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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on July 18, 2023.

Date of Meeting: October 18, 2022

The Mayor and Council of the City of Tucson met in regular session remotely through Microsoft Teams at 5:43 p.m., on Tuesday, October 18, 2022, all members having been notified of the time and place thereof.

Mayor Romero announced that Council Member Dahl would be participating electronically through Microsoft TEAMS.

### 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  
Kevin Dahl  
Nikki Lee  
Steve Kozachik

Vice Mayor, Council Member Ward 1  
Council Member Ward 3 (electronic attendance)  
Council Member Ward 4  
Council Member Ward 6

Absent/Excused:

Paul Cunningham  
Richard G. Fimbres

Council Member Ward 2  
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 Pastor Randy Reynolds, Community Renewal.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. PRESENTATIONS:

1. Mayor Romero proclaimed October 20th, 2022, to be "Imagine a Day Without Water." John Kmiec, Tucson Water Department Director accepted the proclamation.
2. Mayor Romero proclaimed October 2022 to be "Domestic Violence Awareness Month."

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Romero announced City Manager's communication number 294, dated October 18, 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 at this time.

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

Mayor Romero announced City Manager's communication number 286, dated October 18, 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 made by Mayor Romero, Vice Mayor Santa Cruz, and Council Members Dahl and Lee.

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 287, dated October 18, 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 298, dated October 18, 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. Ajuua Mexican Restaurant, Ward 6  
City #81-22, Series 12  
Agent: Kevin Arnold Kramber  
Address: 2310 N. Country Club Rd.  
Action must be taken by: November 5, 2022

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

2. The Union Jack, Ward 6  
City #82-22, Series 12  
Applicant: Jared Michael Repinski  
Address: 800 E. University Blvd. #104  
Action must be taken by November 7, 2022

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

3. Pocha's Grill, Ward 6  
City #83-22, Series 12  
Agent: Jesse Espinoza  
Address: 5224 E. Pima St.  
Action must be taken by: November 12, 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 to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

1. Iron Johns Brewing Company, Ward 6  
City#79-22, Series 6  
Agent: Kevin Arnold Kramber  
Address: 222 E. Congress St.  
Action must be taken by October 20, 2022

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

2. Rockabilly Grill, Ward 3  
City #80-22, Series 6  
Agent: Dana Ith  
Address: 3700 N. Oracle Rd.  
Action must be taken by: October 28, 2022

c. Special Event(s)

1. University of Arizona Society for Mining, Metallurgy, and Exploration, Ward 4, #T79-22  
Applicant: Katie Slaughter  
Address: 2400 S. Craycroft Rd.  
Purpose: Fundraiser for University of Arizona Club  
Event Date: November 11, 2022

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

2. The Community Food Bank of Arizona, Ward 1  
#T80-22  
Applicant: Charm Liggins  
Address: 1859 W. Grant Rd.  
Purpose: Charitable Event  
Event Date: November 12, 2022

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

3. Tucson Breakfast Lions Club, Ward 5  
#T81-22  
Applicant: Donald Joe Osborne  
Address: 4823 S. 6th Ave.  
Purpose: Fundraising  
Event Dates: November 11, 2022 - November 12, 2022

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

4. Coyotes Charities and Arizona Coyotes Foundation, Ward 6  
#T82-22  
Applicant: Bob Hoffman  
Address: 260 S. Church Ave.  
Purpose: Hockey & Hops Beer tasting prior to hockey game  
Event Date: November 12, 2022

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

5. St. Mark's Presbyterian Church, Ward 6  
#T84-22  
Applicant: Valentina Lucero  
Address: 3809 E. 3rd St.  
Purpose: Fundraising for Southside worker center and celebrate 16 years  
Event Date: November 19, 2022

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

6. La Frontera Mariachi Conference, Ward 1  
#T85-22  
Applicant: Kathy Guzman Wells  
Address: 296 S. Avenida Del Convento  
Purpose: Fundraiser  
Event Date: November 12, 2022

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

7. Esperanza Dance Project, Ward 3  
#T87-22  
Applicant: Arianna Mierya Montes  
Address: 4500 N. Oracle Rd.  
Purpose: Silent Auction Fundraiser  
Event Date: November 19, 2022

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

d. Agent Change/Acquisition of Control/Restructure

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

1. Grantstone Super Market, Ward 3  
City #AC12-22, Series 9  
Agent: Kevin Arnold Kramber  
Address: 8 W. Grant  
Action must be taken by: November 5, 2022

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

It was moved by Council Member Lee, duly seconded, and carried by a voice vote of 5 to 0 (Council Members Cunningham and Fimbres absent/excused), to forward Items 5b1 through 5b5, 5c1 through 5c7, and 5d1 to the State Liquor Board with a recommendation of APPROVAL.

e. Reconsideration: Love Cabaret Liquor License Application No. 72-20

1. Reconsideration: Love Cabaret Liquor License Application No. 72-20

2. Reconsideration of Mayor and Council recommendation of Denial dated March 9, 2021

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 5 to 0 (Council Members Cunningham and Fimbres absent/excused), to Reconsider the Love's Cabaret Liquor License Application No. #72-20.

3. New Action Relating to Love Cabaret, Liquor License Application #72-20, Consideration of Settlement Agreement

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 5 to 0 (Council Members Cunningham and Fimbres absent/excused), to forward Liquor License 5e2, Application #72-20, to the State Liquor Board with a recommendation of APPROVAL.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 5 to 0 (Council Members Cunningham and Fimbres absent/excused), to APPROVE the settlement agreement for Love Cabaret.

## **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:

Keith Van Heyningen

Charles Allen

Jared Weaver

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 K**

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) OCT18-22-281
- b. PARKS AND RECREATION: ADOPTION OF THE ROBB WASH GREENWAY MASTER PLAN (WARD 2) OCT18-22-280

Resolution No. 23524 relating to Parks and Recreation; adoption of the Robb Wash Greenway Master Plan; and declaring an emergency.

- c. PARKS AND RECREATION: ADOPTION OF THE BARRIO NOPAL PARK MASTER PLAN (WARD 1) OCT18-22-282

Resolution No. 23526 relating to Parks and Recreation; adoption of the Barrio Nopal Park Master Plan; and declaring an emergency.

- d. FINANCIAL PARTICIPATION AGREEMENT: TUCSON CLEAN AND BEAUTIFUL FOR FISCAL YEAR 2023 (CITY WIDE) OCT18-22-296

Resolution No. 23533 relating to Environmental Services; authorizing and approving the Fiscal Year 2023 Financial Participation Agreement between the City of Tucson and Tucson Clean And Beautiful; and declaring an emergency.

- e. TRANSPORTATION: AUTHORITY TO ACQUIRE RIGHT OF WAY FOR THE VALENCIA ROAD – KOLB ROAD TO HOUGHTON ROAD IMPROVEMENT PROJECT (WARD 4) OCT18-22-283

Resolution No. 23527 relating to Transportation and Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn, if necessary, the rights of way and easements needed for construction of improvements to widen Valencia Road from Kolb Road to Houghton Road for the Houghton Road Improvement Project; and declaring an emergency.

- f. FINAL PLAT: (S22-032) VALENCIA CROSSING COMMERCIAL LOTS 1 THROUGH 7 (WARD 5) OCT18-22-284

Staff recommends that the Mayor and Council approve the final 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.

- g. POLICE: ACCEPTANCE OF 2022 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD (CITY WIDE) OCT18-22-293

Resolution No. 23532 approving the 2022 Department of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant (JAG) program award; and declaring an emergency.

- h. GRANT AGREEMENT: WITH THE OFFICE OF JUSTICE PROGRAMS (OJP) FOR THE 2022 COMMUNITY BASED VIOLENCE INTERVENTION AND PREVENTION INITIATIVE GRANT (CITY WIDE) OCT18-22-290

Resolution No. 23529 relating to Grants; approving and authorizing execution of a Grant Agreement with the Office of Justice Programs (OJP) for the BJA FY22 Community Based violence intervention and prevention initiative; and declaring an emergency.

- i. GRANT AGREEMENT: WITH THE OFFICE OF JUSTICE PROGRAMS (OJP) FOR THE 2022 DNA CAPACITY ENHANCEMENT FOR BACKLOG REDUCTION (CEBR) PROGRAM GRANT (CITY WIDE) OCT18-22-291

Resolution No.: 23530 relating to Grants; approving and authorizing execution of a Grant Agreement with the Office of Justice Programs (OJP) for the FY22 DNA Capacity Enhancement for Backlog Reduction (CEBR) program; and declaring an emergency.

- j. GRANT AGREEMENT: WITH THE OFFICE OF JUSTICE PROGRAMS (OJP) FOR THE 2022 BUREAU JUSTICE ASSISTANCE NATIONAL SEXUAL ASSAULT KIT INITIATIVE GRANT (CITY WIDE) OCT18-22-292

Resolution No. 23531 relating to Grants; approving and authorizing Execution of a Grant Agreement with the Office of Justice Programs (OJP) for the 2022 BJA FY22 National Sexual Assault Kit Initiative (SAKI) funding enhanced DNA methodologies to identify and apprehend suspects in sexual assault cases; and declaring an emergency.

- k. AMERICAN RESCUE PLAN STATE AND LOCAL FISCAL RECOVERY FUNDING SLFRF)– REALLOCATION OF FUNDS TO AFFORDABLE HOUSING AND INVESTING IN OUR HOUSELESS COMMUNITY (CITY WIDE) OCT18-22-302

(This item was considered separately at the request of Vice Mayor Santa Cruz.)

Mike Rankin, City Attorney, read into the record a correction to the Resolution for Items 7g through 7j. He said that the resolutions were originally prepared to have the Mayor's signature, but the forms had changed and gone to an electronic signature from the City Manager. So, Section2 of the Resolutions had been revised to read as follows:



“The City Manager, or the Manager’s designee, is authorized and directed to execute the grant award acceptance, together with any required declaration and certification and any other documents necessary to effectuate the grant award, for and on behalf of the City.”

It was moved by Council Member Lee, duly seconded, and passed by a roll call vote of 5 to 0 (Council Members Cunningham and Fimbres absent/excused), that Consent Agenda Items a – k, with the exception of Item k, which was considered separately, be passed and adopted and the proper action taken.

**7. CONSENT AGENDA – ITEM K**

k. AMERICAN RESCUE PLAN STATE AND LOCAL FISCAL RECOVERY FUNDING SLFRF)– REALLOCATION OF FUNDS TO AFFORDABLE HOUSING AND INVESTING IN OUR HOUSELESS COMMUNITY (CITY WIDE) OCT18-22-302

It was moved by Vice Mayor Santa Cruz, duly seconded, and passed by a roll call vote of 5 to 0 (Council Members Cunningham and Fimbres absent/excused), that Consent Agenda Items k, be passed and adopted and the proper action taken.

**8. ZONING: (SE-22-27) T-MOBILE – WILMOT ROAD, RX-1 ZONE, WIRELESS COMMUNICATION FACILITY, SPECIAL EXCEPTION, ORDINANCE ADOPTION (WARD 4) OCT18-22-288**

Mayor Romero announced City Manager's communication number 288, dated October 18, 2022, was received into and made part of the record The special exception site is located approximately 100 feet east of Wilmot Road and 2,450 feet north of Old Vail Connection Road alignment in the RX-1 zone. She said the Zoning Examiner and Staff recommend approval of the special exception request subject to the recommended conditions.

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

John Katsiris, Pinnacle Consulting on behalf of T-Mobile, the applicant, was presented and agreeable to the proposed requirements.

Mayor Romero asked the City Clerk to read Ordinance 11962 by number and title only.

Ordinance No. 11962 Relating to Zoning; a special exception land use – Wireless Communications Facility – SE-22-27 T-Mobile – Wilmot Road – located approximately 100 feet East of Wilmot Road and 2,450 feet North of Old Vail Connection Road Alignment; approving with conditions the construction of a Wireless Communication

Facility Monopole, 75 Feet in height, located within a 1,600-Square Foot Lease area in the Rx-1 Zone; and setting an effective date.

It was moved by Council Member Lee, duly seconded, and passed by a roll call vote of 5 to 0 (Council Members Cunningham and Fimbres absent/excused), to pass and adopt Ordinance 11962, approving the request for special exception as recommended by the Zoning Examiner.

**9. ENVIRONMENTAL SERVICES AND GENERAL SERVICES: NOTICE OF INTENTION TO INCREASE ENVIRONMENTAL SERVICES RATES AND FEES FOR FISCAL YEARS 2023 THROUGH 2027 AND SCHEDULING A PUBLIC HEARING FOR DECEMBER 20, 2022 (CITY WIDE AND OUTSIDE CITY) OCT18-22-295**

Mayor Romero announced City Manager's communication number 295, dated October 18, 2022, was received into and made part of the record. She asked the City Clerk to read Resolution 23534 by number and title only.

Resolution No. 23534 relating to Environmental Services; approving the publication of a notice of intention to increase FY 2023 through FY 2027 environmental service rates and fees and scheduling a public hearing; and declaring an emergency.

Council Member Lee asked the City Attorney to explain the process of the next few items on the agenda.

Mike Rankin, City Attorney, explained that on the evening's agenda, there were a series of items that were a Notice of Intention that kicked off the public process of giving notice of the fact that the Mayor and Council would be considering the fee increases in the various areas. He said there were certain statutory requirements that applied to fee or rate increases and were some differences in what type of rate or fee issued. He said the most rigorous of those processes, with the most amount of public notice in advance of the Mayor and Council action or decision had to do with water rates.

Mr. Rankin said for other non-water fee increases, over the years the City had done different processes because the statutes were not as specific or rigorous as they were for water. He said what the City Manager wanted to do was to standardize the proceedings with respect to fee and rates across different department in the City so that there was a more consistent public notice process.

Mr. Rankin stated these had all been brought forward, environmental/general services fees, water fees, parks fees, planning and development services fees, which includes Tucson fire and other review fees that were part of the development review process. He said the idea was to give even more public notice that what was legally required. He said in addition, the notices would be published on the City's web page giving notice of the public hearing dates.

Mr. Rankin advised that by taking action this evening, the Mayor and Council was not approving any rate increases but were creating the opportunity for public notice that those fee/rate increases/adjustments would be considered at a later date and were establishing the public process for public input.

Council Member Lee stated she was on the fence on a couple of the items but would discuss them later.

Council Member Dahl asked about the December 20th date and why that date was chosen.

Mr. Ortega stated that was the date chosen was based on the number of the meetings but could be moved to a January meeting.

It was moved by Council Member Lee, duly seconded, to pass and adopt Resolution 23534, but move the public hearing to January 10, 2023.

Council Member Kozachik stated that what had been originally decided was to have the give public hearings in December and now there would be one in January. He said with proximity to the holiday, he had an issue with the possibility of increasing rates in five different areas simultaneously. He said he felt that did not need to be done. He said he was serious of increases in environmental services and water but felt the others could be done at a later time.

Vice Mayor Santa Cruz asked for clarification on if this was the process to receive input and not actually making a decision on any of the recommendations.

Mr. Ortega replied she was correct.

Vice Mayor Santa Cruz said if this all just about getting feedback from the community or was it trying to change what they were putting in front of the community asking for feedback. She said she was on the fence about that.

Mayor Romero stated her concern was putting this big ask in front of the residents due to the economic at the present time. She agreed that going down the path was not her preferred choice but understood the dire situation when it came to water resources and how much more it would cost to bring water into the community. She said she also understood how environmental/general services had not had any increases in ten years or more for the services they provide, and more demands were being put on them for additional services.

Mayor Romero said she was not supportive of increases to parks and recreation services, she still had many questions and felt it was too much to put on the shoulders of the residents.

Mr. Ortega suggested that the two areas in need of moving forward were environmental services and water. He also suggested that for the other departments, he could bring those back in the future for further discussions. He said it was his intent to engage stakeholders as part of the process but hearing from the Mayor and Council he did not disagree with them.

Discussion continued.

The motion to pass and adopt Resolution 23435, but move the public hearing to January 10, 2023, was passed by a roll call vote of 5 to 0 (Council Member Cunningham and Fimbres absent/excused).

**10. WATER: NOTICE OF INTENTION TO INCREASE WATER RATES AND FEES FOR FISCAL YEARS 2023 THROUGH 2027 AND SCHEDULING A PUBLIC HEARING ON DECEMBER 20, 2022 (CITY WIDE AND OUTSIDE CITY) OCT18-22-289**

Mayor Romero announced City Manager's communication number 295, dated October 18, 2022, was received into and made part of the record.

Council Member Dahl stated he was in support of the rate increase for water. He said it was clear that the Mayor and Council cared about water, it was a human right not a commodity. He said the City had a robust safety net for low-income and supported the environment. He said the City also did a progressive block rate for residential customers, a policy decision to send a conservation signal. He said this was another example of how Tucson was a leader.

Council Member Dahl said that in 2011, the Office of Sustainability recommended using a similar rate for commercial customers stating that there was no conservation measure in the flat rate structure and would be more complicated than the residential schedule because there were a variety of users. He said to start the process he made the following motion.

It was moved by Council Member Dahl, duly seconded, and carried by a voice vote of 5 to 0 (Council Member Cunningham and Fimbres absent/excused), to direct staff to return in six (6) months with an analysis on an alternate rate structure for Commercial water users in preparation for a potential Notice of Intent.

Discussion ensued regarding community gardens, local farmers, farmer's market run by the Community Food Bank.

It was moved by Council Member Dahl, duly seconded, to direct staff to return in ninety (90) days with language and an analysis that would expand the community garden water rate to include small scale and local agriculture in preparation for a Notice of Intent.

Discussion was held regarding the concern for the 90 days and asked if it could be extended to the same six (6) months.

Council Member Dahl and the seconder were in agreement with the amendment to six (6) months.

The motion to direct staff to return in six (6) months with language and an analysis that would expand the community garden water rate to include small scale and local agriculture in preparation for a Notice of Intent was carried by a voice vote of 5 to 0 (Council Members Cunningham and Fimbres, absent/excused).

Mayor Romero asked the City Clerk to read Resolution 23528 by number and title only.

Resolution No. 23528 relating to Water; approving the publication of a Notice of Intention to Increase FY 2023 through FY 2027 Water rates and fees and scheduling a public hearing; and declaring an emergency.

It was moved by Council Member Dahl, duly seconded, and passed by a roll call vote of 5 to 0 (Council Members Cunningham and Fimbres absent/excused), to pass and adopt Resolution 23528, but move the public hearing to January 10, 2023.

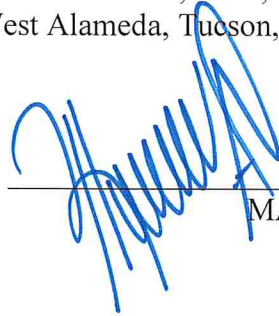
11. **PARKS AND RECREATION: NOTICE OF INTENTION TO ADD, INCREASE AND MODIFY EXISTING SPECIFIC PARKS AND RECREATION FEES AND ADOPTION OF UPDATED DISCOUNT PROGRAM AND SCHEDULING A PUBLIC HEARING ON DECEMBER 20, 2022 (CITY WIDE) OCT18-22-297**
12. **TRANSPORTATION AND MOBILITY: NOTICE OF INTENTION TO INCREASE PARK TUCSON FEES FOR FISCAL YEARS 2023 THROUGH 2027 AND SCHEDULING A PUBLIC HEARING OF DECEMBER 20, 2022 (CITY WIDE) OCT18-22-299**
13. **PLANNING AND DEVELOPMENT SERVICES: NOTICE OF INTENTION TO INCREASE DEVELOPMENT SERVICE FEES AND SCHEDULING A PUBLIC HEARING ON DECEMBER 20, 2022 (CITY WIDE) OCT18-22-301**

Items 11, 12 and 13 were considered together.

It was moved by Council Member Lee, duly seconded, and passed by a roll call vote of 5 to 0 (Council Members Cunningham and Fimbres absent/excused), to continue Items 11, 12 and 13, to a future date.


14. **ADJOURNMENT:** 7:03 p.m.

Mayor Romero announced the next regularly scheduled meeting of the Mayor and Council would be held on Monday, November 14, 2022, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.



MAYOR

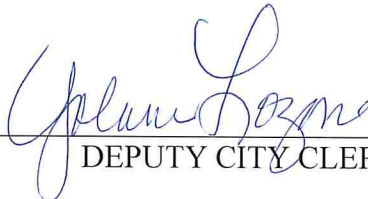
ATTEST:



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 18th day of October 2022, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

SM: yl