

REGULAR AGENDA

TUESDAY, MAY 22, 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 - Rabbi Ruven Barkan, Congregation Anshei Israel
 - b. PLEDGE OF ALLEGIANCE - The Pledge will be led by Council Member Shirley C. Scott
 - c. PRESENTATIONS
 1. Proclaiming November 10, 2018 to be "YMCA Community Military Ball Day"
 - d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS
 1. Report from City Manager MAY22-18-152 CITY WIDE

There are no appointments to be made at this time.
3. MAYOR AND COUNCIL/CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS
 - a. Report from City Manager MAY22-18-153 CITY WIDE
4. BOARDS, COMMITTEES AND COMMISSIONS: REPORTS TO MAYOR AND COUNCIL
 - a. Report from City Manager MAY22-18-154 CITY WIDE
5. LIQUOR LICENSE APPLICATIONS
 - a. Report from City Manager MAY22-18-155 CITY WIDE
 - b. Liquor License Application(s)

New License(s)

1. Lindy's, Ward 2
8995 E. Tanque Verde Rd.
Applicant: Thomas Robert Aguilera
Series 12, City 21-18
Action must be taken by: May 13, 2018

Staff has indicated the applicant is in compliance with city requirements.
2. The Buffalo Spot, Ward 6
760 N. Tyndall Ave.
Applicant: Jamie Allyson Standage
Series 12, City 23-18
Action must be taken by: May 19, 2018

Staff has indicated the applicant is in compliance with city requirements.
3. Rincon Market, Ward 6
2513 E. 6th St.
Applicant: Peter Thomas Wilke
Series 10, City 24-18
Action must be taken by: May 27, 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)

4. Rincon Market, Ward 6
2513 E. 6th St.
Applicant: Peter Thomas Wilke
Series 7, City 25-18
Action must be taken by: May 27, 2018

Staff has indicated the applicant is in compliance with city requirements.
5. Safeway #959, Ward 2
6363 E. 22nd St.
Applicant: Nicholas Carl Guttilla
Series 9, City 26-18
Action must be taken by: May 31, 2018

Staff has indicated the applicant is in compliance with city requirements.
6. Safeway #963, Ward 2

6600 E. Grant Rd.
Applicant: Nicholas Carl Guttilla
Series 9, City 28-18
Action must be taken by: June 3, 2018

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

7. Safeway #3203, Ward 1
1350 N. Silverbell Rd.
Applicant: Nicholas Carl Guttilla
Series 9, City 29-18
Action must be taken by: June 3, 2018

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

8. Safeway #3964, Ward 2
9595 E. Broadway Blvd.
Applicant: Nicholas Carl Guttilla
Series 9, City 30-18
Action must be taken by: June 3, 2018

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

9. Safeway #961, Ward 3
2854 N. Campbell Ave.
Applicant: Nicholas Carl Guttilla
Series 9, City 31-18
Action must be taken by: June 3, 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)

10. Iron Johns Brewing Company, Ward 6
222 E. Congress St.
Applicant: Kevin Arnold Kramber
Series 7, City 18-18
Action must be taken by: May 13, 2018

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

11. Galaxy Luxury+, Ward 2
100 S. Houghton Rd.
Applicant: Thomas Robert Aguilera
Series 6, City 27-18

Action must be taken by: June 3, 2018

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

Public Opinion: Written Argument in Support Filed

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. Old Pueblo Rugby Football Charities, Inc., Ward 6
900 S. Randolph Way
Applicant: Matthew Schmidt
City T61-18
Date of Event: May 24, 2018 - May 27, 2018
(Professional Baseball Game)

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

2. Old Pueblo Rugby Football Charities, Inc., Ward 6
900 S. Randolph Way
Applicant: Matthew Schmidt
City T62-18
Date of Event: May 31, 2018 - June 3, 2018
(Professional Baseball Game)

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.

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 MAY22-18-164 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of November 8, 2017

b. INTERGOVERNMENTAL AGREEMENT: WITH VARIOUS AGENCIES FOR PARTICIPATION IN THE ARIZONA CHILD ABDUCTION RESPONSE TEAM

1. Report from City Manager MAY22-18-171 CITY WIDE
2. Resolution No. 22895 a Resolution of the Mayor and Council of the City of Tucson, Arizona, authorizing and approving an Intergovernmental Agreement (IGA) among the City of Tucson, the Town of Oro Valley, the Town of Marana, the Town of Sahuarita, the City of South Tucson, the City of Sierra Vista, the City of Nogales, the City of Florence, the City of Apache Junction, the City of Chandler, the Town of Gilbert, the Town of Maricopa, the City of Mesa, the Town of Paradise Valley, the City of Phoenix, the City of Scottsdale, the Court of Maricopa, the City of Glendale, the County of Navajo, the City of Page, the City of Peoria, the County of Pinal, the City of Show Low, the City of Tempe, the Pima County Sheriff's Department, the Arizona Department of Public Safety, the Federal Bureau of Investigation, and future jurisdictions that are legally authorized to join this agreement for participation in the Arizona Child Abduction Response Team (CART); and declaring an emergency.

c. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE FISCAL YEAR 2017 BODY-WORN CAMERA PROGRAM

1. Report from City Manager MAY22-18-163 CITY WIDE
2. Resolution No. 22890 relating to Grants and Tucson Police Department; approving an Intergovernmental Agreement ("IGA") between the City of Tucson ("City") and Pima County ("County") providing funding from the Office of Justice Programs ("OJP") through its Bureau of Justice assistance for award of the Fiscal Year 2017 (FY17) Body-Worn Cameras Program Grant ("Grant"); and declaring an emergency.

d. REAL PROPERTY: ACQUISITION OF FEE TITLE TO A PORTION OF THE FORMER HUGHES ACCESS ROAD

1. Report from City Manager MAY22-18-156 WARD 5
 2. Resolution No. 22891 relating to Transportation, Real Property and Economic Initiatives; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, a fee title interest to a portion of the former Hughes Access Road; and declaring an emergency.
- e. REAL PROPERTY: ACQUISITION OF PROPERTY ADJACENT TO THE LOS REALES LANDFILL
1. Report from City Manager MAY22-18-157 WARD 5
 2. Resolution No. 22892 relating to Real Property and Environmental Services; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, property adjacent to the Los Reales Landfill; and declaring an emergency.
- f. REAL PROPERTY: VACATION AND SALE OF SURPLUS RIGHT OF WAY ON 10TH AVENUE AT GRANT ROAD
1. Report from City Manager MAY22-18-158 WARD 3
 2. Ordinance No. 11549 relating to Transportation and Real Property; vacating 10th Avenue Right of Way located at West Grant Road; declaring it surplus City-owned Property; authorizing the sale thereof; and declaring an emergency.
- g. GRANT APPLICATION: TO THE FEDERAL TRANSIT ADMINISTRATION FOR URBANIZED AREA FORMULA FUNDS, SURFACE TRANSPORTATION PROGRAM FUNDS AND BUSES AND BUS FACILITIES
1. Report from City Manager MAY22-18-167 CITY WIDE
 2. Resolution No. 22893 relating to Transportation and Mass Transit; authorizing and approving the submission of Federal Transit Administration (FTA) Applications; Grant #AZ-2018-011-00 for Surface Transportation Program (STP) Funds; and FTA Grant #AZ-2018-012-00 for Urbanized Area Formula Funds (Section 5307) and Buses and Bus Facilities (Section 5339); and declaring an emergency.
- h. PARKS AND RECREATION: NAMING ALVERNON PARK THE "JEFFREY H. ROSS MEMORIAL PARK"
1. Report from City Manager MAY22-18-168 WARD 6
 2. Resolution No. 22894 relating to Parks and Recreation; authorizing and approving the renaming of Alvernon Park to "The Jeffrey H. Ross Memorial Park"; and declaring an emergency.

- i. GRANTS: GRANT-IN-AID AGREEMENT WITH THE TOHONO O'ODHAM NATION FOR OURY POOL
 - 1. Report from City Manager MAY22-18-173 WARD 1

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

- j. TUCSON CODE: AMENDING (CHAPTER 19) REDUCING THE RECREATIONAL VEHICLE SURCHARGE
 - 1. Report from City Manager MAY22-18-165 CITY WIDE
 - 2. Ordinance No. 11550 relating to Taxation; amending Tucson Code Section 19-66(b); reducing the recreational vehicle surcharge to zero; and declaring an emergency.

- k. FINAL PLAT: (S17-075) 18TH STREET BUNGALOWS, LOTS 1 THROUGH 4
 - 1. Report from City Manager MAY22-18-159 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.

- l. CHIEF OF POLICE: AMENDMENT TO EMPLOYMENT AGREEMENT
 - 1. Report from City Manager MAY22-18-174 CITY WIDE
 - 2. Ordinance No. 11553 relating to the Tucson Police Department; approving the Employment Agreement with Christopher J. Magnus as the City of Tucson Chief of Police; and declaring an emergency.

- 8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 27) RELATING TO AN INCREASE IN WATER RATES FOR FISCAL YEARS 2019 THROUGH 2022
 - a. Report from City Manager MAY22-18-166 CITY WIDE AND OUTSIDE CITY
 - b. Hearing: on the proposed increase to water rates.
 - c. Ordinance No. 11551 relating to Water; amending certain portions of the Tucson Code, Chapter 27, Water, Article II, rates and charges; Section 27-32.1, monthly reclaimed water service charges; Section 27-33, monthly potable water service charges; and Section 27-34, charges for fire protection service for Fiscal Year (FY) 2019, FY 2020, FY 2021, and FY 2022; and setting an effective date.

The proposed Ordinance includes a July 2, 2018 effective date for Fiscal Year 2019; July 1, 2019 effective date for Fiscal Year 2020; July 6, 2020 effective date for Fiscal Year 2021; and July 5, 2021 effective date for Fiscal Year 2022.

9. **PUBLIC HEARING: ZONING (C9-06-32) THE BRIDGES PAD - KINO PARKWAY MAJOR AMENDMENT TO PAD-15, SUB-AREA B, R-3 TO OCR-1, CITY MANAGER'S REPORT, ORDINANCE ADOPTION**

- a. Report from City Manager MAY22-18-161 WARD 5
- b. Report from Zoning Examiner dated April 26, 2018
- c. Hearing: on a request by Stacey Weaks of Norris Design, on behalf of the property owners, BP Bridges Partners, LLC and BP Bridges Partners, LLC #2 to amend the underlying zoning of The Bridges PAD-15, Sub Area B from Residential (R-3) to Office/Commercial/Residential (OCR-1). Sub-Area B is approximately 112 acres and includes the areas B-I, B-II, B-III and B-IV. The rezoning site is located east of the Union Pacific Railroad tracks, south of 36th Street, west of Campbell Avenue and north of Interstate-10. The proposed PAD amendment is to allow for the development of a GEICO Regional Headquarters, and to re-position the Bridges as a shovel-ready economic development area by making the underlying zoning consistent across the PAD District.

Land use policy direction for this area is provided by *Plan Tucson (PT)*, the *Kino Area Plan (KAP)*, and the *Greater South Park Neighborhood Plan (GSPNP)*.

Staff recommends adoption of the ordinance which will amend PAD-15, Sub-Area B.

The Zoning Examiner recommends approval of PAD zoning amendment with a set of additional conditions.

Four written approvals and two written protests were received for this case prior to the Zoning Examiner's April 12, 2018 public hearing. Since the April 12, 2018 Zoning Examiner public hearing there has been one additional approval and two additional protests. Three protests lie outside the 150'. One protest lies within the 150', resulting in a protest by total lots of 3.0 %, and protest by area of 10.2 %.

The protests generally allude to concern for an increase in traffic, increase in 'heat island' effect, building heights, 36th Street improvements, and affordable housing. Protests want more collaboration and input with neighborhoods and want the developers to provide significant amount of residential units within Sub-Area B. The applicant indicates that the revised PAD document has addressed these concerns.

- d. Ordinance No. 11552 relating to Zoning: amending zoning district boundaries in the area located east of the Union Pacific Railroad tracks, south of 36th Street, west of Campbell Avenue and north of Interstate-10 in case C9-06-32, the Bridges Planned Area Development (PAD-15),

major amendment to Sub-area B (B-I, B-II, B-III, and B-IV), changing base zoning from R-3 to OCR-1; and setting an effective date.

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

10. PUBLIC HEARING: APPEAL - (HPZ 17-69) MIRAMONTE TOWNHOMES, 450 SOUTH MEYER AVENUE

- a. Report from City Manager MAY22-18-162 WARD 6
- b. Hearing: on an appeal of the Planning and Development Services Department (PDSD) Director's decision to approve the construction of 14 units of two story townhomes on five vacant lots on the west side of Meyer Avenue between Kennedy Street and Simpson Street in the Barrio Historico Historic Preservation Zone.

The appeal has been filed by Jody Gibbs, on behalf of the Barrio Historico Historic Zone Advisory Board.

The Barrio Historico Historic Zone Advisory Board (“Advisory Board”) voted to recommend denial of the original set of plans. The applicant returned for a second review with revised plans. The Advisory Board again recommended denial of the application.

The application and revised plans were brought for review to the Tucson Pima County Historical Commission Plans Review Subcommittee (“Subcommittee”). The Subcommittee reviewed the revised plans, offered feedback, and moved to continue review at a future meeting. The applicant revised plans again and brought the third version to the Subcommittee for review. The Subcommittee recommended approval of a third revision based on compliance with requested changes.

Given that the Advisory Board had reviewed the application twice with the same recommendations and that the Subcommittee directed applicant not to return to the Advisory Board for a third review, the PSDS Director did not require a third review by the Advisory Board on the final design. It is staff opinion that the procedure that was followed fully complies with the requirements of the Unified Development Code (UDC).

The Mayor and Council may consider the appeal based upon the prior administrative decision by the PSDS Director, the Legal Action Reports of the meetings of the Advisory Board and Tucson-Pima County Historical Commission Plans Review Subcommittee, the communication and materials submitted by the City Manager, and testimony and evidence presented to the Mayor and Council at the public hearing.

The City Manager recommends the Mayor and Council uphold the PSDS Director's decision to approve this application as recommended by the Subcommittee.

Additionally, the appellant requests a waiver of the appeal fee. Staff recommends denial of this waiver request due to staff time required to review and process an appeal.

11. FINANCE: TENTATIVE ADOPTION OF FISCAL YEAR 2019 BUDGET

- a. Report from City Manager MAY22-18-172 CITY WIDE

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

12. FINANCE: PROPOSED SALE OF WATER SYSTEM REVENUE OBLIGATIONS, SERIES 2018

- a. Report from City Manager MAY22-18-169 CITY WIDE

- b. Ordinance No. 11543 an ordinance relating to Finance: authorizing the Finance Director or Chief Financial Officer of City of Tucson, Arizona, to cause the sale and execution and delivery pursuant to an Obligation Indenture of Water System Revenue and/or Revenue Refunding Obligations, in one or more series, evidencing proportionate interests of the holders thereof in installment payments of the purchase price to be paid by the City of Tucson, Arizona, pursuant to a Series 2018 City Purchase Agreement; authorizing the completion, execution and delivery with respect thereto of all agreements necessary or appropriate for the refinancing or financing of costs of acquiring improvements to the storage, treatment and distribution facilities of the water system of the City and related financing costs including the delegation to the Finance Director or Chief Financial Officer of certain authority with respect thereto; authorizing the preparation and delivery of an Official Statement with respect to such Series 2018 obligations; ordering the sale of such Series 2018 obligations; authorizing the execution and delivery of a Continuing Disclosure Undertaking with respect to such obligations; authorizing the Finance Director or Chief Financial Officer to expend all necessary funds therefor and declaring an emergency.

13. PERSONNEL MATTERS: REAPPOINTMENT OF THE CITY ATTORNEY

- a. Report from City Manager MAY22-18-175 CITY WIDE

- b. Ordinance No. 11554 relating to the City Attorney; appointing the City Attorney; and declaring an emergency.

14. ADJOURNMENT

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