



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on December 20, 2022.

Date of Meeting: March 22, 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 5:50 p.m., on Tuesday, March 22, 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
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 84, dated March 22, 2022, was received into and made part of the record. She 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 77, dated March 22, 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 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 Romero announced City Manager's communication number 79, 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.

Current event reports were given by Michael J. Ortega, City Manager.

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

5. LIQUOR LICENSE APPLICATIONS

Mayor Romero announced City Manager's communication number 362, dated March 22, 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. Tequilas Mexican Food and Seafood, Ward 6
City 7-22, Series 12
Agent: Lizbeth Denise Ayala
Location: 5754 E. 22nd St.
Action must be taken by: March 31, 2022
2. The Dutch, Ward 6
City 8-22, Series 12
Agent: Marcus Johannes Maria Van Winden
Location: 5340 E. Broadway Blvd #100
Action must be taken by: April 9, 2022
3. Exo Roast Co, Ward 6
City 9-22, Series 12
Agent: William Douglas Smith
Location: 196 W. Simpson St.
Action must be taken by: April 10, 2022
4. Freedom Motorcycle Shop, Ward 5
City 11-22, Series 10
Agent: Andrea Nicolle Matthews
Location: 3819 S. Evans Blvd. #301
Action must be taken by: April 12, 2022
5. Hole N 1 Golf Pub, Ward 5
City 12-22, Series 12
Agent: Steven Collier Anderson
Location: 5005 S. Campbell Ave.
Action must be taken by: April 12, 2022

6. Seafood and Grill, Ward 5
City 13-22, Series 12
Agent: Karina Iveth Parades
Location: 5065 S. 12th Ave.
Action must be taken by: April 12, 2022
7. Speedy Mart, Ward 6
City 14-22, Series 10
Agent: Jason Steve Redondo
Location: 4477 E. 5th St.
Action must be taken by: April 14, 2022

c. Special Event(s)

1. Underdog Kiddos Inc., Ward 3
City#T11-22
Agent: Tori Marie Kittelmann
Address: 4502 N. 1st Ave.
Purpose: Family Festival
Event Date: April 2, 2022
2. Salpointe Catholic High School, Ward 6
City#T13-22
Agent: Theresa Marquart
Address: 192 S. Stone Ave.
Purpose: Gala Event
Event Date: April 9, 2022
3. Watershed Management Group, Ward 6
City#T14-22
Agent: Lisa Shipek
Address: 1137 N. Dodge Blvd.
Purpose: Fundraising Event for Watershed Management Group
Date of Event: April 7, 2022
4. Step Up to Justice Fundraiser, Ward 6
City#15-22
Agent: Michele Mirto
Address: 5049 E. Broadway Blvd. #201
Purpose: Step Up to Justice Fundraiser
Date of Event: April 6, 2022
5. Therapeutic Riding of Tucson, Ward 2
City#T19-22
Agent: Margaux DeConcini
Address: 8920 E. Woodland Rd.
Date of Event: March 26, 2022
Purpose: TROT Fundraiser - Horsin' Around

- e. Agent Change/Acquisition of Control/Restructure

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

It was moved by Council Member Dahl, duly seconded, and carried by a voice vote of 7 to 0, to forward Items 5b1 through 5b7, and 5c1 through 5c5, 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:

David Wohl

Steve Dolan

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 B

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. MEMORANDUM OF AGREEMENT: WITH NORTHWEST FIRE DISTRICT AND GOLDER RANCH FIRE DISTRICT FOR FUNDING OF RADIO COMMUNICATIONS EQUIPMENT THROUGH ASSISTANCE TO FIREFIGHTERS' GRANT PROGRAM (CITY WIDE AND OUTSIDE CITY) MAR22-22-82

Resolution No. 23451 relating to Grants; authorizing and approving a Memorandum of Agreement between the City of Tucson and Golder Ranch Fire District as "host agency," and additional participating regional fire agencies to jointly apply for an Assistance to Firefighters Grant (AFG) for the purchase of portable and mobile radio communications equipment; and declaring an emergency.

- b. IMPLEMENTATION OF PROPOSITION 206: TUCSON MINIMUM WAGE ACT AND CREATION OF THE LABOR STANDARDS UNIT (CITY WIDE) MAR22-22-86

Resolution No. 23452 relating to the Tucson Minimum Wage Act; Authorizing the Administrative Structure to Implement the Act; and declaring an emergency.

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

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

7. CONSENT AGENDA – ITEMS A THROUGH B

- b. IMPLEMENTATION OF PROPOSITION 206: TUCSON MINIMUM WAGE ACT AND CREATION OF THE LABOR STANDARDS UNIT (CITY WIDE) MAR22-22-86

Resolution No. 23452 relating to the Tucson Minimum Wage Act; Authorizing the Administrative Structure to Implement the Act; and declaring an emergency.

Mayor Romero announced this item was requested to be considered separately at the request of Council Member Dahl.

Council Member Dahl asked the City Manager why the Labor Standards Unit was included as part of an existing rather than creating a new department of Labor Standards to enforce the provisions of this effort. He also asked about companies that were not in compliance if that information would be made public much like the Better Business Bureau did.

Michael J. Ortega, City Manager, responded that his recommendation to include this Unit in the Business Services Department (BSD) was because BSD already dealt with licensing for businesses and audits. He said his thought and reason for including labor standards in this group was simply because he wanted to take advantage of the resources and expertise the City already had. He said if they got overwhelmed with complaints/concerns and there was a need to staff up, he would do so accordingly to ensure complaints could be handled.

Mr. Ortega also responded on how they would let people know this process. He said they had already developed a lot of the materials for businesses and have been made available. He said they were working on materials for employees that had to be posted much like the posting on minimum wage. He also pointed out that this effort was a vision of the Mayor and Council that had been established sometime ago with the Living Wage Ordinance. He asked them to keep in mind that there had already been complaints

regarding cash payments, making sure the Living Wage Ordinance was implemented and was all part of this effort.

Mayor Romero stated she appreciated the City Manager's response to provide clarity regarding what the Business Services department did and how they would incorporate this into their area. She said BSD included budget operations, financial operations, procurement operations, risk management, human resources, ensuring that contractors comply with the terms of their contracts, workplace occupational safety, public work sites. She said their purpose was not to advocate for employers or promote economic development, which was the responsibility of the Economic Initiatives Department.

Mayor Romero said she felt it was imperative that the Labor Standards Department be adequately staffed and that she understood the City Manager wanted to evaluate the needs of the department. She said what she wanted to see, besides fulfilling the contents of Proposition 206 to protect workers, the Mayor and Council gave direction regarding contractor fraud and cash pay issues back in December, that she would like to see BSD pick up those issues. She stated she wanted to make sure they talked about the initiation of this unit and the future of what the department would look like. She asked the City Manager what his plan was to evaluate the need and return to the Mayor and Council with long term direction.

Mr. Ortega said with regard to the budget process, it was his intent to look hard at this as well. He said this was a topic for discussion at another meeting that he thought needed attention, both from an internal as well as an audit function. But in the meantime, he was responsible for implementing the unit and making sure it was available.

Discussion ensued additional comments were made by Vice Mayor Santa Cruz and Council Member Dahl.

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

8. PUBLIC HEARING: COTTONWOOD TUCSON ELECTRIC POWER SUBSTATION EROSION HAZARD SETBACK VARIANCE REQUEST (WARD 1) MAR22-22-85

Mayor Romero announced City Manager's communication number 85, dated March 22, 2022, was received into and made part of the record. She said the Mayor and Council will act as the Floodplain Board on this issue and the City Attorney would give a brief introduction to the item.

Mike Rankin, City Attorney, said he thought the Mayor summarized the key points in terms of what the item was about and why it was in front of the Mayor and Council. He said he thought he would offer a few comments because this was an unusual

item to come in front of the Mayor and Council that they did not see very often. In fact, he said he could not remember the last time they had been put in the position of determining a variance, so he just wanted to explain that was a function of *City Code* under the floodplain section. He said there were certain criteria that allowed an applicant to seek a variance from the conditions with respect to the setback requirements. The *Code* establishes that the Mayor and Council serves as the Board of Adjustment. He stated the Mayor and Council communication established the criteria and options for the Mayor and Council after concluding the public hearing.

Mr. Rankin stated the Mayor and Council could deny the variance request, improve the variance request as staff requested, or could approve it with additional conditions such as those that have been recommended by the City's floodplain engineer, which were incorporated into the Mayor and Council communication. He said if the decision was to grant the variance request, the recommendation would be to include those conditions that were described Communication and materials.

Mayor Romero also announced this is the time and place legally advertised for a public hearing on direction to approve or deny the variance request to develop vacant property. The purpose is to construct an electric substation using a building setback that is less than the erosion hazard setback designated in the *Tucson City Code*. She also 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 Beryl Baker.

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

Vice Mayor Santa Cruz asked the City Attorney if he could give a response to what was shared during the public hearing and talk about Phase I and then Phase and what the process was of reaching out to the neighbors about this project so that they could weigh in.

Mr. Rankin responded that the process required under the *Code* was complied with and included the 15-day notice in advance of the public hearing. He said he would ask the Floodplain Administrator to chime in.

Fred Felix, Engineering Floodplain Administrator, said staff had reviewed the variance request. He said they wanted to bring it to the Mayor and Council's attention because it reduced the setback requirements for this particular development. He said there were 12 criteria that they felt the consultant had responded adequately to and did not feel that is a danger. He said because of its proximity to the Santa Cruz River, there was always that risk; no bank protection. He stated the consultant was offering to provide some protection along their banks in this particular area.

Mr. Rankin added that as described in the Communication, the Floodplain Administrator suggested a couple of additional conditions that would be attached if approval was granted by the Mayor and Council which included that the elevations meet the requirements for a 500 year flood event, that there be yearly inspections made pursuant to the operations and maintenance plan that would have to be provided and followed by and the developer in this instance would have to make any required maintenance to the embankment that might come to light and based on those annual inspections and the criteria and the operations plan.

It was moved by Vice Mayor Santa Cruz, duly seconded, and carried by a voice vote of 7 to 0, to authorize the request and grant the variance as recommended by staff to include the twelve (12) criteria noted in the material.

9. ZONING: (C9-21-20) CASITA VILLAGE AT LA MARIPOSA – HOUGHTON ROAD, SR TO R-2, CITY MANAGER'S REPORT (WARD 2)

(This item was continued at the request of staff.)

10. ZONING: (C9-18-05) FORT LOWELL PARK – FORT LOWELL ROAD, MH-1 AND R-3 TO C-2, ORDINANCE ADOPTION (WARD 3) MAR22-22-78

Mayor Romero announced City Manager's communication number 78, dated March 22, 2022, was received into and made part of the record. She said this was a request to rezone approximately 4.63 acres from MH-1 and R-3 to C-2 zoning. The rezoning site is currently vacant and located on the south side of Fort Lowell Road, east of Alvernon Boulevard. The development package shows a proposed climate-controlled self-storage building and outdoor storage of RV's, boats, and other vehicles with 186,075 square footage of gross floor area and a building height of 36-feet.

Mayor Romero asked if the applicant or representative was present and agreeable to the proposed conditions.

Brian Underwood, The Planning Center, on behalf of the property owner, Abraham Silaty, Fort Lowell Park, LLC, was present and stated they were agreeable to the proposed requirements.

Mayor Romero asked the City Clerk to read Ordinance 11918 by number and title only.

Ordinance No. 11918 Relating to Zoning: Amending Zoning District Boundaries in the area located on the south side of Fort Lowell Road, approximately 800 feet east of Alvernon Boulevard in Case C9-18-05, Fort Lowell Park – Fort Lowell Road, MH-1 and R-3 To C-2 and setting an effective date.

It was moved by Council Member Dahl, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11918.

11. HOUSING AND COMMUNITY DEVELOPMENT: AFFORDABLE HOUSING IMPACT FEE SUBSIDY EXPANSION (CITY WIDE) MAR22-22-83

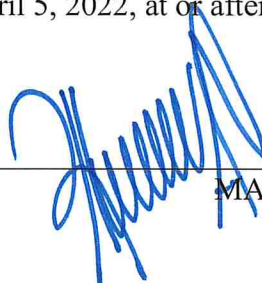
Mayor Romero announced City Manager's communication number 83, dated March 22, 2022, was received into and made part of the record. She asked the City Clerk to read Ordinance 11919 by number and title only.

Ordinance No. 11919 relating to Development Impact Fees; amending Tucson Code Chapter 23A Development Compliance Code, Article III Development Impact Fee Regulations, Division 2 Fee Calculation, Section 23A-81€ waivers; and setting an effective date.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11919.

12. ADJOURNMENT: 7:10 p.m.

Mayor Romero announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 5, 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 22nd day of March 2022, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

SM:yl