4-18  
Action must be taken by: May 13, 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)

## 6. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue within the jurisdiction of the Mayor and Council, except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker." 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."

## 7. CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

- a. APPROVAL OF MINUTES
  - 1. Report from City Manager MAY08-18-149 CITY WIDE
  - 2. Mayor and Council Regular Meeting minutes of November 21, 2017
  - 3. Mayor and Council Study Session Minutes of November 21, 2017
  
- b. BOARDS, COMMITTEES AND COMMISSIONS: AMENDING FUNCTIONS OF THE VETERANS' AFFAIRS COMMITTEE
  - 1. Report from City Manager MAY08-18-131 CITY WIDE
  - 2. Ordinance No. 11544 relating to Boards and Commissions; allowing the Veterans Affairs Committee to accept donations and use them in support of its activities, under specified conditions; amending Tucson Code Section 10A-26; and declaring an emergency.
  
- c. PARKS AND RECREATION: AGREEMENT AMENDMENT WITH THE CONQUISTADORES YOUTH GOLF FUND FOR THE FIRST TEE PROGRAM AT TRINI ALVAREZ EL RIO GOLF COURSE
  - 1. Report from City Manager MAY08-18-139 WARD 1
  - 2. Resolution No. 22884 relating to Real Property and Parks; authorizing and approving the First Amendment to the Facility Use Agreement between City of Tucson and the Conquistadores Youth Golf Fund (Conquistadores) at Trini Alvarez El Rio Golf Course; and declaring an emergency.
  
- d. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH KAI SUNSET 80 LLC, OWNER OF DESERT SENNA ESTATES PARCELS, FOR WATER SERVICE
  - 1. Report from City Manager MAY08-18-141 WARD 3 AND OUTSIDE CITY
  - 2. Resolution No. 22885 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 Kai Sunset 80 LLC, owner of Desert Senna Estates, multiple parcels per Bk 61 Pg 13.
  
- e. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY LOCATED AT 31-41 WEST GRANT ROAD
  - 1. Report from City Manager MAY08-18-142 WARD 3
  - 2. Ordinance No. 11545 relating to Transportation and Real Property; declaring 31-41 West Grant Road, the southeast corner (sec) of Grant Road and 9th Avenue, to be Surplus

City-owned property; authorizing the sale thereof; and declaring an emergency.

f. REAL PROPERTY: SALE OF CITY-OWNED PROPERTY LOCATED BETWEEN THE SANTA CRUZ RIVER AND LA CHOLLA BOULEVARD TO IRONHORSE COMMONS, LLC, AND VACATION AND CONVEYANCE OF RIGHT-OF-WAY WITHIN LA CHOLLA LANDING SUBDIVISION VIA THE PAPER PLAT PROCESS

1. Report from City Manager MAY08-18-143 WARD 3
2. Ordinance No. 11546 relating to Transportation and Real Property; approving the sale of 15 acres +/- of City-owned real property located between the Santa Cruz River and La Cholla Boulevard, south of Prince Road and River Park Drive ("RP528"), to Ironhorse Commons, LLC ("Ironhorse"); approving the vacation and conveyance at no cost of unimproved Right of Way ("ROW") in the La Cholla Landing subdivision to the subdivision owner under the City's Paper Plat process; and declaring an emergency.

g. TRANSPORTATION: ACQUISITION OF PROPERTY LOCATED AT 731 SOUTH TAMPICO AVENUE FOR REDEVELOPMENT OF FIRE STATION 9

1. Report from City Manager MAY08-18-132 WARD 6
2. Resolution No. 22883 relating to Real Estate; authorizing and approving the Acquisition of Property located at 731 South Tampico Avenue by the City of Tucson for Redevelopment of Fire Station 9; and declaring and emergency.

h. INTERGOVERNMENTAL AGREEMENT: WITH METROPOLITAN DOMESTIC WATER IMPROVEMENT DISTRICT FOR EMERGENCY WATER SERVICE

1. Report from City Manager MAY08-18-144 OUTSIDE CITY
2. Resolution No. 22886 relating to Water Service Agreements; approving and authorizing execution of an Intergovernmental Agreement between the Metropolitan Domestic Improvement District and the City of Tucson Emergency Water Service; and declaring an emergency.

i. FINAL PLAT: (S18-003) MOUNTAIN VAIL ESTATES PART H, LOTS 1 THROUGH 2, AND COMMON AREA "A"

1. Report from City Manager MAY08-18-133 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.

- j. FINAL PLAT: (S17-077) SUNBELT, LOTS 1 THROUGH 5
1. Report from City Manager MAY08-18-134 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.
- k. FINAL PLAT: (S17-063) VALENCIA ROAD - NEXUS ROAD, BLOCK 1
1. Report from City Manager MAY08-18-135 WARD 4
  2. Staff recommends that the Mayor and Council approve the plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- l. FINAL PLAT: (S17-053) LEE STREET SUBDIVISION, LOTS 1 THROUGH 4, AND COMMON AREA "A"
1. Report from City Manager MAY08-18-136 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.
- m. FINAL PLAT: (S16-054) 940 SOUTH KROEGER LANE, LOTS 1 AND 2
1. Report from City Manager MAY08-18-137 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.
- n. FINAL PLAT: (S13-026) VALENCIA CROSSING, LOTS 1 THROUGH 4, BLOCK "A", AND COMMON AREA "A"
1. Report from City Manager MAY08-18-145 WARD 5
  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.
- o. RESOLUTION: OPPOSING PRIVATE OPERATION OF CORRECTIONAL AND DETENTION FACILITIES, AND EMPLOYMENT OF PRIVATE CORPORATIONS FOR CITY DETENTION FACILITIES

1. Report from City Manager MAY08-18-138 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 22888 a resolution in opposition to the private operation of correctional facilities and detention centers and to the employment of private corporations for City detention facilities; and declaring an emergency.

p. FINANCE: REQUESTING PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS) BOARD ADOPTION OF EXTENDED AMORTIZATION PERIOD FOR UNFUNDED LIABILITIES

1. Report from City Manager MAY08-18-151 CITY WIDE

The material on this item will be distributed as soon as it becomes available.

8. PUBLIC HEARING: ZONING (C9-12-08) HERMAN VENTURES – GLENN STREET, MH-1 TO I-1, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN, ORDINANCE ADOPTION

- a. Report from City Manager MAY08-18-146 WARD 3
- b. Hearing on a request for a change of preliminary development plan to replace approved 1,200 square-foot office with 4,224 square foot office and to replace outdoor storage with two, one story warehouse buildings totaling 6,225 square-feet. The applicant is SKW Contractors, LLC.

On October 8, 2012, Mayor and Council adopted Ordinance No. 11023 rezoning the subject property from MH-1 to I-1 zoning.

Land use policy direction for this area is provided by *Plan Tucson*.

Staff recommends approval of the requested change of conditions and preliminary development plan subject to the conditions provided in the ordinance.

One approval and one protest are on file for this case. The protest lies outside the 150-foot protest area.

- c. Ordinance No. 11547 relating to Zoning: amending certain rezoning conditions for property located on the north side of Glenn Street, approximately 110 feet west of Fairview Avenue in case C9-12-08 Herman Ventures - Glenn Street, MH-1 to I-1 zone; and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance.

9. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED ANNUAL BUDGET FOR FISCAL YEAR 2019

- a. Report from City Manager MAY08-18-150 CITY WIDE

- b. Hearing to provide the public with the opportunity to comment on the Fiscal Year 2019 recommended budget.

**10. ZONING: (C9-16-01) YERGER – 39TH STREET, I-1 TO O-3, ORDINANCE ADOPTION**

- a. Report from City Manager MAY08-18-147 WARD 5
- b. Ordinance No. 11548 relating to Zoning: amending zoning district boundaries in the area located approximately 100 feet south of 39th Street and approximately 155 feet west of Park Avenue in case C9-16-01, Yerger - 39th Street, I-1 to O-3; and setting an effective date.

**11. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, May 22, 2018, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.