



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 21, 2023.

Date of Meeting: July 12, 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 5:38p.m., on Tuesday, July 12, 2022, all members having been notified of the time and place thereof.

1. **ROLL CALL**

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

Present:

Lane Santa Cruz
Paul Cunningham
Kevin Dahl
Nikki Lee
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 6
Mayor

Absent/Excused:

Richard G. Fimbres

Council Member Ward 5

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 Reverend Kelly Dick from Saguaro Christian Church.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. PRESENTATIONS:

1. Mayor Romero proclaimed July to be "Parks and Recreation Month. Lara Hamwey, Parks and Recreation Department Director, Dawnee Moreno, Greg Jackson, and Sierra Boyer accepted the proclamation.
2. Dr. Mary Belle McCorkle, Metropolitan Education Commission (MEC), presented the Mayor and Council with a Crystal Apple signifying the Educational Advocacy Award.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Romero announced City Manager's communication number 167 dated July 12, 2022, was received into, and made part of the record. She asked for a motion to approve the appointments in the report.

It was moved by Council Member Lee, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Fimbres absent/excused), to approve the appointment of Paige Anthony to the Design Review Board (DRB).

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

There were no personal appointments made at this time.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Romero announced City Manager's communication number 168, dated July 12, 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 Romero, Vice Mayor Santa Cruz, and Council Members Cunningham, Dahl, 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 169, dated July 12, 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 170, dated July 12, 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. The Carriage House, Ward 6
City #38-22, Series 12
Agent: Kevin Arnold Kramber
Address: 125 S. Arizona Ave.
Action must be taken by: July 14, 2022

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

2. Family Dollar #31526, Ward 3
City #40-22, Series 10
Agent: Brenda E. Sallard
Address: 16 W. Grant Rd.
Action must be taken by: July 15, 2022

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

3. 7-Eleven #13048A, Ward 6
City #41-22, Series 10
Agent: Jyoti Pudasaini Adhikari
Address: 5457 E. Pima St.
Action must be taken by: July 16, 2022

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

4. Coffee X Change and Bistro, Ward 2
City #42-22, Series 12
Agent: Jonathan Solaiman Tehrani
Address: 6841 E. Camino Principal
Action must be taken by: July 16, 2022

Planning & Development Services Department has indicated the applicant is not in compliance with city requirements.

City Clerk's Office has indicated the applicant is not in compliance due to unpaid processing fee.

Public Opinion: Written Argument(s) in opposition filed.

5. Raspados El Paraiso, Ward 4
City #43-22, Series 12
Agent: Ana Luisa Castro Gonzalez
Address: 7701 E. Golf Links Rd.
Action must be taken by: July 17, 2022

Planning & Development Services Department has indicated the applicant is not in compliance with city requirements.

Public Opinion: Written Argument(s) in support and opposition filed.

This item was considered separately.

6. Fullyloves, Ward 6
City #44-22, Series 6
Agent: Rosaleen E. Ochoa
Address: 994 E. University Blvd.
Action must be taken by: July 22, 2022

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

7. La Yaquesita Mexican Cuisine, Ward 6
City #45-22, Series 12
Agent: Claudia R. Rodriguez
Address: 500 N. 4th Ave. #1
Action must be taken by: July 22, 2022

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

8. Duffl, Ward 6
City #47-22, Series 10
Agent: Kevin Arnold Kramber
Address: 1712 E. Speedway Blvd.
Action must be taken by: July 30, 2022

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

9. Los Nopales Restaurant, Ward 4
City #48-22, Series 12
Agent: Magdaleno Andrade Zamora
Address: 2475 S. Harrison Rd.
Action must be taken by: July 29, 2022

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

10. On The Rocks, Ward 2
City #49-22, Series 12
Agent: Matthew Evan Rice
Address: 7930 E. Speedway Blvd. Suite 170
Action must be taken by: July 31, 2022

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

11. Family Dollar #25088, Ward 1
City #50-22, Series 10
Agent: Brenda E. Sallard
Address: 194 W. Valencia Rd.
Action must be taken by: August 1, 2022

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

Public Opinion: Written Argument(s) in opposition filed.

This item was considered separately.

12. Borderlands Brewing Co., Ward 6
City 51-22, Series 12
Agent: Kevin Arnold Kramber
Address: 2500 E. 6th St.
Action must be taken by: August 1, 2022

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

13. Rolli's Mexican Patio, Ward 1
City 52-22, Series 12
Agent: Melissa Sue San Angelo
Address: 4573 S. 12th Ave.
Action must be taken by: August 1, 2022

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

14. Tooley's Cafe, Ward 5
City #53-22, Series 12
Agent: Kevin Arnold Kramber
Address: 299 S. Park Ave.
Action must be taken by: August 4, 2022

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

15. The Hacienda at the River, Ward
City #54-22, Series 12
Agent: Monica Michelle Tryon
Address: 2720 E. River Rd.
Action must be taken by: August 8, 2022

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

Person Transfer(s)

NOTE: State law provides that for a person-to-person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

16. Sonesta Select Tucson Airport, Ward 5
City# 39-22, Series 6
Agent: Andrea Dahlman Lewkowitz
Address: 6885 S. Tucson Blvd.
Action must be taken by: July 15, 2022

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

17. Music Box Lounge, Ward 2
City #55-22, Series 6
Agent: Brian Keith McBride
Address: 6951 E. 22nd St.
Action must be taken by: August 8, 2022

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

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)

18. Sal Y Limon, Ward 3
City #46-22, Series 6
Agent: Gregory Lee Wexler
Address: 4420 N. Oracle Rd.
Action must be taken by: July 24, 2022

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

c. Special Event(s)

1. Tucson Botanical Gardens, Ward 6
City #T31-22
Applicant: Mary Ann Confrey
Address: 2150 N. Alvernon Way
Purpose: Fundraiser
Event Date: August 6, 2022

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

Public Opinion: Written Argument(s) in support filed.

2. Tucson Botanical Gardens, Ward 6
City #T32-22
Agent: Mary Ann Confrey
Address: 2150 N. Alvernon Way
Purpose: Fundraiser
Date of Event: August 13, 2022

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

Public Opinion: Written Argument(s) in support filed.

3. Tucson Botanical Gardens, Ward 6
City #T33-22
Agent: Mary Ann Confrey
Address: 2150 N. Alvernon Way
Purpose: Fundraiser
Date of Event: August 20, 2022

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

Public Opinion: Written Argument(s) in support filed.

4. Tucson Botanical Gardens, Ward 6
City #T34-22
Agent: Mary Ann Confrey
Address: 2150 N. Alvernon Way
Purpose: Fundraiser
Date of Event: August 27, 2022

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

Public Opinion: Written Argument(s) in support filed.

- 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. International Brands & Beverages, Ward 3
City #AC10-22, Series 4
Agent: Andrea Dahlman Lewkowitz
Address: 2525 N. Tucson Blvd.
Action must be taken by: July 23, 2022

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

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0 (Council Member Fimbres absent/excused), to forward Items 5b1 through 5b3, 5b6 through 5b10, 5b12 through 5b18, 5c1 through 5c4 and 5d1 to the State Liquor Board with a recommendation of approval.

5. LIQUOR LICENSE APPLICATIONS

- b. Liquor License Application(s)

5. Raspados El Paraiso, Ward 4
City #43-22, Series 12
Agent: Ana Luisa Castro Gonzalez
Address: 7701 E. Golf Links Rd.
Action must be taken by: July 17, 2022

Planning & Development Services Department has indicated the applicant is not in compliance with city requirements.

Public Opinion: Written Argument(s) in support and opposition filed.

Suzanne Mesich, City Clerk, announced the item to be considered separately was Item 5b5, Raspados El Paraiso, located in Ward 4.

Council Member Lee invite Tara Vanko to speak regarding petitions they collected from homeowners nearby requesting denial for Raspados liquor license.

Tara Vanko expressed concern about the current noise from the establishment along with police complaints on numerous occasions, she stated that approval of liquor license will only cause an increase in noise complaints and possible risk to neighborhood safety.

Council Member Lee expressed that the applicant had not submitted the Liquor Mitigation plan as required by Planning and Development Services and the State Liquor Board. She said both departments had sent a letter explaining this to the owner. The owner agreed to continue working with City staff and the adjacent Neighborhood on their concerns if she chose to submit a future application. Due to this information, she was going to request opposition to the request at this time.

It was moved by Council Member Lee, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Fimbres absent/excused), to forward Item 5b5 to the State Liquor Board with a recommendation of denial.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

11. Family Dollar #25088, Ward 1
City #50-22, Series 10
Agent: Brenda E. Sallard
Address: 194 W. Valencia Rd.
Action must be taken by: August 1, 2022

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

Public Opinion: Written Argument(s) in opposition filed.

Suzanne Mesich, City Clerk, announced the next item to be considered separately was Item 5b11 Family Dollar, located in Ward 1.

Vice Mayor Santa Cruz invited Yolanda Herrera from the Sunnyside Neighborhood Association to speak.

Yolanda Herrera also invited Michelle Munguia from LPKNC to speak. Ms. Munguia expressed the non-profit organization focuses on preventing substance misuse for kids and empowering them to make good choices. She also expressed her concern regarding acceptance of liquor license to an establishment next to the Valencia Library. She said the library was mainly used by the youth community and families. She expressed how having an establishment approved for liquor so close to the library was not a great idea.

It was moved by Vice Mayor Santa Cruz, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Fimbres absent/excused), to forward Item 5b11 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:

Martha McClements	Owen McKinley	Yolanda Herrera
Carolyn Campbell	Mary Slachter	Amelia Marsh
Joan Lester	JJ Lamb	Diego Martinez-Lugo
Drew Fellows	Tanya Nunez	Christina Jones

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 U

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) JUL12-22-171
- b. TUCSON CODE: AMENDING (CHAPTER 20) RELATING TO ONE-WAY STREETS AND ALLEYS, CONVERTING A PORTION OF WINSETT STREET FROM TWO-WAY TRAFFIC TO ONE-WAY TRAFFIC (WARDS 5 AND 6) JUL12-22-176

Ordinance No. 11938 Relating to Motor Vehicles and Traffic; Repealing Ordinance No. 11887 of December 7, 2021, and designating current streets and alleys or parts of streets and alleys as one-way, pursuant to Section 20-179 of the City Code; and declaring an emergency.

- c. REAL PROPERTY: PROPOSED GRANT OF EASEMENT FOR AERIAL AND SUBSURFACE RIGHTS WITHIN FIRST STREET AND PARK AVENUE, RES 2021-060 (WARD 6) JUL12-22-191

Ordinance No. 11943 relating to Transportation and Real Property; authorizing the proposed grant of easements for aerial and subsurface rights under and over City-owned right of way located at the northwest corner of First Street and Park Avenue; and declaring an emergency.

- d. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY TECHNICAL EDUCATION DISTRICT FOR COMMUNITY SERVICE OFFICER CERTIFICATION PROGRAM AND INTERNSHIPS (CITY WIDE) JUL12-22-187

Resolution No. 23486 relating to Intergovernmental Agreements (IGA'S); authorizing the Intergovernmental Agreement (IGA) between the City of Tucson (City) and Pima County Joint Technical Education District (JTED) Community Service Officer (CSO) Certification and Internship Program; and declaring an emergency.

- e. PARKS AND RECREATION: APPROVING ADDING CUSHING STREET SKATE PARK TO THE PROP 407, PARKS AND CONNECTIONS PROJECT LIST (WARDS 1 AND 5) JUL12-22-179

Resolution No. 23482 relating to Parks and Recreation; adjusting the funding sources for Three Park Projects; adding Cushing Street Skate Park to Proposition 407 Parks and Connections Project List; and declaring an emergency.

- f. REAL PROPERTY: APPROVING A GROUND LEASE AGREEMENT WITH TOWERCOM VII-B DBA T-MOBILE FOR A WIRELESS COMMUNICATIONS FACILITY ON A TUCSON WATER WELL SITE (OUTSIDE CITY) JUL12-22-180

Ordinance No. 11939 relating to Real Property; authorizing and approving the Ground Lease Agreement between Towercom VII-B, LLC Dba T-Mobile and the City of Tucson for a wireless communications facility on a Tucson Water well site in unincorporated Pima County in the three points area located just east of Sandario Road, north of Ajo Highway; and declaring an emergency.

- g. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT FOR USE AND MAINTENANCE RESPONSIBILITIES IN AND ADJACENT TO THE REGIONAL WATERCOURSES (CITY WIDE) JUL12-22-196

Resolution No. 23492 relating to Transportation; authorizing and approving an Intergovernmental Agreement between the City of Tucson and the Pima County Regional Flood Control District for use and maintenance responsibilities in and adjacent to regional watercourses; and declaring an emergency.

- h. INTERGOVERNMENTAL AGREEMENT: RENEWAL WITH THE UNIVERSITY OF ARIZONA'S WATER RESOURCES RESEARCH CENTER FOR THE ARIZONA PROJECT WET WATER EDUCATION PROGRAM (CITY WIDE AND OUTSIDE CITY) JUL12-22-182

Resolution No. 23483 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with the Arizona Board of Regents on behalf of the University of Arizona's Water Resources Research Center to renew the Arizona Project Wet Water Education Program for one year with up to four additional one year periods; and declaring an emergency.

- I. INTERGOVERNMENTAL AGREEMENT: RENEWAL WITH THE UNIVERSITY OF ARIZONA'S PIMA COUNTY COOPERATIVE FOR THE SMARTSCAPE LANDSCAPE WATER CONSERVATION EDUCATION PROGRAM (CITY WIDE AND OUTSIDE CITY) JUL12-22-185

Resolution No. 23484 relating to Intergovernmental Agreements; authorizing and approving the execution of the Intergovernmental Agreement between the City of Tucson and the Arizona Board of Regents on behalf of the University of Arizona and its Pima County Cooperative Extension/Smartscape Program; and declaring an emergency.

- j. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY REGARDING THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) EMERGENCY FOOD AND SHELTER PROGRAM (EFSP) (CITY WIDE) JUL12-22-195

Resolution No. 23491 relating to Intergovernmental Agreements; approving, and authorizing execution of a third amendment to the Intergovernmental Agreement between (IGA) the City of Tucson (City) and Pima County (County) to reimburse the City for expenses incurred providing humanitarian assistance to migrants from the Southern Border as part of the American rescue Plan act of 2021 through the Federal Emergency Management Agency (FEMA) and the Emergency Food and Shelter Program (EFSP); and declaring an emergency.

- k. FINANCIAL PARTICIPATION AGREEMENTS: WITH PIMA ASSOCIATION OF GOVERNMENTS AND THE ARTS FOUNDATION FOR TUCSON AND SOUTHERN ARIZONA; AND AN INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE VICTIM SERVICES PROGRAM FOR FISCAL YEAR 2022/23 (CITY WIDE) JUL12-22-190

Resolution No. 23489 relating to outside agency activities; authorizing and approving the Financial Participation Agreements between the City of Tucson and various outside agencies (Pima Association of Governments; and the Arts Foundation for Tucson and Southern Arizona) and an Intergovernmental Agreement between City of Tucson and Pima County for the Victim Services; for fiscal year 2022/23; and declaring an emergency.

- l. FINAL PLAT: (S21-034) VALENCIA CROSSING, LOTS 1 THROUGH 161, COMMON AREAS "A1" - "A-2" AND "B1" - "B-2" AND "C-1" (WARD 5) JUL12-22-184

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.

- m. FINAL PLAT: (S21-080) OTB-MIDVALE & VALENCIA, LOTS 1 THROUGH 3 (WARD 1) JUL12-22-174

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.

- n. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR SECOND YEAR OF PIMA EARLY EDUCATION PROGRAM (OUTSIDE CITY) JUL12-22-175

Resolution No. 23480 relating to Intergovernmental Agreements (IGA); approving and authorizing execution of an amendment to the IGA between Pima County (County) and the City of Tucson (City) to provide funding for the Pima Early Childhood Education Program; and declaring an emergency.

- o. TUCSON CODE: AMENDING CHAPTER 19 RELATING TO OCCUPATIONAL LICENSE TAX AND PRIVILEGE AND EXCISE TAXES; ADDING PENALTIES FOR CERTAIN DELINQUENT OCCUPATIONAL LICENSE TAXES; AND CONFORMING PRIVILEGE TAX CODES TO THE ARIZONA MODEL CITY TAX CODE (CITY WIDE) JUL12-22-172

Ordinance No. 11936 relating to privilege taxes; amending the Tucson Code Chapter 19, Article I by adding penalty provisions; and Article II, Divisions 1, 4, 5, and 6, by making changes to conform the Code to the Arizona Model City Tax Code; setting effective dates; and declaring an emergency.

- p. TUCSON CODE: AMENDING (CHAPTER 22) RELATING TO DEFERRED COMPENSATION RETIREMENT PLANS (CITY WIDE) JUL12-22-173

Ordinance No. 11937 relating to the City's Defined Contribution Retirement Plans, to codify the authority of the City to maintain and terminate defined contribution retirement plans; to codify the delegation of administrative and fiduciary duties from the City to the Deferred Compensation Board; to document the powers and duties of the Deferred Compensation Board with regard to the deferred compensation plans; by amending Chapter 22, by adding Article IIIA ("Deferred Compensation Retirement Plans"), consisting of Sections 22-56 through 22-65; and declaring an emergency.

- q. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY TO PROVIDE SUMMER YOUTH PROGRAM INTERNS (CITY WIDE) JUL12-22-186

Resolution No. 23485 relating to outside agency activities; authorizing and approving an Intergovernmental Agreement (IGA) to provide Summer Youth Program Interns between the City of Tucson (City) and Pima County for Fiscal Year 2022/23 (FY22/23); and declaring an emergency.

- r. BOARDS, COMMITTEES, AND COMMISSIONS: ECONOMIC AND WORKFORCE DEVELOPMENT SELECTION COMMITTEE RECOMMENDATIONS FOR FISCAL YEAR 2023 ALLOCATIONS; APPROVAL OF FUNDING FOR SMALL BUSINESS DEVELOPMENT, WORKFORCE DEVELOPMENT AND SPECIAL EVENTS; AND SUNSET DATE EXTENSION (CITY WIDE) JUL12-22-178

Resolution No. 23481 relating to outside agency activities; authorizing and approving awards to support various Economic and Workforce Development programs and events for fiscal year 2023 (FY23), extending the term of the Economic and Workforce Development Selection Committee; and declaring an emergency.

- s. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY COMMUNITY COLLEGE FOR IT FASTTRACK SCHOLARSHIP PROGRAM FUNDING (CITY WIDE) JUL12-22-188

Resolution No. 23487 relating to Intergovernmental Agreements (IGAs); approval of an Intergovernmental Agreement (IGA) between Pima Community College (PCC) and the City of Tucson (City) to provide funding for IT FastTrack scholarship program funding for a period of one year (FY2022/23); and declaring an emergency.

- t. SALE OF AERIAL EASEMENTS OVER CITY PROPERTY LEASED TO DAVIS MONTHAN AIR FORCE BASE LOCATED ALONG KOLB ROAD; AND SETTLEMENT (RES 2021-025) (CITY WIDE) JUL12-22-193

Ordinance No. 11944 relating to transportation and real property; authorizing the sale of aerial easements over City-owned property along South Kolb Road to Tucson Electric Power Company (TEP); and declaring an emergency.

- u. COMMISSION ON EQUITABLE HOUSING AND DEVELOPMENT - CHANGE IN VOTING MEMBERS AND SUNSET EXTENSION (CITY WIDE) JUL12-22-197

Ordinance No. 11946 relating to Boards and Commissions; providing that five non-governmental members of the Commission on Equitable Housing and Development (“CEHD”) who were previously Non-Voting, Ex-officio Members shall now be Voting Members; extending the CEHD’s sunset date to July 12, 2026; amending Tucson Code sections 10A-112 and 10A-117; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Fimbres absent/excused), that Consent Agenda Items a – u, with the exception of Item s, which was considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEMS A THROUGH U

- s. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY COMMUNITY COLLEGE FOR IT FASTTRACK SCHOLARSHIP PROGRAM FUNDING (CITY WIDE) JUL12-22-188

Resolution No. 23487 relating to Intergovernmental Agreements (IGAs); approval of an Intergovernmental Agreement (IGA) between Pima Community College (PCC) and the City of Tucson (City) to provide funding for IT FastTrack scholarship program funding for a period of one year (FY2022/23); and declaring an emergency.

It was moved by Council Member Lee, duly seconded, and carried by a voice vote of 6 to 0, that Consent Agenda Item s, be passed and adopted and the proper action taken.

8. PUBLIC HEARING: (C8-22-04) UDC TEXT AMENDMENTS RELATING TO TRANSMISSION LINE RELIEF SPECIAL EXCEPTION (CITY WIDE) JUL12-22-189

Mayor Romero announced City Manager's communication number 189, dated July 12, 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 review and discuss the proposed Unified Development Code (UDC) text amendments to establish a Zoning Examiner Special Exception process which would allow relief from the underground siting requirements for transmission line in Scenic Corridor Zones (SCZ) overlays and the Gateway Corridor Zone (GCZ) overlays, when certain criteria are met.

Mayor Romero invited staff to give clarification on the ordinance.

Mike Rankin, City Attorney, explained that the ordinance was an amendment to the existing zoning code by allowing developers to enter a Special Exception process with the Zoning Examiner to relieve the undergrounding requirements for transmission lines in SCZ and GCZ. He noted that there were multiple processes for administrative approval, but the Zoning Examiner's Special Exception process was the highest tier in terms of public engagement and public notice. He explained that the procedure began with a pre-application meeting with the City, followed by a neighborhood meeting. Once the application was submitted, another public notice was released. Planning and Development Services then reviews the application and gives a recommendation. Afterwards, the Zoning Examiner holds a public hearing and makes a final decision. Individuals could also appeal this decision, in which the Mayor and Council could make a final decision.

Mr. Rankin emphasized that unlike the current variance process, which focuses on whether there was an undue burden, this proposed amendment would allow the Zoning Examiner and Mayor and Council to consider the full effect on the corridors and determine if undergrounding the transmission lines would be better.

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

Comments were made by:

Molly McKasson
Betsy Larson

John Schwartz
Eric Baken

Colleen Nichols

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

Mayor Romero asked the City Clerk to read Ordinance 11954 by number and title only.

Ordinance No. 11942 relating to planning and zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Sections 4.8, 4.9, 5.3, 5.5, and 11.1; and setting an effective date.

Mayor Romero thanked everyone involved in the process, including constituents, City staff, and TEP. She emphasized that this text amendment had not been a simple process, as the City strived towards expanding energy capacity while balancing the aesthetics of Tucson. She said she believed that this amendment had the ability to address the different viewpoints in this issue.

Council Member Kozachik explained that the special exception process would address many of the concerns from the speakers. He emphasized that this new special exception process would incorporate much more public input than the existing processes. He asked staff about how TEP could reinstate the process for the originally denied Banner UMC Substation rezoning.

Mr. Rankin explained that the original application was premature, so TEP would have to restart the process. He continued that even though the variance process was required by statute, it would be difficult to obtain that variance without successfully going through the Zoning Examiner's Special Exception process.

Council Member Kozachik continued that if the criteria were too restrictive, utility companies would just bypass the City by going straight to the Corporate Commission or state legislature. He suggested that sections I, J, K, and L move towards the front of the section since it will ensure they are satisfied before the Zoning Examiner sees the case.

Mayor Romero asked the City Clerk to read Ordinance 11942 by number and title only.

Ordinance No. 11942 relating to planning and zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Sections 4.8, 4.9, 5.3, 5.5, and 11.1; and setting an effective date.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Fimbres absent/excused), to pass and adopt Ordinance 11942 with the following corrections:

- Elimination of the Use Tables
- Move Items I, J, K and L to the front so that they will become part of the introductory section of paragraph 12, rather than being part of the criteria and apply to each application, with subsection K revised to read, “In considering any requests for Special Exception, the Zoning Examiner shall take into consideration the impact of providing such an exception in historic areas located as listed in the National Register of Historic places, properties or districts, City of Tucson Historic Preservation Zones, City of Tucson Historic Landmark or Neighborhood Preservation Zones, within specific Gateway Corridor and/or Scenic Corridor Zone in which the special exception is being requested.”
- Subsection (e) would include the 25% to 10%
- Subsection (f) would add the following language, “and curing the interference technologically impossible and/or financial cost prohibitive.”
- Subsection (d) will read as follows, “The overhead transmission lines are located on a non-gateway or non-Scenic corridor route that perpendicularly crosses a Gateway Corridor Zone or Scenic Corridor Zone, and the poles are set back at least 150 feet from the curb line of the street that is designated as a Gateway or Scenic Corridor.”

9. PUBLIC HEARING: (C8-22-03) UDC TEXT AMENDMENTS RELATING TO ELECTRIC VEHICLE (EV) READINESS AND INDIVIDUAL PARKING PLAN ELIGIBILITY (CONTINUED FROM THE MEETING OF APRIL 19, 2022) (CITY WIDE) JUL12-22-177

Mayor Romero announced City Manager's communication number 177, dated July 12, 2022, was received into and made part of the record. She said was the time and place legally advertised for a public hearing for the purpose of reviewing and discussing amendments to two sections of the *Unified Development Code (UDC)* related to commercial parking. She stated the amendments were in response to Mayor and Council direction to develop policy that furthered the goals outlined in the EV Roadmap (adopted April 2021). The amendments allow for the continuation of the Expanded Outdoor Restaurant Seating Program and support the Housing Affordability Strategy for Tucson.

Mayor Romero said staff wanted to make a short presentation before beginning the public hearing.

Koren Manning, Planning and Development Services Department, gave a brief presentation and fielded and answered question.

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:

George Larsen
Garrett Weaver
Jim Tofel
Priscilla Storm
Brian Stephenson

Bill DuPont
Alexa Scholl
Ben Buehler-Garcia
Jason Wong

Collette Altaffer
Robert Bulechek
David Gerbert
Benjamin Nead

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

Mayor Romero asked the City Clerk to read Ordinance 11922 by number and title only.

Ordinance No. 11922 relating to planning and zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Sections 3.3, 7.4, and 11.4, and setting an effective date.

It was moved by Council Member Dahl, duly seconded, to pass and adopt Ordinance 11922 with the correction of to the EV charging stations for multi-family from 5% to 10%, leaving the 20% conduit, and exemption level of 100 parking lots to 50.

Discussion ensued.

Council Member Dahl withdrew his motion agreed by the seconder.

Discussion continued.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 5 to 1 (Council Member Fimbres absent/excused, Council Member Dahl dissenting) to direct staff to ensure stakeholders meet one more time and bring the item back for Mayor and Council approval the second meeting in August 2022.

Discussion ensued regarding the Individual Parking Plan Eligibility.

It was moved by Vice Mayor Santa Cruz, duly seconded, to approve the amendment to the Individual Parking Plan (IPP) Eligibility to allow affordable housing projects, restaurants and bars to utilize this option to reduce parking on site.

Discussion continued.

The motion to approve the amendment to the Individual Parking Plan Eligibility was PASSED by a roll call vote of 5 to 1 (Council Member Fimbres absent/excused and Council Member Kozachik dissenting).

10. PUBLIC HEARING: BINGO - FAR HORIZONS RV RESORT (WARD 2) JUL12-22-194

Mayor Romero announced City Manager's Communication number 194, dated July 12, 2022, was received into and made a part of the record. She said this was the time and place legal advertised for a public hearing on a request by Anna Mykoliuk Thompson for a new Bingo License at Far Horizons RV Resort, located at 555 North Pantano Road.

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 wishing to be heard on the item.

There was no one.

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

Mayor Romero asked the City Clerk to read Resolution 23490 by number and title only.

Resolution No. 23490 relating to City Clerk; approval of bingo license application for Far Horizons RV Resort.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Fimbres absent/excused), to pass and adopt Resolution 23490.

11. ZONING: (C9-21-09) OASIS-BLACKLIDGE, MH-1 AND MH-2 TO R-3, CITY MANAGER'S REPORT AND ORDINANCE ADOPTION (WARD 3) JUL12-22-181

Mayor Romero announced City Manager's communication number 181, dated July 12, 2022, was received into and made part of the record. She also announced this was a request to rezone property located at 4025 East Monte Vista and 4028 East Blacklidge Drive from MH-1 and MH-2 zoning to R-3 zoning. She said staff recommends approval of the R-3 zoning and adoption of the attached ordinance with conditions.

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

Raul Reyes, Town West Design Development, Inc., on behalf of the owner, affirmed that his client was agreeable to the proposed requirements.

Mayor Romero asked the City Clerk to read Ordinance 11940 by number and title only.

Ordinance No. 11940 relating to zoning; amending zoning district boundaries in the area located between East Monte Vista and East Blacklidge Drive approximately 700 feet east of North Alvernon Way, more specifically 4025 East Monte Vista and 4028 East Blacklidge Drive in case C9-21-09 Oasis-Blacklidge, MH-1 and MH-2 to R-3 zone; and setting an effective date.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Fimbres absent/excused), to pass and adopt Ordinance 11940.

12. ZONING: (C9-21-23) H2K PLANNED AREA DEVELOPMENT, RX-1 AND RH TO PAD, CITY MANAGER'S REPORT AND ORDINANCE ADOPTION (WARD 4) JUL12-22-183

Mayor Romero announced City Manager's communication number 183, dated July 12, 2022, was received into and made part of the record. She also announced this was a request to rezone a parcel from RX-1 and RH to PAD zoning. The rezoning site is located at 11401 E. Benson Highway: the total site area to be rezoned is approximately 2,160 acres. She said Staff recommends approval of PAD zoning and adoption of the attached ordinance, which provides conditions for the rezoning.

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

Linda Morales, The Planning Center, representing the property owners, affirmed her client was agreeable to the proposed requirements.

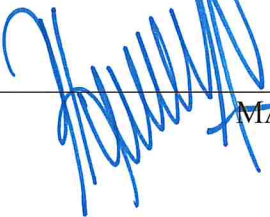
Mayor Romero asked the City Clerk to read Ordinance 11941 by number and title only.

Ordinance No. 11941 relating to zoning; amending zoning district boundaries in the area located at 11401 East Benson Highway, on the north side of Interstate 10 between Houghton Road and Colossal Cave Road in case C9-21-23, H2K Planned Area Development, RX-1 and RH to PAD-45 and setting an effective date.

It was moved by Council Member Lee, duly seconded, and passed by a roll call vote of 5 to 1 (Council Member Fimbres absent/excused and Council Member Dahl dissenting), to pass and adopt Ordinance 11941.

13. **ADJOURNMENT:** 10:24 p.m.

Mayor Romero announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, August 9, 2022, at or after 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 12th day of July 2022, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

SM:ac:yl