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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on August 22, 2023.

Date of Meeting: December 6, 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 5:48 p.m., on Tuesday, December 6, 2022, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Pro Tempore Santa Cruz and upon roll call, those present and absent were:

Present:

Lane Santa Cruz	Mayor Pro Tempore, Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Kevin Dahl	Council Member Ward 3
Nikki Lee	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5(electronic attendance)
Steve Kozachik	Council Member Ward 6

Absent/Excused:

Regina Romero	Mayor
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Staff Members Present:

Michael J. Ortega	City Manager
Michael Rankin	City Attorney
Suzanne Mesich	City Clerk

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

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

**a. INVOCATION**

The invocation was given by Reverend Eun Young Ko, First United Methodist

**b. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was presented by the entire assembly.

**c. PRESENTATIONS:**

Parks and Recreation Commission Awards were not presented and will be rescheduled.

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

Mayor Pro Tempore Santa Cruz announced City Manager's communication number 339, dated December 6, 2022, was received into and made part of the record.

Mayor Pro Tempore Santa Cruz asked if there were any personal appointments to be made.

There were none.

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

Mayor Pro Tempore Santa Cruz announced City Manager's communication number 339, dated December 6, 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 given by Mayor Pro Tempore Santa Cruz, and Council Members Cunningham, Dahl, Lee, 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 Pro Tempore Santa Cruz announced City Manager's communication number 340, dated December 6, 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**

- a. Mayor Pro Tempore Santa Cruz announced City Manager's communication number 342, dated December 6, 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. Blue Front, Ward 6  
City #98-22, Series 12  
Applicant: Kevin Arnold Kramber  
Address: 110 E. Congress St.  
Action must be taken by: December 18, 2022

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

2. Kingfisher Bar & Grill, Ward 6  
City #99-22, Series 12  
Applicant: Jacqueline Aileen Kuder  
Address: 2564 E. Grant Rd.  
Action must be taken by: December 22, 2022

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

3. Mariscos El Bochas, Ward 1  
City #100-22, Series 12  
Applicant: Rafael Quintana Lopez  
Address: 1645 W. Valencia Rd. #111  
Action must be taken by: December 12, 2022

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

4. Salsa Verde Restaurant, Ward 3  
City #101-22, Series 12  
Applicant: Edgardo Corella Elias  
Address: 3894 N. Oracle Rd.  
Action must be taken by: December 24, 2022

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

5. Agua De Vita Distillery, Ward 4  
City #102-22, Series 12  
Applicant: William James McClure  
Address: 9034 E. Camino Abril  
Action must be taken by: December 24, 2022

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

c. Special Event(s)

1. The Tucson Rodeo (La Fiesta De Los Vaqueros, Ward 5  
City #T64-22  
Applicant: Marshall C. Stewart  
Address: 4823 S. 6th Ave.  
Purpose: Fundraising  
Event Date: January 14, 2022

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

2. Tucson Rodeo Grounds (La Fiesta De Los Vaqueros), Ward 5  
City #T88-22  
Applicant: Marshall C. Stewart  
Address: 4823 S. 6th Ave.  
Purpose: Fundraising  
Event Date: January 14, 2022

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

3. Splinter Art and Community Fund (Winter Solstice Gala), Ward 1  
City #T93-22  
Applicant: Natalie Brewster Nguyen  
Address: 901 N. 13th Ave.  
Purpose: Winter Solstice Gala  
Event Date: December 21, 2022  
Written Argument: Opposed

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

4. Splinter Art and Community Fund (LGBT Karaoke), Ward 1  
City #T94-22  
Applicant: Natalie Brewster Nguyen  
Address: 901 N. 13th Ave.  
Purpose: LGBT Karaoke  
Event Date: December 26, 2022  
Written Argument: Opposed

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

- d. Agent Change/Acquisition of Control/Restructure  
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)

1. Art House Centro, Ward 1  
City #AC14-22  
Applicant: Jared Michael Repinski  
Address: 186 N. Myer Ave. #180  
Action must be taken by: December 20, 2022

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

2. Arco AM-PM, Ward 5  
City #AC15-22  
Applicant: Satnam S. Sandhu  
Address: 2450 E. Valencia Rd.  
Action must be taken by: December 23, 2022

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

It was moved by Council Member Lee, duly seconded, and carried by a voice vote of 6 to 0 (Mayor Romero absent/excused), to forward Items 5b1 through 5b5, 5c1 through 5c4 and 5d1 through 5d2 to the State Liquor Board with a recommendation for APPROVAL.

## **6. CALL TO THE AUDIENCE**

Mayor Pro Tempore Santa Cruz 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 Pro Tempore Santa Cruz 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:

Ora Douglas  
Richard Laguna  
Garrett Weaver  
Duane Ediger

Rick Rappaport  
J.P. Salvatierra  
Samantha Weherell  
Ben Morse

Kyle Snowden  
Jane Conlin  
Suzanne Schafer



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 N**

Mayor Pro Tempore Santa Cruz 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) DEC06-22-326
- b. BOARDS, COMMISSIONS AND COMMITTEES: UPDATING THE MEMBERSHIP OF THE REDISTRICTING ADVISORY COMMITTEE, AMENDING ORDINANCE 11958 (CITY WIDE) DEC06-22-345

Ordinance No. 11974 relating to the redistricting of Wards; amending the Membership of the 2022 Redistricting Advisory Committee to reflect a change in the Ward 4 appointee; making the amendment retroactive to September 27, 2022; and declaring an emergency.

- c. PARKS AND RECREATION: REQUEST TO RENAME ALAMO WASH GREENWAY AFTER FORMER MAYOR JONATHAN ROTHSCHILD (WARDS 2, 4, AND 6) DEC06-22-327

Resolution No. 23547 relating to Parks and Recreation; authorizing and approving the renaming of the Alamo Wash Greenway to the "Jonathan Rothschild Alamo Wash Greenway"; and declaring an emergency.

- d. PARKS AND RECREATION: APPROVAL OF RIGHT-OF-WAY-EASEMENT WITH DAVIS MONTHAN AIR FORCE BASE (DMAFB) FOR 100-ACRE WOOD PARK (WARD 4) DEC06-22-328

Resolution No. 23548 relating to Real Estate and Parks and Recreation; authorizing and approving the Right-Of-Way-Easement (ROWE) with Davis Monthan Air Force Base (DMAFB) and the City of Tucson (City) for the 100-Acre Wood Park Project; and declaring an emergency.

- e. PARKS AND RECREATION: APPROVING ARIZONA STATE PARKS OUTDOOR RECREATION GRANT APPLICATIONS FOR JACOBS PARK AND 100-ACRE WOOD (WARDS 3 AND 4) DEC06-22-330

Resolution No. 23552 relating to Parks and Recreation; authorizing and approving the submission of grant applications for Land and Water Conservation Fund, and Heritage Fund for Local, Regional and State Parks Grants for improvements at Jacobs Park and the 100-Acre Wood Park; and declaring an emergency.

- f. TUCSON CODE: AMENDING (CHAPTER 10) CIVIL SERVICE; ADDING SOLID WASTE EQUIPMENT OPERATOR TIER ASSIGNMENT AND AUTOMOTIVE SERVICE EXCELLENCE (ASE) CERTIFICATION PROGRAM (EGSD); AND INCREASING THE TOOL ENHANCEMENT ALLOWANCE AND CERTIFIED COMPRESSED NATURAL GAS INSPECTOR ASSIGNMENT PAY (CITY WIDE) DEC06-22-334

Ordinance No. 11972 relating to compensation plan; amending Tucson Code Chapter 10, Civil Service – Human Resources, Article II, compensation plan, Section 10-53.8, Certified Compressed Natural Gas Inspector Assignment and incentive pay program; and Section 10-53.9, Tool enhancement allowance; and adding Section 10-53.10, Solid Waste Equipment Operator Tier Assignment Program, and Section 10-53.11, certification pay for Automotive Service Excellence (ASE), establishing pay amount; setting an effective date; and declaring an emergency.

- g. PLANNING AND DEVELOPMENT SERVICES: AMENDING THE IMPACT FEE INFRASTRUCTURE IMPROVEMENT PLAN (IIP) AND LAND USE ASSUMPTIONS FOR STREETS, PARKS AND RECREATIONS, POLICE AND FIRE FACILITIES (CITY WIDE) DEC06-22-331

Resolution No. 23549 relating to Development Impact Fees; amending Exhibit 1 to Resolution 23155--Land Use Assumptions, Infrastructure Improvements Plan, and Development Impact Fee Report, adopted on March 17, 2020--by amending the Infrastructure Improvements Plan Project List for Fire Facilities, Parks and Recreational Facilities, Police Facilities and Streets Facilities for the City of Tucson; and declaring an emergency.

- h. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR INCARCERATION OF CITY PRISONERS (CITY WIDE) DEC06-22-332

Resolution No. 23553 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of an IGA between the City of Tucson (City) and Pima County for the incarceration of City Prisoners for Fiscal Year 2023 (FY23); and declaring an emergency.

- i. FINAL PLAT: (S22-022) SUNSHINE DTA, LOTS 1 AND 2 (WARD 1) DEC06-22-333

Staff recommends that 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. REAL PROPERTY: APPROVING OF A GROUND LEASE WITH SUN STATE TOWERS IV, LLC PUBLIC SAFETY TRAINING ACADEMY, RP 1884, WIRELESS COMMUNICATION FACILITY (WARD 4) DEC06-22-335

Ordinance No. 11971 relating to real property; authorizing and approving the Ground Lease between Sun State Towers IV, LLC and the City of Tucson (City) for a telecommunication facility located at the Public Safety Training Academy; and declaring an emergency.

- k. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR NATIONAL SEXUAL ASSAULT KIT INITIATIVE GRANT PROGRAM (CITY WIDE) DEC06-22-337

Resolution No. 23550 relating to Grants; approving and authorizing an Amendment to the Intergovernmental Agreement (IGA) with Pima County Regarding National Sexual Assault Kit Initiative (SAKI) funding; providing additional funding to City and extending term; and declaring an emergency.

- l. PLAN ADOPTION: 2022 PIMA COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN (CITY WIDE) DEC06-22-336

Resolution No. 23551 relating to Emergency Management; adopting the 2022 Pima County Multi-Jurisdictional Hazard Mitigation Plan as the official City of Tucson Hazard Mitigation Plan; and declaring an emergency.

- m. INTERGOVERNMENTAL AGREEMENT (IGA) FOR COMMERCIAL REFUSE AND RECYCLING SERVICES BETWEEN THE CITY OF TUCSON AND THE VAIL SCHOOL DISTRICT (WARDS 4 AND 5) DEC06-22-343

Resolution No. 23554 relating to Environmental Services; authorizing and approving the agreement between the City of Tucson (City) and Vail School District (District) for Solid Waste and Recycling Services for facilities located within City boundaries for the district; setting an effective date; and declaring an emergency.

- n. AMENDMENT TO THE COMPENSATION PLAN FOR PUBLIC SAFETY PAY SCHEDULES (POLICE, EXEMPT & NON-EXEMPT, AND FIRE EXEMPT) AND ADOPTION OF 10-31 (8) AUTHORITY TO EXCEED THE MAXIMUM RATE OF PAY OF ADOPTED COMPENSATION SALARY SCHEDULES (CITY WIDE) DEC06-22-344

Ordinance No. 11973 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service - Human Resources, Article II, Compensation Plan, Section 10-31; amending Ordinance No. 11935 to approve the revised compensation schedules to modify the Commissioned Police Officers (Non-Exempt) schedule, the Commissioned Police Command (Exempt) schedule, and the Commissioned Fire



Command schedule for market rate pay Increases; and amending the Tucson Code by adding a new Section 10-31(8)-authorizing pay rates to exceed the maximum rates in adopted compensation salary schedules; otherwise reaffirming the provisions of Ordinance No. 11935; setting an effective date; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by roll call vote of 6 to 0 (Mayor Romero absent/excused), that Consent Agenda Items a – n, be passed and adopted and the proper action taken.

**8. PUBLIC HEARING: 2022 Ward Redistricting (City Wide) DEC06-22-329**

Mayor Pro Tempore Santa Cruz announced City Manager's communication number 329, dated December 6, 2022, was received into and made part of the record. She announced this was the time and place legally advertised for a public hearing on the recommendation by the 2022 Redistricting Advisory Committee.

Mayor Pro Tempore Santa Cruz said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. She asked if there was anyone wishing to be heard on the item.

Comments were made by:

Diana Lett  
Scott Egan  
Trish Muir

Patrick McKenna  
Glenda Avalos  
Miguel Ortega

J.P. Salvatierra

It was moved by Council Member Dahl, duly seconded, and carried by a voice vote of 6 to 0 (Mayor Romero absent/excused), to continue the public hearing to December 20, 2022.

Mike Rankin, City Attorney, explained that with the motion to continue the public hearing, the item would return on December 20, 2022, for consideration, it only kept the public hearing open to give the public another opportunity to speak before the Mayor and Council took action. He said if there was direction for staff at this time in terms of what Ordinance to bring back for consideration, that should be given at this time.

Discussion ensued regarding Map 2c with an amendment to the vacant State land in Precinct 275 currently located in Ward 4. For continuity, it was requested that that piece of land remain in Ward 4 instead of moving to Ward 5 as noted on proposed Map 2c. It was also requested the Map 2c be updated with this information to have as a visual.

Mayor Pro Tempore Santa Cruz stated her preference was to go with Map 2d with the amendment only because 2c kept the MPD over 9% and 2d was closer to the deviation and keeps Ward 1 with a higher population. She asked that 2d also be considered.

Mr. Rankin suggested that the Mayor and Council limit their options to Maps 2c and 2d for consideration at the December 20, 2022, to include the amendment to Precinct 275.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Mayor Romero absent/excused), to bring back Maps 2c and 2d with the amendment to Precinct 275 for consideration.

**9. ZONING: (C9-22-07) CAP STORAGE FACILITY – WILMOT ROAD, C-1 AND P TO C-2, CITY MANAGER'S REPORT (WARD 6) DEC06-22-338**

Mayor Pro Tempore Santa Cruz announced City Manager's communication number 338, dated December 6, 2022, was received into and made part of the record. She also announced that this was a request by Lazarus & Silvyn, P.C., on behalf of the developer/applicant CAP Storage Development, L.L.C., to rezone approximately 1.6 acres near the northwest corner of Wilmot Road and 14<sup>th</sup> Street to Zone C-2.

Mayor Pro Tempore Santa Cruz noted staff recommended authorization of C-2 zoning subject to certain conditions and the Zoning Examiner recommended authorization of C-2 zoning subject to the recommended conditions.

Mayor Pro Tempore Santa Cruz asked if the applicant was present and agreeable to the proposed requirements.

Rory J. Juneman, Lazarus & Silvyn, P.C., representing the property owner and the developer, affirmed they were in agreement with the proposed requirements.

Council Member Kozachik said he was in support of the rezoning, but his principle objections were not so much with the new use or issues related to the site, but with the problems that existed at the intersection of Wilmington Park Place Drive, where there was a confluence of bikes, pedestrians, deceleration lanes, left-hand turn lanes and signalized traffic crossings, and the staff proposal for a red arrow for east to south turns out of the mall with some associated signage. He stated that the project did not have a significant effect on that intersection, as it generated fewer than twenty-five trips. He expressed concern that staff's proposal did not fully address the existing conditions.

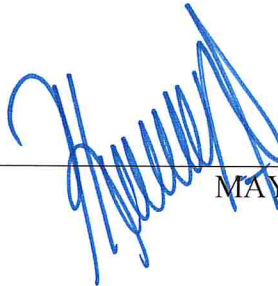
It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 6 to 0 (Mayor Romero absent/excused), to authorize the request for zoning with the proposed conditions and the request made by Ward 6 to meet the developer and staff at the location for further discussion.

**10. MAYOR AND COUNCIL: SELECTION OF VICE MAYOR (CITY WIDE) DEC06-22-329**

This item was continued to the Mayor and Council meeting of December 20, 2022, at the request of Mayor Romero.

11. **ADJOURNMENT:** 7:25 p.m.

Mayor Pro Tempore Santa Cruz announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, December 20, 2022, at or after 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

  
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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 6th day of December 2022, and do hereby certify that it is an accurate transcription.

  
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DEPUTY CITY CLERK

SM:rh:yl