



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on November 14, 2022.

Date of Meeting: February 23, 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 5:34 p.m., on Wednesday, February 23, 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:

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
Steve Kozachik	Council Member Ward 6

Absent/Excused:

Lane Santa Cruz	Vice Mayor, Council Member Ward 1
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Staff Members Present:

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

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

a. INVOCATION

The invocation was given by Pastor Otis Brown Jr. of the Siloam Christian Church.

b. PLEDGE OF ALLEGIANCE

c. PRESENTATIONS:

1. Mayor Romero proclaimed February 20 to February 26, 2022, to be "National Engineers Week."
2. Mayor Romero read a Proclamation honoring the Crew of the USS Tucson.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Romero announced City Manager's communication number 52, dated February 23, 2022, was received into and made part of the record.

It was moved by Council Member Kozachik, duly seconded, and CARRIED by a voice vote of 6 to 0 (Vice Mayor Santa Cruz absent/excused), to approve the appointments of Grace Schau to the Design Review Board (DRB); and Mary Lou Fragomeni Nuttall to the Fort Lowell Historic Zone Advisory Board (FLHZAB); and Margot W. Garcia and Michael Herrier to the Environmental Services Advisory Committee (ESAC).

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 47, dated February 23, 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 and Council Members Cunningham, Dahl, Lee, 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 47, dated February 23, 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.

No report was given

5. LIQUOR LICENSE APPLICATIONS

Mayor Romero announced City Manager's communication number 49, dated February 23, 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. Dashmart, Ward 6
City 3-22, Series 10
Agent: Andrea Dahlman Lewkowitz
Location: 3981 E. Grant Rd.
Action must be taken by: March 12, 2022

(This item was considered separately by Council Member Kozachik.)

2. Tucson Golden Corral, Ward 1
City 4-22, Series 12
Agent: 6385 S. Midvale Park Rd.
Location: Jeffrey Scott Schaufel
Action must be taken by: March 18, 2022
3. Tucson Golden Corral, Ward 6
City 5-22, Series 12
Agent: Jeffrey Scott Schaufel
Location: 4380 E. 22nd St.
Action must be taken by: March 19, 2022

c. Special Event(s)

1. St. Patrick's Day Parade of Tucson, Inc., Ward 6
City T3-22
Applicant: Brandi Haga-Blackman
Location: 220 S. 6th Ave.
Date of Event: March 12, 2022
Purpose: Tucson St. Patrick's Day Parade & Festival
2. Living Streets Alliance, Ward 6
City T4-22
Applicant: Patricia Marie Schwartz
Location: 485 S. Stone Ave.
Date of Event: March 27, 2022
Purpose: Fundraising for Living Streets Alliance & Cyclovia
3. Big Brothers Big Sisters of Southern Arizona, Ward 4
City T6-22
Applicant: Veronica Saiz
Location: 8155 E Poinciana Dr.
Date of Event: March 4, 2022 - March 5, 2022
Purpose: Fundraising

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. Tucson Indoor Sports Center, Ward 3
City AC2-22, Series 12
Agent: Brian Vincent Hillegonds
Location: 1065 W. Grant Rd.
Action must be taken by: March 10, 2022

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0, to forward Items 5b2 and 5b3, 5c1 through 5c3, and 5d1 to the State Liquor Board with a recommendation of approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

1. Dashmart, Ward 6
City 3-22, Series 10
Agent: Andrea Dahlman Lewkowitz
Location: 3981 E. Grant Rd.
Action must be taken by: March 12, 2022

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Santa Cruz absent/excused), to forward Item 5b1 to the State Liquor Board with a recommendation of denial.

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 Abreeza Zegeer.

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 I

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. CITY VEHICLES: EXEMPTION OF CERTAIN CITY VEHICLES FROM BEARING IDENTIFYING MARKINGS (CITY WIDE) FEB23-22-54

Resolution No. 23443 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, 2022, through and including February 27, 2023, and declaring an emergency.

b. BOARDS, COMMITTEES, AND COMMISSIONS: INCREASING THE MEMBERSHIP OF THE METROPOLITAN EDUCATION COMMISSION FEB23-22-62

Resolution No. 23447 relating to boards and commissions; amending The Metropolitan Education Commission to increase membership from 34 members to 39 members, so as to increase the diversity and ensure input from the LGBTQ+ community, early childhood education, the Joint-Technical Education District, a Community College student, and a University student; and declaring an emergency.

- c. FINAL PLAT: (S21-011) BLOCK PLAT FOR COVENTRY ESTATES, LOTS 1 AND 2 (WARD 1) FEB23-22-60

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.

- d. FINAL PLAT: (S21-041) FONTANA DAVILA SUBDIVISION, LOTS 1 THROUGH 3 (WARD 5) FEB23-22-61

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.

- e. REAL PROPERTY: ACQUISITION OF PROPERTY FOR CONSTRUCTION OF NEW FIRE STATION 14 (WARD 5) FEB23-22-50

Resolution No. 23440 relating to Real Estate and the Tucson Fire Department; authorizing and approving the acquisition of two parcels owned by the Sunnyside School District located on the west side of South Nogales Highway, north of East Drexel Road (the "Property"), by the City of Tucson for the purposes of constructing a new Fire Station 14; and declaring an emergency.

- f. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA FOR OPERATION AND MAINTENANCE OF ELECTRICAL FACILITIES (CITY WIDE) FEB23-22-58

Resolution No. 23444 relating to Intergovernmental Agreements (IGA) and transportation; authorizing and approving an IGA between The State of Arizona Department of Transportation (ADOT) and The City of Tucson (City) for the operation and/or maintenance of electrical facilities within city streets intersecting The State highway system, and along state highway frontage roads, and crossroads; and declaring an emergency.

- g. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA BOARD OF REGENTS FOR AND ON BEHALF OF ARIZONA STATE UNIVERSITY FOR GENERAL FUND AWARD (CITY WIDE) FEB23-22-57

Resolution No. 23446 relating to Intergovernmental Agreements (IGA) and Housing and Community Development; authorizing and approving the execution of an IGA between the City of Tucson (City) and Arizona Board of Regents on behalf of Arizona State University (ASU) to administer health and wellness services for Public Housing residents at The Tucson House under the people, communities, and Homes Investment Plan (P-Chip) Grant Program; and declaring an emergency.

- h. TUCSON CODE: AMENDING (CHAPTER 10) FISCAL YEAR 2022 COMPENSATION PLAN SCHEDULES (CITY WIDE) FEB23-22-55

Ordinance No. 11910 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service - Human Resources, Article II, Compensation Plan, Section 10-31, amending Ordinance No. 11848 to approve a supplement to the compensation schedules B-1, B-2, D, and E, implementing market rate data at the classification level; to approve compensation schedule F, non-permanent classifications to increase minimum wage; otherwise reaffirming the provisions of Ordinance No. 11848; setting effective dates; and declaring an emergency.

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

- i. TUCSON CODE: AMENDING CERTAIN TUCSON CODE PROVISIONS TO ALIGN WITH THE APPROVED TPOA LABOR AGREEMENT; BY AMENDING SECTION 10-33.1 RELATING TO PROFICIENCY PAY FOR COMMISSIONED POLICE PERSONNEL CERTIFIED AS BILINGUAL USERS OF AMERICAN SIGN LANGUAGE (ASL) OR SPANISH; SECTION 22-90(4) RELATING TO MILITARY LEAVE; AND SECTION 22-94 RELATING TO CONDITIONS FOR ANNUAL SICK LEAVE PAYMENT TO POLICE DEPARTMENT COMMISSIONED PERSONNEL (CITY WIDE) FEB23-22-56

Ordinance No. 11911 relating to Leave and other Benefits; the Tucson Code, Chapter 22, Pensions, Retirement, Group Insurance, Leave Benefits and other Insurance Benefits, Article V, Leave Benefit Plan; amending Section 22-90(4) Military leave, and Section 22-94 Conditions for annual sick leave payment to police department commissioned personnel, setting an effective date; and declaring an emergency.

Ordinance No. 11912 relating to Compensation Plan; amending Tucson Code Chapter 10, Civil Service – Human Resources, Article II, Compensation Plan, Section 10-33.1, Proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish, establishing pay amount; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Santa Cruz absent/ excused), that Consent Agenda Items a – i, with the exception of Item h, which was considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEMS A THROUGH I

h. TUCSON CODE: AMENDING (CHAPTER 10) FISCAL YEAR 2022 COMPENSATION PLAN SCHEDULES (CITY WIDE) FEB23-22-55

Ordinance No. 11910 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service - Human Resources, Article II, Compensation Plan, Section 10-31, amending Ordinance No. 11848 to approve a supplement to the compensation schedules B-1, B-2, D, and E, implementing market rate data at the classification level; to approve compensation schedule F, non-permanent classifications to increase minimum wage; otherwise reaffirming the provisions of Ordinance No. 11848; setting effective dates; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Santa Cruz absent/ excused), that Consent Agenda Item 7h, be passed and adopted and the proper action taken.

8. PUBLIC HEARING: SANTA CRUZ AREA PLAN AMENDMENT (PA-21-01), 1511 WEST VALENCIA ROAD, TO ALLOW COMMERCIAL USES (WARD 1) FEB23-22-63

Mayor Romero announced City Manager's communication number 63, dated February 23, 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 a proposed amendment to the Santa Cruz Area Plan (SCAP) to change the land use designation on the subject parcel from Office/High Density Residential Uses to Commercial. She said the change in land use designation would allow residential, office and commercial uses.

Mayor Romero asked if staff wanted to make a presentation before opening the public hearing.

Scott Clark, Planning and Development Services Department Director, explained this was a concurrent plan amendment and rezoning and would result in a change in land use designation for about 4.88 acres from office to commercial and the subsequent action the Mayor and Council takes will be rezoning to allow a commercial use to occur.

Mayor Romero announced 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 in the audience wishing to speak.

There was no one.

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

Mayor Romero asked the City Clerk to read Resolution 23445 by number and title only.

Resolution No. 23445 relating to planning and zoning: amending the Santa Cruz Area Plan (Scap), Key Parcel 4, Land Use Map 3 – Pa-21-01, amendment site located at 1511 W. Valencia Road near the Southeast Corner of Midvale Park Road and Valencia Road – change land use intensity designation from office/high density residential to commercial uses; and setting an effective date.

Council Member Lee shared some comments on behalf of Vice Mayor Santa Cruz. She said the applicant reached out to the leadership of the Sunnyside Neighborhood Association, Midvale Park Neighborhood Association and the management of the office park north of Valencia prior to the neighborhood meeting to discuss the project. She said the team held neighborhood meetings on July 8th virtually and included the Tucson Police Department in the notification at the request of the neighborhood association leadership. The meeting attendees included applicant representatives, PDSD staff and two representatives of TPD. No neighbors or adjacent property owner attended.

Council Member Lee said that most of the conversation was about how to design the uses to be safe and secure and willingness for the users and TPD to work together on that issue as the project progressed. She said the applicant continued to work with both neighborhood association leaders who were supportive of both the Plan Amendment and the Rezoning. The Sunnyside Neighborhood Association leader worked with the applicant on a limitation noted on the PDP for the rezoning that did not permit alcohol sales through the drive-through window of the restaurant.

9. ZONING: (C9-21-19) CENTERPOINTE - VALENCIA AND MIDVALE, O-3 AND C-1 TO C-2, CITY MANAGER'S REPORT (WARD 1) FEB23-22-59

Mayor Romero announced City Manager's communication number 59, dated February 23, 2022, was received into and made part of the record. She said this was a request to rezone approximately 1.7 acres from O-3 and C-1 to C-2 zoning. The applicant intends to develop a drive-through restaurant and self-service car wash on the northern 1.7 acres of a larger 4.88-acre parcel located at 1511 W. Valencia Road.

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

Robin Large, Planner with Lazarus & Silvyn, P.C., representing Centre Point Development was presented and stated they were agreeable with the proposed requirements.

It was moved by Council Member Lee, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Santa Cruz absent/ excused), to authorize the request for rezoning as recommended by the Zoning Examiner.

10. CITY ADMINISTRATION: APPROVING THE APPOINTMENT OF SHARON MCDONOUGH AS THE PUBLIC SAFETY COMMUNICATIONS DEPARTMENT DIRECTOR (CITY WIDE) FEB23-22-63

Mayor Romero announced City Manager's communication number 63, dated February 23, 2022, was received into and made part of the record. She asked the City Clerk to read Ordinance 11913 by number and title only.

Ordinance No. 11913 relating to The Department of Public Safety Communications; approving the appointment of Sharon McDonough as the Director of the Department of Public Safety Communications and fixing compensation; setting an effective date and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Santa Cruz absent/ excused), to pass and adopt Ordinance 11913.

11. ECONOMIC DEVELOPMENT: APPROVAL OF PRIMARY JOBS INCENTIVE DEVELOPMENT AGREEMENT WITH PROJECT PENNY (WARD 5) FEB23-22-51

Mayor Romero announced City Manager's communication number 51, dated February 23, 2022, was received into and made part of the record. She asked the City Clerk to read Resolution 23441 by number and title only.

Resolution No. 23441 relating to Economic Development Incentives; authorizing and approving the Primary Jobs Incentive Development Agreement between the City of Tucson (The "City") and Skywest Airlines, Inc., a Utah Corporation (the "Company") for expansion of its operations by constructing an Aircraft Maintenance Hanger at Tucson International Airport, Tucson, Arizona (the "Property").

Barbra Coffee, Economic Initiatives Department Director, gave a brief explanation of the project. She said the project would bring 50 new jobs; 30 of which relate to the City's Primary Job Incentive, paying in excessive of \$54,932/year and must be retained for three years.

Mike Rankin, City Attorney, stated he had a correction to the agreement he wanted to be read into the record. He said it was in section 2.3.5 relating to new job requirements, will be revised to establish the requirement of 30 new jobs through the term of the agreement, not 25 as stated in the Resolution.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Santa Cruz absent/ excused), to pass and adopt Resolution 23441.

12. **ESTABLISHING TRUTH IN TAXATION POLICY AND INDEPENDENT OVERSIGHT AND ACCOUNTABILITY FOR 2022 CHARTER AMENDMENT/PROPOSITION 411 (CITY WIDE) FEB23-22-65**

Mayor Romero announced City Manager's communication number 65, dated February 23, 2022, was received into and made part of the record. She asked the City Clerk to read Ordinance 11914 by number and title only.

Ordinance 11914 relating to finance and public safety; adopting a truth-taxation policy with respect to the use of tax revenues in the event of voter authorization of the 2022 charter amendment for street improvements (Proposition 411) at the May 17, 2022 special election; providing for ongoing independent oversight and accountability of the administration of the tax revenues; amending the duties of the 2012 Bond Oversight Commission and the Complete Streets Coordinating Council; renaming the 2012 Bond Oversight Commission to the Independent Oversight and Accountability Commission; committing to ongoing but separate funding for certain public safety costs; and declaring an emergency.

Mike Rankin, City Attorney, stated he had some corrections he needed to read into the record as follows:

1. Update to the title of the Ordinance to now read:

RELATING TO FINANCE AND PUBLIC SAFETY; ADOPTING A TRUTH-IN-TAXATION POLICY WITH RESPECT TO THE USE OF TAX REVENUES IN THE EVENT OF VOTER AUTHORIZATION OF THE 2022 CHARTER AMENDMENT FOR STREET IMPROVEMENTS (PROPOSITION 411) AT THE MAY 17, 2022 SPECIAL ELECTION; PROVIDING FOR ONGOING INDEPENDENT OVERSIGHT AND ACCOUNTABILITY OF THE ADMINISTRATION OF THE TAX REVENUES; AMENDING THE DUTIES OF THE 2012 BOND OVERSIGHT COMMISSION AND THE COMPLETE STREETS COORDINATING COUNCIL; COMMITTING TO ONGOING BUT SEPARATE FUNDING FOR CERTAIN PUBLIC SAFETY COSTS AND FOR **COLLECTOR STREET IMPROVEMENTS**; AND DECLARING AN EMERGENCY.

2. Update to Section 3(a)(2) and Section 3(a)(3) of the Ordinance to now read:

Section 5. Membership composition, appointment, officers, and terms.

(a) Appointment, Qualifications, and Term

(2) Terms. T.C. § 10A-139(b)(1)'s presumptive term of twenty-four months does not apply to the Commission. The Commission and its members shall serve until all original proceeds of the 2012 Bond Program and all original proceeds of the 2017 charter amendment dedicated for street improvements are expended; and in the event that the 2022 charter amendment (Proposition 411) is approved by

voters at the May 17, 2022 special election, until all revenues dedicated for street improvements for local, neighborhood streets generated from the 2022 charter amendment/Proposition 411 are expended, except that each appointing authority (the Mayor and each Council member, and/or the City Manager) may remove their appointees with or without cause during the period of the Commission's existence.

(3) Vacancies. Vacancies on the Commission shall be filled by appointment in the same manner in which the members are initially appointed.

2. Update to Section 4 of the Ordinance to now read:

SECTION 4. As an integral part of this Truth-in-Taxation Policy, the Mayor and Council declare that the tax revenues generated from Proposition 411, if approved by the City's qualified voters, are intended to supplement and not to supplant other existing revenue sources that are separate from any tax revenues generated by Proposition 411. Accordingly, the Mayor and Council - subject to annual appropriation through the required budget approval process and contingent upon implementation of Proposition 411 following voter approval - hereby commit to the appropriation of funding separate from Proposition 411 tax revenues, including existing and available Cash Carry Forward funds, in an amount not less than \$18 million annually for a period of 5 years (commencing with FY 2022-2023) for the purpose of funding vehicles, equipment and similar costs for the City's public safety functions as carried out by the Tucson Police, Tucson Fire and Public Safety and Communications departments. Additionally, subject to the same conditions, the Mayor and Council commit to ongoing funding for collector street improvements, in an amount not less than \$15 million annually for a period of 5 years, using funds separate from Proposition 411 tax revenues, including available Highway User Revenue Funds (HURF) and the City's general fund.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Santa Cruz absent/ excused), to pass and adopt Ordinance 11914.

13. BUDGET AND INTERNAL AUDIT: ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR FISCAL YEAR 2021 AUDIT RESULTS (CITY WIDE) FEB23-22-53

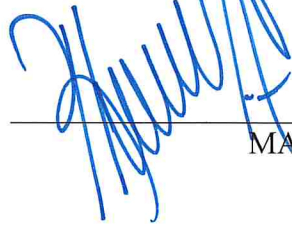
Mayor Romero announced City Manager's communication number 53, dated February 23, 2022, was received into and made part of the record. She asked the City Clerk to read Ordinance 11914 by number and title only.

Resolution No. 23442 relating to Finance; demonstrating compliance with A.R.S. § 41-1494.

It was moved by Council Member Lee, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Santa Cruz absent/ excused), to pass and adopt Resolution 23442.

14. **ADJOURNMENT:** 6:53 p.m.

Mayor Romero announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 8, 2022, at or after 5:30 p.m.



MAYOR

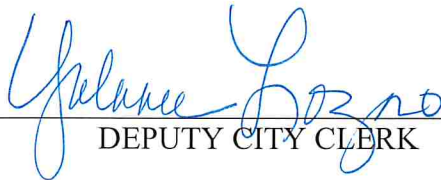
ATTEST:



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 23rd day of February 2022, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

SM:yl