

Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 18, 2022.

Date of Meeting: February 8, 2022

MEETING NOTE: Due to the impacts of the COVID-19 pandemic, which prompted declarations of a public health emergency at the local, state and federal levels, this meeting was conducted using measures to protect public health. This meeting was held remotely through technological means, as permitted under Arizona law.

The Mayor and Council of the City of Tucson met in regular session remotely through Microsoft Teams at 5:57 p.m., on Tuesday, February 8, 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
Kevin Dahl
Nikki Lee
Richard G. Fimbres
Steve Kozachik

Vice Mayor, Council Member Ward 1
Council Member Ward 2 (arrived at 6:10 p.m.)
Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6

Absent/Excused:

None

Staff Members Present:

Michael J. Ortega
Michael Rankin
Suzanne Mesich

City Manager
City Attorney
City Clerk

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

a. INVOCATION

The invocation was given by Ana Marrufo, Management Assistant, City Clerk's Office.

b. PLEDGE OF ALLEGIANCE

c. PRESENTATIONS:

There were no presentations made at this time.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Romero announced City Manager's communication number 40, dated February 8, 2022, was received into and made part of the record. She asked if there were any personal appointments to be made.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Cunningham absent/excused), to approve the appointment Felix Lawrence and Robert Clark to the Public Art and Community Design Committee (PACDC).

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

There were no personal appointments made.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Romero announced City Manager's communication number 28, dated February 8, 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 submitted by Mayor Romero, Vice Mayor Santa Cruz and Council Member Fimbres.

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

(NOTE: Council Member Cunningham arrived at 6:10 p.m.)

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

Mayor Romero announced City Manager's communication number 29, dated December 7, 2021, 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 30, dated February 8, 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: There are no application(s) for new licenses scheduled for this meeting.

Person and 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)

1. Food City #171, Ward 5
City #102-21 Series: 9
Agent: Michael Joseph Basha
Address: 2000 E. Irvington Rd.
Action must be taken by: February 8, 2022
2. Food City #165, Ward 1
City #103-21 Series: 9
Agent: Michael Joseph Basha
Address: 428 W. Valencia Rd.
Action must be taken by: February 8, 2022
3. Food City #69, Ward 3
City #104-21 Series: 9
Agent: Michael Joseph Basha
Address: 3923 N. Flowing Wells Rd.
Action must be taken by: February 8, 2022

4. Food City #133, Ward 5
City #105-21 Series: 9
Agent: Michael Joseph Basha
Address: 3030 E. 22nd St.
Action must be taken by: February 8, 2022
5. Food City #136, Ward 1
City #106-21 Series: 9
Agent: Michael Joseph Basha
Address: 1225 W. Saint Marys Rd.
Action must be taken by: February 8, 2022
6. Food City #139, Ward 1
City #107-21 Series: 9
Agent: Michael Joseph Basha
Address: 1740 W. Ajo Way
Action must be taken by: February 8, 2022
7. Food City #156, Ward 1
City #108-21 Series: 9
Agent: Michael Joseph Basha
Address: 1221 W. Irvington Rd.
Action must be taken by: February 8, 2022
8. Basha's #100, Ward 3
City #109-21 Series: 9
Agent: Michael Joseph Basha
Address: 3275 N. Swan Rd.
Action must be taken by: February 8, 2022

c. Special Event(s)

1. Tucson Girls Chorus, Ward 3
City #T44-21
Agent: Marcela Molina
Address: 3800 E. River Rd.
Date: April 3, 2022
Purpose: Fundraiser for Tucson Girls Chorus
2. The University of Arizona Foundation, Ward 6
City #T2-22
Agent: Lisa Valentine
Address: 1303 E. University Blvd.
Date of Event: February 19, 2022
Purpose: 100th Anniversary of Arizona Bobcats Senior Honorary Alumni Group

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. AC1-22 Izumi, Ward 6
City #AC1-22 Series: 12
Agent: Jae Suk Park
Address: 3655 E. Speedway Blvd.
Action must be taken by: February 9, 2022

It was moved by Council Member Kozachik, duly seconded and carried by a voice vote of 7 to 0, to forward Items 5b1 through 5b8, 5c1 through 5c2, and 5d1, to the State Liquor Board with a recommendation of 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:

Lisa Polito

Ashley Edgette

Sandie Hinojos

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 E

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. FINAL PLAT: (S21-058) MY PLACE AT THE LANDING, LOTS 12A AND 12B (WARD 1) FEB08-22-31

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.

- b. MEMORANDUM OF UNDERSTANDING: WITH PIMA ASSOCIATION OF GOVERNMENTS OF PIMA COUNTY FOR REGIONAL TRAFFIC SIGNAL PROGRAM EQUIPMENT (WARD 5) FEB08-22-36

Resolution No. 23437 Relating to Memoranda of Understandings (MOUS) and Transportation; Authorizing and Approving an MOU Between The Pima Association of Governments (PAG) and The City of Tucson (City) for The Regional Traffic Signal Program and Equipment; and Declaring an Emergency.

- c. TRANSPORTATION AND MOBILITY: RATIFYING THE UTILITY ADMINISTRATIVE MANUAL AND AFFIRMING THE DIRECTOR OF TRANSPORTATION AND MOBILITY TO MANAGE AND COORDINATE UTILITY INFRASTRUCTURE ACTIVITY (CITY WIDE) FEB08-22-42

Resolution No. 23438 relating to Transportation and Mobility; ratifying the Utility Administrative Manual (The "Manual") and providing additional authority for the Director of the Department of Transportation and Mobility (DTM), or their designee, to manage and regulate utility infrastructure within City Right of Way (ROW) in coordination with City interests; and declaring an emergency

- d. GRANTS: GRANT-IN-AID AGREEMENT WITH TOHONO O'ODHAM NATION FOR VARIOUS PROJECTS (CITY WIDE) FEB08-22-32

Resolution No. 23436 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.

- e. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY SUPERIOR COURT AND PIMA COUNTY CONSOLIDATED JUSTICE COURT FOR THE PROVISION OF TWICE-A-DAY INITIAL APPEARANCES (CITY WIDE) FEB08-22-44

Resolution No. 23439 relating to Intergovernmental Agreements (IGA's); approving and authorizing the execution of an IGA between the Arizona Superior Court in Pima County, Tucson City Court, Pima County Consolidated Justice Court, Pima County, and the City of Tucson (City) regarding initial appearances.

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

8. PUBLIC HEARING: ZONING (C9-81-45) BUENA VISTA PROPERTIES – 36TH AND LA CHOLLA, MH-1, CHANGE OF CONDITIONS, ORDINANCE ADOPTION (WARD 1) FEB08-22-35

Mayor Romero announced City Manager's communication number 35, dated February 8, 2022, was received into and made part of the record. She said this was the time and place legally advertised for a public hearing on a request to consider a change of condition to Ordinance 5653 for the property located at 2980 S. La Cholla Boulevard, which is subject to a restriction requiring a minimum lot size of 36,000 square feet and a maximum of two single family residences (mobile homes or conventional units) or one duplex per lot. The condition originated as part of the annexing of the Hiram Banks Annexation District in 1979.

Mayor Romero also announced staff wanted to make a brief presentation before beginning the public hearing.

Presentation was made by Scott Clark, Planning and Development Department Director.

Mike Rankin, City Attorney, read into the record the following revised condition, Condition #7, to address the issue on Affordable Housing and to read as follows:

1) The number of lots in the Project shall not exceed a total of 137, subject however to the additional condition that 14 of those 137 lots shall be restricted in perpetuity for development and use as affordable housing. The 14 lots that are restricted to this use shall be disbursed throughout the community and not concentrated in one area; although they will be separated from the area that the home developer designates for the model/sales home area for the Project,

2) To satisfy this condition, the developer can either develop the 14 lots as affordable housing; or can provide for the development of the 14 lots as affordable housing by transferring those lots to the City or the City's designee for that purpose under mutually negotiated and agreed upon terms ("Agreement"). The Agreement would include requirements for design to ensure that the affordable housing units will be designed and built to blend in with the balance of the Project. In the absence of this Agreement, the number of lots in the Project shall not exceed 123, unless the developer separately develops and restricts the additional 14 lots as affordable housing, and

3) For the purposes of this condition, "affordable housing" means affordability for households making between 80-120% of Area Median Income (AMI).

Information and presentation were also provided by Keri Silvn, Lazarys & Silvyn, P.C., representing the property owner, Buena Vista Properties 2000, LLC.

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:

Kamren Taravati	Dale Warner	Paul Eckerstrom
Marta Lynne	Carolyn Campbell	Ed Hendel
Steve Dolan	Betty Villegas	Yvonne Reineke
Kristin Eberhardt	Joan Warfield	Beryl Baker
Abreeza Zegeer	Gary Gibson	Liz Soltero
Glenda Avalos	Fermin Rivera	Korey Schultz.

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 11905 by number and title only.

Ordinance No. 11905 relating to Zoning: amending zoning conditions for property zoned MH-1 located at 2980 S. La Cholla Boulevard in rezoning case C9-81-45, Hiram Banks (C9-81-45c Buena Vista Properties – 36th And La Cholla); and setting an effective date.

Discussion was held.

It was moved by Vice Mayor Santa Cruz, duly seconded, and passed by a roll call vote of 5 to 2 (Council Members Dahl and Kozachik dissenting), to pass and adopt Ordinance 11905 and approve the request as presented, with the revised Condition #7 read into the record by the City Attorney.

9. PUBLIC HEARING: ZONING (C14-21-02) STREET NAME REQUEST – SOUTH MELCHIZEDEK COURT, CITY MANAGER’S REPORT, ORDINANCE ADOPTION (WARD 1) FEB08-22-38

Mayor Romero announced City Manager's communication number 38, dated February 8, 2022, was received into and made part of the record. She said this was a time and place legally advertised for a public hearing on approving a street name change from South Jackie Circle to South Melchizedek Court.

Mayor Romero 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 speak on the item.

There was no one.

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 11907 by number and title only.

Ordinance No. 11907 relating to Streets; approving street name change from, "South Jackie Circle" as shown on the final plat for Adobe Vista to "South Melchizedek Court"; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11907.

10. PUBLIC HEARING: ZONING (C9-21-17) BRAKE MASTERS – GRANT ROAD, C-1 TO C-2, CITY MANAGER'S REPORT (WARD 6) FEB08-22-46

Mayor Romero announced City Manager's communication number 46, dated February 8, 2022, was received into and made part of the record. She said this was the time and place legally advertised for a public hearing to rezone approximately 0.3 acres from C-1 to C-2 zoning, located on the south side of Grant Road, west of Swan Road. The preliminary development package proposes demolition of a former vehicle inspection facility along with two residential homes, and construction of a new auto service repair structure, with use classified as automotive service and repair major.

Mayor Romero 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 speak on the item.

There was no one.

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

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, authorize the request for rezoning as recommended by the Zoning Examiner with the proposed conditions.

11. PUBLIC HEARING: HOME-ARP ALLOCATION PLAN, REVISIONS TO THE TUCSON/PIMA COUNTY CITIZEN PARTICIPATION PLAN, AND PROPOSED INCREASES TO THE HOME PROGRAM HOMEOWNERSHIP VALUE LIMIT (CITY WIDE) FEB08-22-39

Mayor Romero announced City Manager's communication number 39, dated February 8, 2022, was received into and made part of the record. She said this was the time and place legally advertised for a public hearing on the Home-ARP Allocation plan. The City of Tucson is a recipient of federal entitlement grant funds from the United States Department of Housing and Urban Development (HUD) and is required to maintain a Citizen Participation Plan and published HOME Investment Partnership (HOME Program) Homeownership Value Limits.

Mayor Romero 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 speak on the item.

There was no one.

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

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to approve the Plan.

12. ZONING: (C9-21-21) MEDICAL SQUARE PLANNED AREA DEVELOPMENT, R-2, TO PLANNED AREA DEVELOPMENT, CITY MANAGER'S REPORT, ORDINANCE ADOPTION (WARD 6) FEB08-22-37

Mayor Romero announced City Manager's communication number 37, dated February 8, 2022, was received into and made part of the record. She said this was a request to rezone approximately 5.84 acres from R-2 to PAD zoning located on N. Tucson Blvd between E. Adams St and E. Elm St. The proposed PAD zoning will codify existing uses and structures to bring the property in conformance with the Unified Development Code (UDC). The PAD will also add some medical-related personal service uses (e.g., massage therapy) that fit within the property's current medical office uses and no new development was proposed.

Mayor Romero asked if the applicant or representative were present and agreeable to the proposed requirements.

Rory Juneman and Robin Large of Lazarus & Silvyn, P.C., on behalf of the property owner, Kym Klieman and the Medical Square Owners Association were presented and stated they were agreeable to the proposed requirements.

Mayor Romero asked the City Clerk to read Ordinance 11906 by number and title only.

Ordinance No. 11906 relating to Zoning: amending zoning boundaries in the area located in an area bounded by N Tucson Blvd to the east, N Norton Ave to the west, E Adams St to the south, and E Elm St to the north in case C9-21-21, Medical Square Planned Area Development, R-2 to PAD-44; and setting an effective date.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request for rezoning as recommended by the Zoning Examiner and pass and adopt Ordinance 11906.

13. ZONING: (C9-21-22) JOESLER – LOERPABEL HOUSE HL – 306 NORTH LONGFELLOW AVENUE, R-1 TO HLR-1, CITY MANAGER'S REPORT, ORDINANCE ADOPTION (WARD 6) FEB08-22-41

Mayor Romero announced City Manager's communication number 41, dated February 8, 2022, was received into and made part of the record. She said this was a request to designate the Joesler–Loerpabel House at 306 N. Longfellow Avenue as an Historic Landmark changing the zoning from R-1 to HLR-1 zoning. The rezoning site is located approximately east of Alvernon Way and south of E. 5th Street. There is no proposed development associated with the Historic Landmark designation proposal.

Mayor Romero asked if the applicant or representative were present and agreeable to the proposed requirements.

Demion Clinco, Tucson Historic Preservation Foundation on behalf of the new property owner, Benjamin and Sara Fortna, was present and stated they were agreeable to the proposed requirements.

Mayor Romero asked the City Clerk to read Ordinance 11908 by number and title only.

Ordinance No. 11908 relating to Zoning: amending zoning district boundaries in the area located approximately 670 feet east of Alvernon Way and 1,258 feet south of E. 5th Street at 306 N. Longfellow Avenue, in case C9-21-22, Joesler - Loerpabel House Historic Landmark, R-1 to HLR-1; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request for rezoning as recommended by the Zoning Examiner and pass and adopt Ordinance 11908.

14. ZONING: (C9-21-16) PANTANO RIVER PLANNED COMMUNITY – VALENCIA ROAD, SR AND I-2 TO R-2, CITY MANAGER'S REPORT (WARD 4) FEB09-22-43

Mayor Romero announced City Manager's communication number 43, dated February 8, 2022, was received into and made part of the record. She said this was a request to rezone approximately 246 acres from SR and I-2 to R-2 zoning located south of the Valencia Road alignment on both sides of the Pantano Wash, approximately 2 miles east of Houghton Road. The City limits run along the Property's eastern boundary and a portion of the northern boundary.

Mayor Romero said the Zoning Examiner and Staff recommend authorization of R-2 zoning subject to conditions. She asked if the applicant or representative were present and agreeable to the proposed requirements.

Lexy Wellott, The Planning Center, on behalf of the owner, CalPortland Company was present and stated they were agreeable to the proposed requirements.

It was moved by Council Member Lee, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request for rezoning as recommended by the Zoning Examiner.

15. CITY MAGISTRATE: APPOINTMENT OF CITY MAGISTRATE AND FIXING COMPENSATION (CITY WIDE) FEB08-22-45

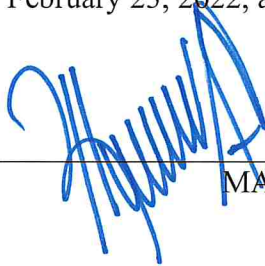
Mayor Romero announced City Manager's communication number 45, dated February 8, 2022, was received into and made part of the record. She asked the City Clerk to read Ordinance 11909 by number and title only.

Ordinance No. 11909 relating to City Magistrates; appointing a City Magistrate of the City of Tucson to fill a vacancy resulting from the retirement of Judge Thomas J. Berning; fixing compensation; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and PASSED by a roll call vote of 7 to 0, to pass and adopt Ordinance 11909, appointing Ryan Bleau as City Magistrate to fill the vacancy from the retirement of Judge Thomas J. Berning.

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

Mayor Romero announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, February 23, 2022, at or after 5:30 p.m.



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 8th day of February 2022, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

SM:yl

