



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 3, 2022.

Date of Meeting: September 14, 2021

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 6:03 p.m., on Tuesday, September 14, 2021, 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	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Council Member Ward 3 (arrived at 6:25 p.m.)
Nikki Lee	Vice Mayor, Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6 (arrived at 6:15 p.m.)
Regina Romero	Mayor

Absent/Excused:

None

Staff Members Present:

Michael J. Ortega	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	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 at this time.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Romero announced City Manager's communication number 272, dated September 14, 2021, 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 Fimbres, duly seconded, and carried by a voice vote of 5 to 0 (Council Members Uhlich and Kozachik absent/excused). to approve the appointment(s) of Grace Schau to the Barrio Historico Historic Zone Advisory Board (BHHZAB) and Ted Moeller to the Self-Insurance Trust Fund Board (TRUST)

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

Council Member Cunningham announced his personal appointment of Manon Getsi to the Tucson Parks and Recreation Commission.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Romero announced City Manager's communication number 273, dated September 14, 2021, 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 Lee, and Council Members Santa Cruz, Cunningham, 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 274, dated September 14, 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 report was 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.

(NOTE: Council Member Kozachik arrived at 6:15 p.m.)

5. LIQUOR LICENSE APPLICATIONS

Mayor Romero announced City Manager's communication number 275, dated September 14, 2021, 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. Flaps and Racks, Ward 5
City 39-21, Series 12
Address: 3253 E. Valencia Rd.
Agent: Jeffrey O. Flores
Action taken by: August 16, 2021
2. Perche' No. Italian Bistro, Ward 1
City 41-21, Series 12
Address: 46 W. Congress St.
Agent: Bruno Girardi
Action taken by: August 17, 2021
3. Thunder Bacon Burger, Ward 6
City 42-21, Series 12
Address: 621 N. 4th Ave.
Agent: Gordon Lindon Reilly
Action must be taken by: August 16, 2021

4. Cheba Hut, Ward 6
City 44-21, Series 12
Address: 446 N. Campbell Ave.
Agent: Dorian Ray Lenz II
Action must be taken by: August 20, 2021
5. Sakari Sushi, Ward 3
City 45-21, Series 12
Address: 2962 N. Campbell Ave.
Agent: Fen Du
Action must be taken by: August 23, 2021

Owner 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)

6. Bashful Bandit Barbecue
City 40-21, Series 6
Address: 3686 E. Speedway Blvd.
Agent: Kevin Arnold Kramber
Action must be taken by: August 16, 2021

c. Special Event(s)

1. Children's Museum Tucson, Ward 6
City # T6-21
Event Location: 200 S. 6th Ave.
Applicant: Lucinda Del Rincon
Date of the Event: October 2, 2021
Purpose: Evening of Play 2021
2. Our Mother of Sorrows, Ward 2
City # T15-21
Event Location: 1800 S. Kolb Rd.
Applicant: Alicia Reyes
Date of event: October 1st - 2nd, 2021
Purpose: Annual Parish Fiesta
3. Friends of Tucson's Birthplace, Inc., Ward 1
City T22-21
Event Location: 946 W Mission Lane
Agent: Robert B. Fleming
Purpose: Plant Sale
Event Date: October 9, 2021

4. St. Cyril of Alexandra Roman Catholic Parish, Ward 6
City T26-21
Event Location: 4725 E. Pima St.
Agent: Paul Henson
Date of Event: October 2, 2021
Purpose: School Fundraiser
- d. Agent Change/Acquisition of Control/Restructure
 1. Speedway #2963, Ward 6
City AC4-21, Series 10
Address: 3902 E. Speedway Blvd.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021
 2. Speedway #2965, Ward 6
City AC5-21, Series 10
Address: 4301 E. Broadway Blvd.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021
 3. Speedway #2966, Ward 6
City AC6-21, Series 10
6280 E. Broadway Blvd.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by August 16, 2021
 4. Speedway #2994, Ward 1
City AC7-21, Series 10
761 W. Ajo Way
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021
 5. Speedway #2938, Ward 4
City AC8-21, Series 10
7325 S. Houghton Rd.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021
 6. Speedway #2948, Ward 5
City AC9-21, Series 10
5000 E. Valencia Rd.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021

7. Speedway #2935, Ward 3
City AC10-21, Series 10
4390 N. 1st Ave.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021
8. Speedway #2944, Ward 3
City AC11-21, Series 10
1850 E. Prince Rd.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021
9. Speedway #2998, Ward 4
City AC12-21, Series 10
2750 S. Kolb Rd.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021
10. Speedway #2997, Ward 2
City AC13-21, Series 10
9491 E. 22nd St.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021
11. Speedway #2934, Ward 4
City AC14-21, Series 10
6150 S. Kolb Rd.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021
12. Speedway #2933, Ward 3
City AC15-21, Series 10
3550 N. Campbell Ave.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021
13. Speedway #2932, Ward 2
City AC16-21, Series 10
8845 E. Tanque Verde Rd.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021
14. Speedway #2937, Ward 4
City AC17-21, Series 10
7910 E. Golf Links Rd.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021

15. Speedway #2941, Ward 2
City AC18-21, Series 10
7085 E. Broadway Blvd.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021
16. Speedway #2940, Ward 1
City AC19-21, Series 10
1169 W Irvington Rd.
Agent: Andrea Dahlman Lewkowitz
Action must be taken by: August 16, 2021
17. Sand-Reckoner Tasting Room, Ward 6
City AC20-21, Series 19
Address: 510 N. 7th Ave.
Agent: Robert Michael Hammelman
Action must be taken by: September 6, 2021

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to forward items 5b1 through 5b6, 5c1 through 5c4 and 5d1 through 5d17 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 Kevin Green, Ken Scoville, and Abreeza Zeeger.

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

(NOTE: Council Member Uhlich arrived at 6:25 p.m.)

7. **CONSENT AGENDA – ITEMS A THROUGH J**

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) SEP14-21-276
- b. GRANT AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE FOR THE VICTIMS' RIGHTS PROGRAM (CITY WIDE) SEP14-21-277

Resolution No. 23387 relating to Victims' Rights; approving and authorizing execution of an Award Agreement with the Arizona Attorney General's Office for the Fiscal Year (FY) 2022 Victims' Rights Program; and declaring an emergency.

- c. REAL PROPERTY: ACQUISITION OF PROPERTY FOR THE LOS REALES SUSTAINABILITY CAMPUS (WARD 5) SEP14-21-278

Resolution No. 23388 relating to Real Property and Environmental Services; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, property adjacent to the Los Reales Landfill; and declaring an emergency.

- d. REAL PROPERTY: AMENDMENT TO EXISTING LEASE WITH DESERT SURVIVORS, INC. FOR PROPERTY LOCATED AT 1020 WEST STARR PASS BOULEVARD (WARD 1) SEP14-21-281

Ordinance No. 11873 relating to Real Property; authorizing and approving the amendment to Lease Agreement between the City of Tucson (City) and Desert Survivors INC., an Arizona nonprofit corporation (lessee) for 4.1 acres of City-owned land located at 1020 West Starr Pass Boulevard (subject property); and declaring an emergency.

- e. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH LA COCINA DWNT, LLC., DBA LA CHINGADA FOR CITY-OWNED PROPERTY AT 110 EAST PENNINGTON STREET (WARD 6) SEP14-21-279

Ordinance No. 11871 relating to Real Property; authorizing and approving the Lease Agreement between the City of Tucson (City) and La Cocina DWNT, LLC., dba La Chingada (La Chingada) for the premises located at 110 East Pennington Street (subject property); and declaring an emergency.

- f. REAL PROPERTY: SALE OF CITY-OWNED AERIAL EASEMENTS LEASED TO DAVIS MONTHAN AIR FORCE BASE LOCATED ALONG KOLB ROAD (WARD 4) SEP14-21-282

This item has been continued at the request of Staff.

- g. BOARDS, COMMITTEES, AND COMMISSIONS: EXTENDING TERM OF SERVICE FOR THE COMPLETE STREETS COORDINATING COUNCIL (CITY WIDE) SEP14-21-283

Ordinance No. 11875 relating to Boards, Committees and Commissions; extending the term of the Complete Streets Coordinating Council (CSCC) four years, to September 9, 2025; extending the term of service of CSCC members from its current two years to four years; amending Tucson Code Sections 10A2429d) and 10A247; and declaring an emergency.

- h. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE UA 2ND STREET BIKE AND PEDESTRIAN IMPROVEMENT PROJECT (WARD 6) SEP14-21-284

Resolution No. 23389 relating Transportation; authorizing and approving the Intergovernmental Agreement (IGA) for Transportation Funding between the City of Tucson ("City") and the Regional Transportation Authority of Pima County (RTA) for the University of Arizona (UA) 2nd Street Bike and Pedestrian Improvements Project; and declaring an emergency.

- i. FINANCE: AUTHORIZING THE BUSINESS SERVICES DIRECTOR TO SUBMIT THE ANNUAL EXPENDITURE LIMITATION REPORT (AELR) (CITY WIDE) SEP14-21-287

Resolution No. 23391 relating to Finance; authorizing the Business Services Director to submit and file the City's Annual Expenditure Limitation Report (AELR); and declaring an emergency.

- j. TRANSPORTATION AND MOBILITY: APPROVAL OF THE EL PASO & SOUTHWESTERN GREENWAY EXTENSION PREFERRED ALIGNMENT (WARD 5) SEP14-21-286

Resolution No. 23392 relating to Transportation and Parks and Recreation; authorizing and approving the preferred alignment of an extension to the El Paso & Southwestern Greenway; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – j, with the exception of Item f, which was continued at the request of staff, be passed and adopted and the proper action taken.

8. PUBLIC HEARING: ZONING: C9-20-11 SUNSHINE MILE OVERLAY DISTRICT, ORDINANCE ADOPTION (WARD 5) SEP14-21-280

Mayor Romero announced City Manager's communication number 280, dated September 14, 2021, was received into and made part of the record. She said this was the time and place legally advertised for a public hearing on establishing an Urban Overlay District. The Zoning Examiner and staff recommend approval of the request subject to certain conditions.

Mayor Romero also 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.

Comments were made by Ed Lambert, Stephan Leimroth, John Salvatierra, Ted Warmbrand, Marilyn Robinson and Corky Poster.

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

Mayor Romero asked the City Clerk to read Ordinance 11872 by number and title only.

Ordinance No. 11872 relating to Zoning: amending zoning district boundaries in the area south of Broadway and west of Campbell - in case C9-20-11 - from R-2, O-3, C-1, C-2, C-3, I-1, I-2, P and PAD-39 to Urban Overlay District (UOD) in order to include within the boundary of the Sunshine Mile Urban Overlay District, adopted on July 7, 2021 as Ordinance 11854, and setting an effective date.

Council Member Fimbres thanked the Ward 5 residents, staff and the Rio Nuevo District and the applicant for meeting the past two months during the continuance he requested for the portion of the Sunshine Mile in Ward 5. He said this was an optional overlay district, and a property owner could use their underlying zoning, opt into the Sunshine Mile or proceed with their own site-specific rezoning – including a Planned Area Development.

Council Member Fimbres said based on the revised proposal and the additional dialogue over the last two months, the following item had been addressed:

- height in the Euclid subarea had been lowered to six (6) stories/75 feet which was the same as an underlying zoning. By including the Euclid subarea, this ordinance no permitted residential in the area which would assist with some of the affordable housing issues.
- setbacks in the Park Avenue subarea have been increased to protect neighbors.

Council Member Fimbres stated that Ward 5 now had two historic surveys being completed at no cost to the residents: one (1) to protect the Lost Barrio, thanks to Rio Nuevo with the adoption of the overlay, and two (2) to help Barrio San Antonio Neighborhood related to property taxes.

Council Member Fimbres said in addition, the Department of Transportation and Mobility had added Park Avenue both north and south of Broadway to the “Move Tucson” project to improve streets for walkability, bike infrastructure, beautification/green infrastructure. He said Planning and Development Services would work with the Barrio San Antonio and the Drachman Institute on long-term planning as well as a neighborhood plan. He stated traffic into the neighborhoods would be evaluated through Traffic Impact Analyses for projects to ensure the ingress and egress and that emergency vehicles could get to the houses they needed.

Council Member Fimbres continued saying that neighborhoods would have a strong voice in the Design Review process for major projects with the ability to create enforceable conditions of zoning. He said as a Council, they had prioritized affordable housing as an issue that the City was working on to address. He stated what he wanted to see changed from the proposed ordinance, to reflect his constituent’s requests were:

1. An added limitation on the height in the Park Avenue Subarea south of 12th Street to four stories/54 feet and no higher.
2. Affordable housing stays at 15% and 80% AMI or lower but remove the density bonus percentages as long as the new construction follows the building envelope.
3. Enlist the Housing and Community Development Department (HCD), when one (1) person is displaced and enlist them in the pre-application phase when anybody is potentially displaced.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to approve the revised Sunshine Mile ordinance as presented to the Mayor and Council and with the height limitation as mentioned in the Park Avenue Subarea and staff to report back to the Mayor and Council in eighteen (18) months on projects that have used or are using the Sunshine Mile Ordinance.

9. PRE-ANNEXATION AND DEVELOPMENT AGREEMENTS: WITH MULTIPLE PROPERTIES FOR WATER SERVICE OUTSIDE TUCSON CITY LIMITS- REQUESTED PRIOR TO ESTABLISHMENT OF FEES (WARD 2, WARD 3, WARD 4, AND OUTSIDE CITY) SEP14-21-288

Mayor Romero announced City Manager’s communication number 275, dated September 14, 2021, was received into and made part of the record. She asked the City Clerk to ready each Resolution by number and title only.

Resolution No. 23393 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development

Agreement between the City of Tucson and Whiting Revocable TR ½ Bylina Michael J & Linda D CP/RS ½, owners of parcels 214-19-1070, 214-19-1090, 214-19-1100 and 214-19-1110.

Resolution No. 23394 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Daniel W. Konzal and Roxanne M. Konzal, owners of parcels 114-19-3370, 114-19-3380, and 114-19-3390.

Resolution No. 23395 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Sharon Pairman, Trustee, owner of parcel 114-35-040F.

Resolution No. 23396 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Sam Second L.L.C., owner of parcel 109-04-001B.

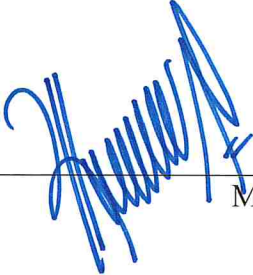
Resolution No. 23397 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Barry R. Sopher, owner of parcel 205-63-1030.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution Nos, 22393, 22395, 22396, and 22397, and the proper action taken to include that the property owners pay the current EDU fees and the \$750 Administrative fee.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22394, and the proper action taken to include that the property owners pay the current EDU fees and the \$750 Administrative fee.

10. ADJOURNMENT: 8:05 p.m.

Mayor Romero announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 28, 2021, 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 14th day of September 2021, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

RWR: yl