



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on August 11, 2020.

Date of Meeting: February 19, 2020

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 5:51 p.m., on Wednesday, February 19, 2020, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Romero and upon roll call, those present and absent were:

Present:

Lane Santa Cruz	Council Member Ward 1
Paul Cunningham	Vice Mayor, Council Member Ward 2
Paul Durham	Council Member Ward 3
Nikki Lee	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Regina Romero	Mayor

Absent/Excused:

None

Staff Members Present:

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

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

a. INVOCATION

The invocation was given by Father Panteleimon Maillis, St. Demetrios Greek Orthodox Church.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. PRESENTATIONS:

1. Mayor Romero, assisted by Council Member Fimbres, presented certificates to the winners of the 2020 Ward 5 Safety Calendar Contest.
2. Mayor Romero proclaimed February 20, 2020, to be "Rodeo Parade Day." Ed Stolfa, Tucson Rodeo Parade Chairman, accepted the proclamation.
3. Mayor Romero proclaimed February 17 to February 23, 2020, to be "Tucson Navy Week." Vice Admiral Michael T. Moran accepted the proclamation.
4. Mayor Romero proclaimed February to be "Career and Technical Education Month." Karl Oxnam, Tucson Unified School District Career and Technical Education Leadership and Professional Development Specialist, accepted the proclamation.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Romero announced City Manager's communication number 41, dated February 19, 2020, was received into and made part of the record. She asked for a motion to approve the appointments in the report

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointments of Bhavin Kapadia to the Environmental Services Advisory Committee (ESAC), Dante Archangeli to the Tucson-Pima County Joint Consolidated Code Committee, and Richard Alan McDonnell and Darci Hazelbaker to the West University Historic Zone Advisory Board (WUHZAB).

Mayor Romero asked if there were any personal appointments to be made.

There were none.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Romero announced City Manager’s communication number 42, dated February 19, 2020, was received into and made part of the record. She also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports were provided by Vice Mayor Cunningham and Council Members Santa Cruz, Durham, and Fimbres.

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

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Romero announced City Manager’s communication number 43, dated February 19, 2020, was received into and made part of the record. She also announced this was the time scheduled to allow the City Manager to report on current events and asked for that report.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Romero announced City Manager’s communication number 44, dated February 19, 2020, was received into and made part of the record. She asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

1. Five Point Market & Restaurant, Ward 6
756 S. Stone Ave.
Applicant: Brian Dennis Haskins
Series 12, City 92-19
Action must be taken by: February 21, 2020

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

2. Hurry Up Fuel, Ward 2
8530 E. Speedway Blvd.
Applicant: Sanjeev Balley
Series 10, City 93-19
Action must be taken by: February 24, 2020

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

3. Kino Sports Complex, Ward 5
2343 E. Tournament Way
Applicant: Maureen A. Ochoa
Series 5, City 94-19
Action must be taken by: February 27, 2020

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/Location Transfer(s)

4. Short Rest Tavern, Ward 3
4500 N. Oracle Rd. # 252
Applicant: Mark William Kadow
Series 7, City 88-19
Action must be taken by: February 13, 2020

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. Community Food Bank of Southern Arizona, Ward 2
6541 E. Tanque Verde Rd. #22
Applicant: Kerri Lynn Burgerhoff
City T156-19
Date of Event: March 28, 2020
(Fundraiser)

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

2. American Advertising Federation Tucson, Ward 5
610 S. Park Ave.
Applicant: Lorie Leann Anderson
City T159-19
Date of Event: March 3, 2020
(2019 Tucson American Advertising Awards)

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

3. St. Augustine Catholic High School, Ward 2
8800 E. 22nd St.
Applicant: Sarah Doreen Alderete
City T2-20
Date of Event: March 7, 2020
(Annual Western BBQ Dinner - High School Fundraiser)

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

4. North Tucson Firefighters Charities, Ward 3
1102 W. Grant Rd.
Applicant: Tobin Neil Johnson
City T4-20
Date of Event: February 21, 2020 & February 22, 2020
(Mardi Gras Celebration)

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

5. Step Up to Justice, Ward 6
88 E. Broadway Blvd.
Applicant: Michele Marie Mirto
City T5-20
Date of Event: February 26, 2020
(Fundraiser for Step Up to Justice)

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

6. Tucson Kitchen Musicians Association, Ward 1
101 N. Stone Ave.
Applicant: Claud Blackburn
City T6-20
Date of Event: April 3, 2020 - April 5, 2020
(Annual Tucson Folk Festival)

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

7. Saints Peter and Paul Roman Catholic Parish- Tucson, Ward 6
1436 N. Campbell Ave.
Applicant: Patrick Mc Hale Crino
City T7-20
Date of Event: February 29, 2020
(Fundraiser)

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

8. Fourth Avenue Merchants Association, Ward 6
434 E. 9th St.
Applicant: Monique Marie Vallery
City T8-20
Date of Event: March 20, 2020 - March 22, 2020
(50th Annual Spring Street Fair - Fundraising Civic Event)

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
City AC15-19
Action must be taken by: February 20, 2020

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

2. Voltron Brewing Company, Ward 5
330 S. Toole Ave. # 200
Applicant: Kevin Arnold Kramber
City AC16-19
Action must be taken by: February 24, 2020

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 Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b4, 5c1 through 5c8, and 5d1 through 5d2 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Romero 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 Romero 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:

Rex Golos	Eric Barnes	Lief Terre
Brennan McGoldrick-Doty	Ruth Beeker	Goli Bagheri
Gayle Hartman	William Peterson	Georgette Rhoads
Robert Reus	Amina Tollin	Henry Werchan
Mark Day	Kelly Liska	Angie McMurtrie

Vice Mayor Cunningham requested staff to follow up with Mr. Golos on his concerns regarding skate parks.

Mayor Romero commended Mr. Terre and Mr. McGoldrick-Doty on their appeal to reduce single-use plastics and suggested they visit the State Legislature to speak to the policymakers at that level.

Mayor Romero asked the City Attorney, to address the misconceptions regarding Ordinance 11331, adopted in 2015.

Mike Rankin, City Attorney, reiterated that the Arizona Open Meeting Law was applicable at this time and restricted what the Mayor and Council could do at a meeting. He said since this subject was brought up during the call to the audience, the Mayor and Council was operating under these restrictions that prohibited engaging in a discussion or giving direction on the item. He said, however, the Mayor and Council could give direction to staff, the City Manager, or the City Attorney to follow up with the speakers to address the issues that had been raised that evening.

Mr. Rankin said he was aware that Council Member Lee had already reached out to the Peoples Defense Initiative to broker a meeting and Council Member Fimbres led Homeless Coalition meetings where these issues were regularly addressed. He addressed what the Ordinance did and did not require. He stated the Ordinance did not prohibit feeding the homeless either in the park or elsewhere.

Mr. Rankin continued saying that the Ordinance did require persons who were going to feed the homeless in the park to secure a permit, if there were ten or more people. He stated the permit was free and good for up to sixty (60) days because it would automatically renew. He also said the permit was only denied or not renewed if public health or public safety issues arose in connection with the activity, which was the experience was in 2015 prior to the amendment of the Ordinance.

Mr. Rankin said there were some other misinformation that had spread about the *Code* over the last couple of weeks. He stated the *Code* did not require a person to secure a Pima County Health permit since Pima County itself did not require a permit. The section of the *Code* that was amended with regard to food distribution in the park back in 2015 by the Mayor and Council did not establish the permit requirement. He said it had been in the *Code* for decades before that. He stated that the action the Mayor and Council

took in 2015 clarified that the permit would not be required if the event involved fewer than ten people.

Mr. Rankin said the Ordinance provided certain exemptions from the requirement, such as, distribution of water or if it was on certain holidays, permits would not be required. Other amendments at the time specified that the Parks Director, in reviewing the permit applications was to consider the public health and safety issues connected with the activity. Finally, he said, the 2015 amendment made it so the permit was, in fact, free if the food was distributed for free and it would automatically renew for up to sixty (60) days.

Mr. Rankin assured the audience that was the type of information they were happy to share with anyone raising concerns about the *Code* and its enforcement.

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 J

Mayor Romero announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. She asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager FEB19-20-45 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of June 4, 2019
3. Mayor and Council Special Meeting Minutes of June 4, 2019
4. Mayor and Council Study Session Meeting Minutes of June 4, 2019

b. CITY VEHICLES: EXEMPTION OF CERTAIN CITY VEHICLES FROM BEARING IDENTIFYING MARKINGS

1. Report from City Manager FEB19-20-48 CITY WIDE
2. Resolution No. 23138 relating to City Vehicles; pursuant to A.R.S. Section 38-538.03(B), exempting certain City motor vehicles from the requirement that they bear markings identifying them as City vehicles; making this exemption effective from February 28, 2020 through and including February 27, 2021, and declaring an emergency.

- c. FINAL PLAT: (S16-056) BILBY VISTA, LOTS 1 AND 2
 - 1. Report from City Manager FEB19-20-46 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.

- d. FINAL PLAT: (S19-027) PASTIME WHEELHOUSE, LOTS 1 AND 2
 - 1. Report from City Manager FEB19-20-47 WARD 3
 - 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.

- e. TUCSON CODE: AMENDING (CHAPTER 20) RELATING TO ONE-WAY STREETS AND ALLEYS, CONVERTING AN ALLEY ADJACENT TO WALTER DOUGLAS ELEMENTARY SCHOOL FROM TWO-WAY TRAFFIC TO ONE-WAY TRAFFIC; REPEALING ORDINANCE 11606
 - 1. Report from City Manager FEB19-20-50 WARD 3
 - 2. Ordinance No. 11728 relating to Motor Vehicles and Traffic; repealing Ordinance No. 11606 of December 4, 2018, and designating current streets and alleys or parts of streets and alleys as one-way, pursuant to Section 20-179 of the City Code; and declaring an emergency.

- f. ADOPT THE UPDATED PIMA COUNTY RETENTION AND DETENTION MANUAL WITH SOME MODIFICATIONS TO DIRECT DRAINAGE DESIGN DETAILS FOR NEW DEVELOPMENT WITHIN THE CITY OF TUCSON
 - 1. Report from City Manager FEB19-20-54 CITY WIDE

(This item has been continued at the request of staff.)

- g. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA BOARD OF REGENTS FOR THE TUCSON/PIMA COUNTY CONTINUUM OF CARE 2020 POINT IN TIME COUNT
 - 1. Report from City Manager FEB19-20-51 CITY WIDE AND OUTSIDE CITY

2. Resolution No. 23139 relating to Intergovernmental Agreements (IGA); authorizing and approving the execution of an IGA between the City of Tucson (City) Housing and Community Development Department and the University of Arizona through its Southwest Institute for Research on Women to provide services to the Continuum of Care Program; and declaring an emergency.
- h. HOUSING AND COMMUNITY DEVELOPMENT: APPROVING THE AFFORDABLE HOUSING IMPACT FEE WAIVER SUBSIDY FOR ALBORADO APARTMENTS
1. Report from City Manager FEB19-20-55 WARDS 3 AND 5
 2. Resolution No. 23141 relating to Affordable Housing; approving the Alborado Apartments Impact Fee Waiver Request; and declaring an emergency.
- (This item was amended during the afternoon's Study Session to correct Resolution 23141, so it reflected the actual amount of the subsidy, not the total amount of the Impact Fee.)
- i. FINANCE: APPROVAL OF REVISED COMPREHENSIVE FINANCIAL POLICIES
1. Report from City Manager FEB19-20-56 CITY WIDE
 2. Resolution No. 23142 relating to Finance; approving the Comprehensive Financial Policies for the City of Tucson as it relates to the improvement of the City's cash management and investment policy; and declaring an emergency.
- j. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE CITY OF TEMPE FOR HOUSING RELATED FINANCIAL SERVICES AND CONSULTATION
1. Report from City Manager FEB19-20-52 CITY WIDE
 2. Resolution No. 23140 relating to an Amendment to an Intergovernmental Agreement (IGA) between the City of Tucson and the City of Tempe for housing related financial services and consultation; and declaring an emergency.

It was moved by Council Member Santa Cruz, duly seconded, and passed by a roll call vote of 7 to 0 that Consent Agenda Items a – j, including the correction to Item h, and with the exception of Item f which was continued, be passed and adopted and the proper action taken.

8. PUBLIC HEARING: (C8-19-02) AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE RELATING TO PLAN AMENDMENTS AND REZONING

Mayor Romero announced City Manager's communication number 53, dated February 19, 2020, was received into and made part of the record. She also announced this was the time and place legally advertised for a public hearing on proposed text amendments to the Unified Development Code (UDC) allowing the option for the plan amendment process and the rezoning process to run concurrently. She said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Ruth Beeker, Tucson Residents for Responsive Government (TRRG), spoke against the issue.

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

Mayor Romero asked the City Clerk to read Ordinance 11729 by number and title only.

Ordinance No. 11729 relating to Planning and Zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Sections 3.2.2, 3.5.3, & 3.6.5; and setting an effective date.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Ordinance 11729.

Council Member Kozachik stated the changes would be helpful for those who chose to use it as it improved the process. He said he felt it did not truncate the public involvement, and there was still the opportunity for neighborhood meetings, one part for zoning and one part for planning with staff present, followed by public hearings.

Vice Mayor Cunningham offered an amendment to the motion, to add a second meeting to the proposed process, so that the first meeting was an informational meeting for the neighbors, and presentations from the Planning and Development Services Department and the developer, and the second meeting to be held within the following month to provide interested parties, in the affected area, the opportunity to be informed and give feedback to City representatives and the developer.

The amendment was not accepted by the motion-maker.

Vice Mayor Cunningham stated he would vote to pass the Ordinance as written but wanted to revisit it within a year.

The original motion to pass and adopt Ordinance 11729 was passed by a roll call vote of 7 to 0.

11. CITY MAGISTRATE: APPOINTMENT OF CITY MAGISTRATE AND FIXING COMPENSATION

(Note: This item taken out of order at the request of Council Member Santa Cruz.)

Mayor Romero announced City Manager's communication number 49, dated February 19, 2020, was received into and made part of the record. She asked the City Clerk to read Ordinance 11727 by number and title only.

Ordinance No. 11727 relating to City Magistrates; appointing _____ as a City Magistrate of the City of Tucson; fixing compensation; and setting an effective date.

It was moved by Council Member Santa Cruz, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11727 appointing Julia A. Maldonado as a City Magistrate.

(NOTE: Council Member Santa Cruz departed at 7:24 p.m.)

9. PUBLIC HEARING: (C8-19-01) AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE RELATING TO NOTIFICATIONS

Mayor Romero announced City Manager's communication number 57, dated February 19, 2020, was received into and made part of the record. She also announced this was the time and place legally advertised for a public hearing on amending Chapter 23B of the Unified Development Code. She said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Ruth Beeker, Tucson Residents for Responsive Government (TRRG), spoke in favor of the issue.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Santa Cruz absent/excused), to close the public hearing.

Mayor Romero asked the City Clerk to read Ordinance 11732 by number and title only.

Ordinance No. 11732 relating to Planning and Zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Article 1 Section 1.5; Article 2 Section 2.2; Article 3 Sections 3.2, 3.3, 3.4, 3.5, 3.6, 3.9, 3.10, 3.11 & Table 3.2-1; Article 4 Section 4.9; Article 5 sections 5.8, 5.10 & 5.12; Article 6 Section 6.6; Article 7 Section 7.4; Article 8 Section 8.7; and amending the Administrative Manual, Supplement to the Tucson Code, Chapter 23B, Unified Development Code Section 3, Subsections 3-02.4.0 & Table 3-02; 3-03.0.0 at Table 3-03; Section 4, Subsection 4-01.13; and setting an effective date.

It was moved by Council Member Durham, duly seconded, and passed by a roll call vote of 6 to 0, (Council Member Santa Cruz absent/excused), to pass and adopt Ordinance 11732 and the proper action taken.

10. ZONING: (C9-19-04) LITTLETOWN ROAD - CRAYCROFT LLC, R-1 TO C-1, ORDINANCE ADOPTION

Mayor Romero announced City Manager's communication number 59, dated February 19, 2020, was received into and made part of the record. She asked the City Clerk to read Ordinance 11730 by number and title only.

Ordinance No. 11730 relating to Zoning: amending zoning district boundaries Lot 1 in the Littletown & Craycroft Subdivison Lots 1 through 3, located on the south side of Littletown Road, and the west side of Craycroft Road, in case C9-19-04 Littletown Road - Craycroft LLC, R-1 to C-1; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Santa Cruz absent/excused), to pass and adopt Ordinance 11730 and the proper action taken.

11. CITY MAGISTRATE: APPOINTMENT OF CITY MAGISTRATE AND FIXING COMPENSATION

(Note: This item taken out of order and considered after Item 8.)

12. ELECTIONS: CALLING THE 2021 PRIMARY AND GENERAL ELECTIONS AS VOTE BY MAIL ELECTIONS

Mayor Romero announced City Manager's communication number 58, dated February 19, 2020, was received into and made part of the record. She asked the City Clerk to read Ordinance 11731 by number and title only.

Ordinance No. 11731 relating to Elections; pursuant to the provisions of Tucson Charter Chapter IV, Section 1(20) and Chapter XVI, Section 6; Tucson Code Section 12-38; and Arizona Revised Statutes Section 16-409, calling the August 3, 2021 City primary election and the November 2, 2021 City general election, and giving notice that these elections, and any special elections occurring on either of those dates, will be conducted as mail ballot elections supplemented by on-site voting locations in each Ward; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0, (Council Member Santa Cruz absent/excused), to pass and adopt Ordinance 11731 and the proper action taken.

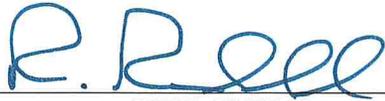
13. **ADJOURNMENT:** 7:32 p.m.

Mayor Romero announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 3, 2020, 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 February 2020, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

RWR:km:ao