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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on September 6, 2023.

Date of Meeting: December 20, 2022

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 6:07 p.m., on Tuesday December 20, 2022, 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  
Paul Cunningham  
Paul Durham  
Nikki Lee  
Richard G. Fimbres  
Steve Kozachik  
Regina Romero

Vice Mayor, Council Member Ward 1  
Council Member Ward 2  
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  
Suzanne Mesich

City Manager  
City Attorney  
City Clerk

Suzanne Mesich, City Clerk, announced that Council Member Fimbres would be participating virtually through Microsoft TEAMS.

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

**a. INVOCATION**

The invocation was given by Pastor Dr. Andrew G. Ross, Northminster Presbyterian Church

**b. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was presented by the entire assembly.

**c. PRESENTATIONS:**

There were no presentations made.

**d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Romero announced City Manager's communication number 355, dated December 20, 2022, was received into and made part of the record. She asked if there were any personal appointments to be made.

No personal appointments were made at this time.

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Romero announced City Manager's communication number 353, dated December 20, 2022, 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 Mayor Romero, Vice Mayor Santa Cruz, and Council Members Cunningham, Dahl, Scott, Fimbres, and Kozachik.

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 354, dated December 20, 2022, 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.

Current event report was given by Michael J. Ortega, City manager.

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 Romero announced City Manager's communication number 356, dated December 20, 2022, 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)**

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)

1. Portillos Hot Dogs, Ward 6  
City #104-22, Series 12  
Agent: Richard Joseph Valenti  
Address: 3761 E. Broadway Blvd.  
Action must be taken by: January 2, 2023
2. Monterey Market, Ward 6  
City #105-22, Series 10  
Agent: Precious Ruth Margaret Kardof  
Address: 4129 E. 29th St.  
Action must be taken by: January 5, 2023
3. Best Western Hotel Tucson Airport, Ward 5  
City #106-22, Series 11  
Agent: Kevin Arnold Kramber  
Address: 6801 S. Tucson Blvd.  
Action must be taken by: January 6, 2023

#### **Person and/or Location Transfer(s)**

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)

4. The Funky Monk  
City #103-22, Series 6  
Agent: Amy S. Nations  
Address: 350 E. Congress St. #A  
Action must be taken by: January 2, 2023

c. Special Event(s)

1. Tucson Botanical Gardens, Ward 6  
City #T90-22  
Applicant: Mary Ann Confrey  
Address: 2150 N. Alvernon Way  
Purpose: Fundraising Event  
Event Date: January 28, 2023
2. Saint Frances Cabrini Church, Ward 3  
City #T98-22  
Applicant: Van Hieu Nguyen  
Address: 3201 E. Presidio Rd.  
Purpose: Vietnamese New Year Festival  
Event Date(s): January 21, 2023 - January 22, 2023
3. Vietnam Veterans of Arizona Chapter 106 (Gem Show 2023), Ward 5  
City #T99-22  
Applicant: Melvin Morgan  
Address: 4475 S. Country Club Rd.  
Purpose: Gem Show 2023  
Event Date(s): January 28, 2023- February 5, 2023

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no application(s) for agent changes scheduled for this meeting.

It was moved by Council Member Dahl, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b4 and 5c1 through 5c3 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:



Colette Altaffer  
Jennifer Bonham  
Robert Bulechek  
Lauren Clark

Richard Roati  
Allen Benz  
James Garcia  
Glenda Avalos

Miranda Schubert  
Kimberly Vietor  
Bruce Plenk

Council Member Kozachik asked Mr. Roati to email him the list of information he was requesting.

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 D**

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 (CITY WIDE) DEC20-22-349
- b. PROCUREMENT: APPROVING THE DONATION OF FIXED ASSETS TO OLD PUEBLO COMMUNITY SERVICES (OPCS) (CITY WIDE) DEC20-22-350

Resolution No. 23557 relating to procurement; approving and authorizing the donation of two (2) passenger vans to Old Pueblo Community Services (OPCS) for transporting participants of the Homeless Work Program (HWP) funded through Housing and Community Development's People, Communities, and Homes Investment Plan (P-CHIP); and declaring an emergency.

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

- c. WATER: CONTINUATION OF GREEN STORMWATER INFRASTRUCTURE FEE AND STORM TO SHADE PROGRAM (CITY WIDE) DEC20-22-351

Ordinance No. 11976 relating to Water; directing an amendment to Section 2 of Ordinance No. 11726 adopted by Mayor and Council on February 4, 2020, to remove the sunset date of the Green Stormwater Infrastructure Fee and establish Storm to Shade as a permanent City Program; and declaring and emergency.

- d. GRANT-IN-AID AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND CITY OF TUCSON (CITY WIDE AND OUTSIDE CITY) DEC20-22-360

Resolution No. 23559 relating to Finance; approving a Grant-in-Aid Agreement between the City of Tucson and the Tohono O'odham Nation ("Nation") for funding certain projects whose recipients, purposes and amounts are listed in the Agreement's Schedule A; Authorizing the Director of the Department of Business Services to execute the Agreement; and declaring an emergency.

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

It was moved by Council Member Fimbres, duly seconded, and passed by a voice vote of 7 to 0, that Consent Agenda Items a – d, with the exception of Items b and d, which were considered separately, be passed and adopted and the proper action taken.

(Note: Vice Mayor Santa Cruz departed at 7:04 p.m. and returned at 7:06 p.m.)

## **7. CONSENT AGENDA – ITEM B**

- b. PROCUREMENT: APPROVING THE DONATION OF FIXED ASSETS TO OLD PUEBLO COMMUNITY SERVICES (OPCS) (CITY WIDE) DEC20-22-350

Resolution No. 23557 relating to procurement; approving and authorizing the donation of two (2) passenger vans to Old Pueblo Community Services (OPCS) for transporting participants of the Homeless Work Program (HWP) funded through Housing and Community Development's People, Communities, and Homes Investment Plan (P-CHIP); and declaring an emergency.

Council Member Fimbres stated the program was created based on a program which originated in Albuquerque, New Mexico, called the Better Way. He met with city and county officials, local businesses, faith-based organizations, and service providers, such as Old Pueblo Community Services, to launch the Tucson Homeless Work Program. He said more than one thousand five hundred people had gone through the program each year since its December 6, 2016, launch.

Mayor Romero expressed her support and appreciation for the donation, which would increase Tucson Homeless Work Program capacity.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0 that Consent Agenda Item b be passed and adopted, and the proper action taken.

**7. CONSENT AGENDA – ITEM D**

- d. GRANT-IN-AID AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND CITY OF TUCSON (CITY WIDE AND OUTSIDE CITY) DEC20-22-360

Resolution No. 23559 relating to Finance; approving a Grant-in-Aid Agreement between the City of Tucson and the Tohono O'odham Nation ("Nation") for funding certain projects whose recipients, purposes and amounts are listed in the Agreement's Schedule A; Authorizing the Director of the Department of Business Services to execute the Agreement; and declaring an emergency.

Council Member Fimbres commented because of this grant, neighborhoods and organizations in Ward 5 and throughout the City would receive needed funds to pay for program services, streetlights at Pueblo Gardens, and thanked Ned Norris, Chairman of Tohono O'Odham Nation, the City of Tucson, and community members for collaborating on the project.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0 that Consent Agenda Items d be passed and adopted, and the proper action taken.

**8. PUBLIC HEARING: TUCSON CODE: AMENDING (CHAPTER 161) SECTION 1-19 TO REDISTRICIT THE CITY'S WARDS, CONTINUED FROM DECEMBER 6, 2022 (CITY WIDE) DEC20-22-359**

Mayor Romero announced City Manager's communication number 359, dated December 20, 2022, 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 the recommendation by the 2022 Redistricting Advisory Committee. She said 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:

Patrick Robles  
Glenda Avalos

Giselle Del Cid  
J.P. Salvatierre

Scott Egan

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 11979 OPTION A and OPTION B by number and title only.

Option A- Ordinance No. 11979 relating to City wards and redistricting; redistricting the City's wards as provided under "Option 2-C" of the 2022 Redistricting



Advisory Committee's Report and recommendation; amending Tucson Code Section 1-19; and declaring an emergency.

Option B - Ordinance No. 11979 relating to City wards and redistricting; redistricting the City's wards as provided under "Option 2-D" of the 2022 Redistricting Advisory Committee's Report and recommendation; amending Tucson Code Section 1-19; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, to approve Option A, for Map 2C.

Council Member Kozachik acknowledged the process had been challenging, if not flawed. The priorities given to the Redistricting Advisory Committee (RAC) had been internally inconsistent, which made it impossible to achieve one without violating another. He stated they agreed that going forward those inconsistencies needed to be addressed. He explained the reason he supported Option A was because of the two options before them, it displaced the fewest number of people.

Council Member Lee confirmed the precincts affected by Option 2C were 11, 45, 47 and 244, and the precincts impacted by Option 2D were 11, 45, 47, 244 and 275. She clarified the RAC had addressed Precinct 37's concerns during the process and therefore would not be affected by either proposal.

Vice Mayor Santa Cruz expressed concerns about proposal 2C leaving the population of Ward 1 more than six thousand residents behind every other ward. Additionally, past redistricting maps with less than a ten percent deviation had been ruled unconstitutional by a federal court. She felt they were toeing the line with the 9.8 percent deviation with proposal 2C when proposal 2D provided a 2.96 percent deviation.

Council Member Cunningham asked how much to change the process was required by a change to the Charter.

Mike Rankin, City Attorney, stated the timing and requirement of the Mayor and Council to act by December 31, and during the redistricting year was dictated by Charter. Additionally, the objective to achieve as practically as possible the equalization of the population between the wards was also a provision of the Charter, as was the prohibition against administering a redistricting in a way to favor one political party over another. The balance of the requirements related to the process came through the Tucson City Code through ordinances that had been adopted by the Mayor and Council but could be reviewed and amended going forward.

Discussion continued.

Council Member Dahl thanked the members of the Commission and acknowledged the impossible task with which they had been challenged. He said the report they had presented was detailed and outlined challenges that would need to be dealt with in the



upcoming years. He continued that because his ward was not affected by the options presented, he would follow the lead of his colleagues on the Council.

Council Member Lee asked if it was required to choose one of the options before them or if they could choose to keep the current districts.

Mr. Rankin said Council had to make their decision at that time. Whether or not they chose something other than what the advisory committee had recommended. However, the decision does have to as practically as possible, address the population disparity.

Council Member Lee agreed with Council Member Cunningham that Option 2d split State land a little more but got much closer to the population concerns addressed by Vice Mayor Santa Cruz.

Mayor Romero felt the options before them did not adequately address the unpacking of Latino communities within Wards 1 and 5. She agreed there had not been enough time to educate the community about the harmful effects the lack of Council representation could have on those communities. She said the City of Tucson's history of segregation and housing had pushed communities of color to certain areas of the city. However, in spite of protests and movement to create Wards 1 and 5, in 2022 they were still majority-minority wards, which was not conducive to fair representation. She believed future redistricting conversations should allow enough time for a better community engagement process to find solutions to the packing of Latino communities into two wards.

Discussion continued.

A substitute motion was made by Vice Mayor Santa Cruz, duly seconded, and passed by a roll call vote of 5 to 2 (Council Members Fimbres and Kozachik dissenting), to pass and adopt Ordinance 11979, Option B, for map 2D.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to direct the City Attorney to return to the Mayor and Council with recommendations for updating the process for the Redistricting Advisory Committee regarding the timeline, the policy objectives, education for Community, and engagement of the Community in the process. Also, resources for the Citizen's Committee to be able to determine what adjustments are necessary.

**9. PUBLIC HEARING: (C8-22-01) DOWNTOWN INFILL INCENTIVE DISTRICT (IID) UPDATE UDC TEXT AMENDMENT (WARDS 1, 3, 5, AND 6) DEC20-22-357**

Mayor Romero announced City Manager's communication number 357, dated December 20, 2022, was received into and made part of the record. She also announced this was the time and place legally advertised for a public hearing to discuss and adopt amendments related to the update and renewal of the Downtown Infill Incentive District IID UDC 5.12 in advance of the Sunset date January 2023.

Koren Manning, Planning and Development Services Department Planning Administrator, said the Infill Incentive District (IID) was the primary tool for transit-oriented development and promoting mixed-use development in the downtown area along the streetcar. With housing a key priority for the community, the IID had been used to develop affordable housing. A number of developments, such as the Marist and West End Station, had used the IID. However, there was an opportunity to further promote affordable housing and the proposed policy changes would allow more residential development in the IID by allowing residential development in industrially zoned areas. It would also create zoning incentives for affordable housing which would make it easier to build affordable housing and ensure when affordable housing was built, more units could be built on site. Additionally, there were boundary adjustment proposals for commercial areas to have a more cohesive approach on certain corridors, such as Congress Street, Stone Avenue, and Main Avenue, to fill in the gaps in the way the IID boundary is laid out.

Mayor Romero 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:

Anthony Nelson  
Victor Rivera

Karen Torres  
Colette Altaffer

Raul Ramirez  
Glenda Avalos

It was moved by Council Member Cunningham, 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 11977 by number and title only.

Ordinance No. 11977 relating to Planning and Zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Sections 5.12 (relating to the Downtown Area Infill Incentive District (IID)), and 11.4 (relating to definitions); allowing residential development in Industrial Zones within the IID; incentivizing affordable housing; updating certain design standards; integrating the individual Parking Plan into the IID Process; adjusting IID Boundaries; removing the previously approved Sunset date; and setting an effective date.

It was moved by Vice Mayor Santa Cruz, duly seconded, to approve Ordinance 11977, with the exclusion of Parcels 116212640 and 116212638.

Council Member Fimbres asked for staff to elaborate on whether Barrio Santa Rosa, Barrio Viejo, and Barrio Santa Rita were part of the IID.

Timothy Thomure, Assistant City Manager, advised no additional areas from those three neighborhoods have been contemplated for addition to the IID under the proposal.

Council Member Kozachik asked whether rooftops would be counted as public open space as part of the IID.

Ms. Manning confirmed that depending on the proposal and the development agreement, rooftops could be considered public open space in some situations.

Council Member Kozachik said rooftops which were not accessible to the public should not be considered public open spaces and would not support any of the IID updates until the concept of public open spaces was redefined.

Vice Mayor Santa Cruz said although neighbors support affordable housing and some of businesses along Congress could benefit from the IID, they shared concerns about the neighborhood master plan they were in the process of drafting. While the IID processes included a built-in design review process to ensure neighbors would be able to provide input into future development in an Infill Incentive District. Because the neighborhood was halfway through their master planning, she said it made sense to remove those parcels so the conversation could continue.

Council Member Lee asked whether there would be opportunity to further discuss and improve upon the open space piece or if it would have to be approved with the rest of the IID proposal.

Ms. Manning clarified that as higher density residential development was built, code required there to be 5 percent open space for residents and an additional 5 percent was required to be open space accessible to the public, such as a plaza or courtyard. This section of the code had been updated many times and could be revisited with future updates.

Council Member Cunningham said he was uncomfortable with the open space requirements of the current proposal and suggested they extend the sunset date by a month and return with additional information regarding the IID.

A substitute motion was made by Council Member Cunningham, duly seconded, to extend the sunset date by a month and return with additional information regarding the IID.

Michael J. Ortega, City Manager, requested time before the vote to research the logistics to address open space concerns of the Council.



Mayor Romero complied and commented within the IID there had been a lot of affordable housing developments, they preserved historic buildings and created additional senior housing. She believed in the IID and was pleased they added additional affordability requirements and design standards and took pride in the City of Tucson's housing affordability strategy. She was glad to have met with the Barrio Sin Nombre and Menlo Park neighbors, and acknowledged they were part of the conversation, to obtain their input and feedback to ensure open space and affordability. She said there was an incredible opportunity at Near Mount to build mixed-use, affordable housing and open space in that area and did not feel it necessary to delay the decision if they removed the Near Mount site from the proposal. She felt they should bring down the sunset and work to improve the IID that much better for neighbors and the community. She said just as there were layers to gentrification, there were layers in building a walkable community, affordability, and meeting transit needs of residents.

Mr. Ortega said the Barrio Blue Moon expansion area, a Greater Infill Incentive Subdistrict, was part of the grant application for 50 million dollars for the Tucson House. It was extremely important to get direction on that piece so the grant application could be submitted for the Tucson House redevelopment. Additionally, he said they had until the end of January because that was when the ordinance expired. He was unsure whether they would be able to address the list of concerns within that timeframe and suggested they bring back ideas to the next two meetings to delay, however, he needed direction on the grant application.

Discussion continued.

Council Member Cunningham, agreeable to the seconder, withdrew his substitute motion.

The motion to pass and adopt Ordinance 11977, with the exclusion of Parcels 116212640 and 116212638 was passed by a roll call vote of 7 to 0.

**10. PUBLIC HEARING: (C8-22-05) MEDICAL AND ADULT-USE MARIJUANA SPECIAL EXCEPTION UDC TEXT AMENDMENT (CITY WIDE) DEC20-22-358**

Mayor Romero announced City Manager's communication number 358, dated December 20, 2022, 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 the proposed Unified Development Code (UDC) text amendments related to the medical and adult-use marijuana dispensaries.

Mayor Romero asked the City Clerk to read Ordinance 11978 OPTION A and OPTION B by number and title only.

Option A - Ordinance No. 11978 – relating to Planning and Zoning; Amending the Tucson Code, Chapter 23B, Unified Development Code, Sections 4.8, 4.9, 5.6, and 11.3; relating to Marijuana Establishments and Marijuana Dispensaries; allowing Marijuana establishments in certain zones; establishing a special exception process for all Marijuana Dispensaries; and setting an effective date.

Option B - Ordinance No. 11978 – relating to Planning and Zoning; Amending the Tucson Code, Chapter 23B, Unified Development Code, Sections 4.9, 5.6, And 11.3; relating to Marijuana establishments and Marijuana Dispensaries; allowing Marijuana establishments in certain zones by right and subject to certain use-specific standards; and setting an effective date.

Mayor Romero announced the public hearing was scheduled to last for not more than one hour and speakers were limited to five-minute presentations.

Comments were made by:

Dan Gauthier	Serena Huaraque	Mohit Asnam (sp)
Tyreese Williams	Abby Michael	Steven Valencia
Michael Crawford	Roland Baker	Jim Mazzocco
Brad Starr	Samba Jardu	

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

Council Member Lee observed the different stakeholders who seemed to be on different pages come together in support of Option A. She said there was a cultivation facility in Ward 4 and depending on what was going on at the facility, there were times an odor permeated the area and sparked neighborhood conversation. This caused the community members to want a seat at the table and get involved in the process.

It was moved by Council Member Lee, duly seconded, to pass and adopt Ordinance 11978, Option A.

Council Member Kozachik acknowledged there was a hole in the state law that allowed straw applications and there was nothing that could be done at the local level. He said it would have to be resolved by the incoming administration and legislation in Phoenix. He expressed concern it was not feasible for those awarded social equity licenses to be fully operational by October 2023 and sought clarification from staff.

Koren Manning, Planning and Development Services Planning Administrator, confirmed that according to the Arizona Department of Health Services, facilities were required to be operational and open to the public by October of 2023.

Council Member Kozachik reiterated fully operational facilities would not be achievable in such a short time if social equity licensees were required to go through a special exception process. He asked whether Option A would allow for existing licensed facilities sites to expand.

Mike Rankin, City Attorney, advised, as proposed, the special exception process would be applicable if the expansion was beyond 25 percent.

Council Member Kozachik expressed concern about the City of Tucson becoming overly saturated with dispensaries and suggested a cap be implemented to protect the community from oversaturation. He said he did not think the social equity challenges that had occurred at the state level had been corrected and wanted to make sure they had public input going forward.

Council Member Cunningham asked whether any other cities had adopted a special equity licensure process.

Mr. Rankin clarified that all of the licensing decisions with respect to social equity licenses occurred at the state level rather than at a city level. He continued to explain there were a range of actions that cities across Arizona had taken. Some jurisdictions had not allowed the adult use only operation, even if the medical and dual use had been allowed. Others had implemented or conditional use permits and some jurisdictions had decided to allow these permits by-right.

Council Member Cunningham asked which jurisdictions allowed the by-right, and of those, which ones had a cap on the number of dispensaries allowed.

Ms. Manning stated the cities which allowed them by-right were El Mirage, Globe, Litchfield Park, Maricopa County, Tempe and Buckeye, Arizona. She explained each of the jurisdictions had different rules regarding setbacks and other aspects which the City of Tucson also regulated. She said she was not aware of any with caps. She pointed out Pima County was another relevant jurisdiction that allowed them through a conditional use permit, which was similar to the City of Tucson's special exception process. She said Pima County had had three dispensaries on their agenda that day, all of which had been approved. This process had taken about four months to get before the Mayor and Council. While the timeline was tight, she believed it was possible for dispensaries that wanted to locate in Tucson to go through the special exception process, if it was to be adopted.

Discussion continued.

Council Member Dahl said he would not vote for Option A because he felt Option B, as supported by the Planning Commission, was the best option. He said he felt adding a special exception process was unfair to incoming dispensaries when none of the existing dispensaries had to go through that process. He said his office had never received any complaints about dispensaries and speculated it was because they were better located in Ward 3 than in other wards. He continued that dispensaries were the most regulated



businesses in the state and cited security guards and well-lit, clean facilities as desirable attributes. He went on to say he would like to see more dispensaries in Ward 3 and suggested they could occupy some of the many empty commercial buildings. He agreed it had failed as a social equity measure but it was part of an effort to decriminalize marijuana in the state, and had been overwhelmingly supported in Tucson and Pima County, as well as himself.

Council Member Lee asked for clarification on whether the measure would impact any process already in the pipeline, if it only affected new applicants, or whether someone with an expansion in the works would also be impacted.

Ms. Manning clarified as long as materials had already been submitted to Planning and Development Services, current regulations would apply. She said they had been in contact with those current applicants to ensure they would be able to continue in the existing process.

Mayor Romero felt there had been enough discussion on the process since March and acknowledged there had been opportunity for the community and different stakeholders to provide input. She she she remained convinced Option A was best for the City of Tucson and for neighbors. She agreed the state had done a horrible job with the social equity licenses and felt special exceptions would allow them to regulate and give a voice to the neighborhood associations as to what could be developed. She said Pima County had already made their decision to use a similar process to the proposed special exception.

The motion to pass and adopt Ordinance 11978, Option A was passed by a roll call vote of 6 to 1 (Council Member Dahl dissenting),

**11. PUBLIC HEARING: (SE-13-92) WATERSHED MANAGEMENT GROUP, R-2 ZONE, SPECIAL EXCEPTION MAJOR CHANGE OF PRELIMINARY SITE PLAN, ORDINANCE ADOPTION (WARD 6) DEC20-22-346**

Mayor Romero announced City Manager's communication number 346, dated December 20, 2022, 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 no change of use from previously approved Special Exception Land Use. Watershed Management Group (WMG) wishes to continue their existing use (cultural, privately owned). Previous PDP included a new 650 SF of storage area and WMG would like this to be a 1,150 SF Learning Lab/Classroom.

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

Steve Dolan was the only speaker to speak on the item.

It was moved by Council Member Cunningham, 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 11975 by number and title only.

Ordinance No. 11975 relating to Zoning: amending conditions to Ordinance No. 11133, Adopted December 17, 2013, for a major change to a previously approved Preliminary Site Plan in the area located on the west side of Dodge Boulevard, approximately 300 feet north of Speedway Avenue in Case SE-13-92, in the R-2 zone and setting an effective date.

Council Member Kozachik said this item should not have gone through the public hearing process because some of the technicalities based on the over 25 percent use caused the expansion to through an elongated process. Watershed Management Group was an immensely popular to the Palo Verde Neighborhood and to the region.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11975.

**12. ECONOMIC INITIATIVES: NOTICE OF INTENT TO ENTER INTO PROJECT FLAG PRIMARY JOBS INCENTIVE (WARD 5) DEC20-22-347**

Mayor Romero announced City Manager's communication number 347, dated December 20, 2022, was received into and made part of the record. She asked the City Clerk to read Resolution 23558 by number and title only.

Resolution No. 23558 relating to Economic Development; Approving a Notice of Intent to enter into a Tax Incentive Development Agreement (Agreement) with Project Flag ("Project Flag") for a proposed industrial facility; making certain findings with respect to that Agreement; and adopting an Independent Economic Analysis relating to the agreement.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 23558.

**13. ECONOMIC INITIATIVES: NOTICE OF INTENT TO ENTER INTO SION PRIMARY JOBS INCENTIVE (WARD 5) DEC20-22-348**

Mayor Romero announced City Manager's communication number 348, dated December 20, 2022, was received into and made part of the record. She asked the City Clerk to read Resolution 23556 by number and title only.

Resolution No. 23556 relating to Economic Development; approving a Notice of Intent to enter into a Tax Incentive Development Agreement (Agreement) with Project Sion ("Project Sion") for expansion of its operations to 6950 S Country Club Rd, Tucson, Arizona; making certain findings with respect to that Agreement; and adopting an independent economic analysis relating to the agreement.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 23556.

**14. MAYOR AND COUNCIL: SELECTION OF VICE MAYOR (CONTINUED FROM THE DECEMBER 6, 2022 MEETING) (CITY WIDE) DEC20-22-352**

Mayor Romero announced City Manager's communication number 352, dated December 20, 2022, was received into and made part of the record. She asked the City Clerk to read Resolution 23555 by number and title only.

Resolution No. 23555 relating to the Vice Mayor of The Mayor and Council; Selecting A Vice Mayor.

Vice Mayor Santa Cruz expressed gratitude for the opportunity to serve as vice mayor and connect with other vice mayors throughout the country. She felt encouraged by the work being done in their respective cities and imagined the possibilities available to the City of Tucson. She reflected on her own hesitance to accept the title as a ceremonial one and hoped the Council would consider moving toward a more active role in the state legislature and advocate for the priorities of the Mayor and Council, extend the capacity of the role and take on priority projects.

It was moved by Vice Mayor Santa Cruz to pass and adopt Resolution 23555, naming Council Member Steve Kozachik as the next Vice Mayor for the City of Tucson.

Mayor Romero thanked Vice Mayor Santa Cruz for her service and contributions as vice mayor and looked forward to Council Member Kozachik stepping into the Vice Mayor role.

Council Member Lee thanked Vice Mayor Santa Cruz for her curiosity and innovation and looked forward to a conversation regarding the future responsibility of the vice mayor role.

Council Member Dahl was moved by the sentiments of Vice Mayor Santa Cruz and felt inspired by the qualities she described which they could all aspire to without the title of vice mayor.

The motion to pass and adopt Resolution 23555, selecting Steve Kozachik as Vice Mayor of the City of Tucson, was passed and adopted by a roll call vote of 7 to 0.



**15. ADJOURNMENT:** 9:58 p.m.

Mayor Romero announced the next regularly scheduled meeting of the Mayor and Council would be held on January 11, 2023, 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 20th day of December 2022, and do hereby certify that it is an accurate transcription.

  
\_\_\_\_\_  
DEPUTY CITY CLERK

SM:sb :yl