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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on July 12, 2022.

Date of Meeting: October 19, 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 6:09 p.m., on Tuesday, October 19, 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
Nikki Lee	Vice Mayor, Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
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 made at this time.

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Romero announced City Manager's communication number 313, dated October 19, 2021, was received into and made part of the record. She asked if there were any personal appointments to be made.

There were none.

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

Mayor Romero announced City Manager's communication number 314, dated October 19, 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 provided by Mayor Romero, Vice Mayor Lee and Council Members Santa Cruz, Cunningham, Uhlich, 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 315, dated October 19, 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 Mike Rankin, City Attorney.

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 316, dated October 19, 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. Speedy Mart, Ward 6  
City 55-21, Series 10  
Agent: Suresh Kumar Thathi  
Address: 1204 N. Alvernon Way  
Action must be taken by: October 28, 2021  
Business Services Department has indicated that the applicant is not in compliance with city requirements.
  
2. Churrasco De Brasil, Ward 3  
City 58-21, Series 12  
Agent: Theresa June Morse  
Address: 150 W. Wetmore Rd.  
Action must be taken by: November 5, 2021

Owner/Location Transfer

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).

3. Just 1 More, Ward 4  
City 46-21, Series 6  
Agent: Raul Humberto Rodriguez  
Address: 6255 E. Golf Links Rd.  
Action must be taken by: September 17, 2021

c. Special Event(s)

1. Hero Support, Ward 3  
City T12-21  
Agent: Kristen Marie Johnson  
Event Location: 1102 W. Grant Rd.  
Date of Event: November 13, 2021  
Purpose: Fundraiser supporting mental health

2. Fourth Avenue Merchants Association, Ward 6  
City T21-21  
Applicant: Daniel George Matlick  
Event Location: 434 E. 9th St.  
Date of Event: December 10, 2021 - December 12, 2021  
Purpose: 2021 Winter Street Fair – Funding
3. Event Producers Alliance of Arizona, Ward 6  
City T31-21  
Applicant: Robert J. Fuller  
Event Location: 114 E. Broadway Blvd.  
Date of Event: November 11, 2021 - November 14, 2021  
Purpose: Pueblo Vida Brewing 7 year Anniversary
4. Tucson Breakfast Lions Club, Ward 5  
City T32-21  
Applicant: Donald Osborne  
Event Location: 4823 S. 6th Ave.  
Date of Event: November 12th & 13th, 2021  
Purpose: Fundraising for Community Services
5. YMCA of Southern Arizona, Ward 1  
City T33-21  
Applicant: Kurtis Dawson  
Event Location: 60 W. Alameda St.  
Date of Event: November 12, 2021  
Purpose: Celebration of YMCA and Military Services Members
6. Tucson Celtic Festival Association, Ward 3  
City T34-21  
Applicant: Angela M. Nelson  
Event Location: 4502 N. 1st. Ave.  
Date of Event: November 5, 2021 - November 7, 2021  
Purpose: To promote Celtic Cultures & Traditions for Highlander Games
7. Roadrunners Give Back Foundation, Ward 6  
City T35-21  
Applicant: Bob Hoffman  
Event Location: 260 S. Church Ave.  
Date of Event: November 13, 2021  
Purpose: Pre-Game Beer tasting for Charity - Hockey & Hops

8. Perimeter Bicycling Association, Ward 6  
City T36-21  
Applicant: Thomas Jukiewicz  
Event Location: 220 S. 6th St. Ave.  
Date of Event: November 18, 2021 - November 20, 2021  
Purpose: El Tour de Tucson - Beer Garden

- d. 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 Fimbres, duly seconded, and passed by a voice vote of 7 to 0, to forward Items 5b1 through 5b3 and 5c1 through 5c8, 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: Doug Richards.

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 G**

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) OCT19-21-317
- b. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO TUCSON CITY COURT (CITY WIDE) OCT19-21-320

Resolution No. 23404 relating to Intergovernmental Agreements (IGAS); approving and authorizing the execution of an IGA between the Arizona Superior Court in Pima County and the City of Tucson (City) for providing jurors to the Tucson City Court; and declaring an emergency.

- c. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY SUPERIOR COURT AND PIMA COUNTY CONSOLIDATED JUSTICE COURT FOR THE PROVISION OF TWICE-A-DAY INITIAL APPEARANCES (CITY WIDE) OCT19-21-328

Resolution No. 23406 relating to Intergovernmental Agreements (IGAS); approving and authorizing the execution of an IGA between the Arizona Superior Court in Pima County, Tucson City Court, Pima County Consolidated Justice Court, and the City Tucson (City) regarding initial appearances.

- d. FINAL PLAT: (S20-061) JEFFERSON MINOR SUBDIVISION, LOTS 1 THROUGH 3 (WARD 6) OCT19-21-318

Staff recommends that the mayor and council approve the plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- e. REAL ESTATE: AMENDMENT TO EXISTING LEASE WITH STEP UP TO JUSTICE FOR SPACE LOCATED AT 320 NORTH COMMERCE PARK LOOP (WARD 1) OCT19-21-319

Ordinance No. 11879 relating to Real Property; approving and authorizing the lease amendment for City-owned office space located at 320 North Commerce Park Loop to Step Up to Justice; and declaring an emergency.

- f. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION (AHCCCS) FOR FEDERAL MATCHING FUNDS FOR GRADUATE MEDICAL EDUCATION AT TUCSON MEDICAL CENTER (CITY WIDE) OCT19-21-326

- g. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION (AHCCCS) FOR FEDERAL MATCHING FUNDS FOR THE ACCESS TO PROFESSIONAL SERVICES INITIATIVE AT TUCSON MEDICAL CENTER (CITY WIDE) OCT19-21-327

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



**8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 27) RELATING TO THE IMPLEMENTATION OF A DIFFERENTIAL RATE STRUCTURE FOR TUCSON WATER LOCATED IN UNINCORPORATED PIMA COUNTY (OUTSIDE CITY) OCT19-21-325**

Mayor Romero announced City Manager's communication number 325, dated October 19, 2021, was received into and made part of the record. She announced this was the time and place legal advertised for a public hearing on consideration of implementation of a differential rate structure for Tucson Water customers located in unincorporated Pima County.

Mayor Romero said 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:

Sharayagh Jimenez	Tanya Nunez	Ryan Stephenson
Josefina Cardenas	Valerie Lane	Corky Poster
Diane Lett	W. Mark. Clark	Michael Collins
Corinne Cooper	Lois Pawlak	Lee Marsh
Miranda Schubert	Karan Schreiber	Leslie Gonzales
Glenda Avalos		

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 11881 by number and title only.

Ordinance No. 11881 relating to Water; amending the Tucson Code, Chapter 27, Water Article II, Rates and Charges; Section 27-32 and Section 27-33, Monthly Potable Water Service Charges by adding rates for Tucson Water customers in unincorporated Pima County beginning in Fiscal Year (FY) 2022; making legislative findings; setting an effective date; and replacing the provisions of Ordinance No. 11846 adopted June 22, 2021.

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 11881

**9. PUBLIC HEARING: AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS TO ALLOW ACCESSORY DWELLING UNITS (CITY WIDE) OCT19-21-324**

Mayor Romero announced City Manager's communication number 324, dated October 19, 2021, was received into and made part of the record. She announced this was the time and place legally advertised for a public hearing on a proposed Unified

Development Code (UDC) text amendment that would allow for Accessory Dwelling Units (ADUs) in zones that allow residential use.

Mayor Romero said 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 speak on the item.

There was no one.

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 11880 by number and title only.

Ordinance No. 11880 relating to Planning and Zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, sections 4.8.3, 4.8.4, 4.8.5, 4.8.6, 4.8.9, 6.6.1, 6.6.2, 6.6.3, 6.6.4 and 11.3.7; and setting an effective date.

It was moved by Council Member Santa Cruz, duly seconded, to pass and adopt Ordinance 11880, with the following conditions:

- 1) 5-year sunset date,
- 2) 2-year administrative review,
- 3) maximum height equal to the roofline of the primary dwelling unit,
- 4) continue looking at solutions to create the conditions for sustainable and affordable housing within city limits,
- 5) develop programs to provide resources and technical support to make ADUs accessible and affordable to Tucson homeowners and residents,
- 6) include a pilot program to fund ADU repairs and improvements,
- 7) establish an amnesty program for unpermitted ADUs, and
- 8) take steps necessary to facilitate this program including amending the development fee schedule to provide participants in the amnesty program a waiver of penalty fees for unpermitted ADUs.

Discussion was held regarding the minimum/maximum height of the roofline. It was recommended that the minimum authorized height be 12 feet and, in those instances, where a two-story structure was on site, the maximum height would be equal to the roofline of the primary dwelling unit. This recommendation was accepted by the motion maker and the secondar.

The motion with the amended minimum/maximum height to be equal to the roof line of the primary dwelling unit or 12 feet was passed by a roll call vote of 6 to 1 (Council Member Kozachik dissenting).



**10. ANNEXATION AND DEVELOPMENT AGREEMENT: WITH PARCEL 515 INVESTORS, LLC, OWNER OF PARCEL 140-44-0040 (WARD 5 AND OUTSIDE CITY) OCT19-21-323**

Mayor Romero announced City Manager's communication number 323, dated October 19, 2021, was received into and made part of the record. She asked the City Clerk to read Resolution 23405 by number and title only.

Resolution No. 23405 relating to Annexation and Development Agreements; authorizing and approving the execution of an Annexation and Development Agreement between the City of Tucson and parcel 515 Investors, LLC, owners of parcel 140-44-0040.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 23405

**11. ZONING: (C9-21-10) CAP STORAGE DEVELOPMENT – VALENCIA & MIDVALE, C-1 TO C-2, CITY MANAGER'S REPORT, WARD 1 OCT19-21-321**

Mayor Romero announced City Manager's communication number 321, dated October 19, 2021, was received into and made part of the record. She said this was a request to rezone approximately 3.36 acres from C-1 to C-2 zoning. The rezoning site is comprised of vacant land extending between South Midvale Park Road on the west and South Commerce Court on the east, north of Valencia Road. The preliminary development plan proposes a two-story, climate-controlled self-storage development with a single building.

Mayor Romero also announced the City Manager and Zoning Examiner recommend authorization of the C-2 rezoning subject to the recommended conditions. She asked if the applicant or representative were present and agreeable to the proposed requirements.

Rory Juneman, Lazarus & Silvyn, P.C. was present and stated they were agreeable to the proposed requirements.

It was moved by Council Member Santa Cruz, duly seconded, and carried by a voice vote of 7 to 0, to authorize the request for rezoning as recommended by the Zoning Examiner.

**12. ZONING: (C9-21-11) STERLING REAL ESTATE – 475 NORTH GRANADA AVENUE, I-1 TO C-2, CITY MANAGER'S REPORT (WARD 1) OCT19-21-322**

Mayor Romero announced City Manager's communication number 322, dated October 19, 2021, was received into and made part of the record. She said this was a request to rezone property at 475 North Granada Avenue from I-1 Industrial to C-2 Commercial, for the adaptive reuse of seven buildings, currently used as a 279-room

hotel, as a multi-family residential development with 210 units, and the construction of eight new buildings with an additional 154 residential units, for a total of fifteen buildings with 364 residential units.

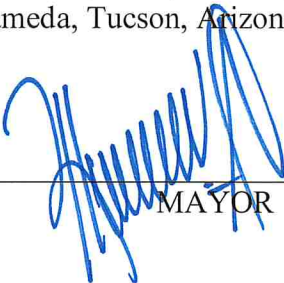
Mayor Romero also announced the City Manager and Zoning Examiner recommend authorization of the C-2 rezoning subject to the recommended conditions. She asked if the applicant or representative were present and agreeable to the proposed requirements.

Keri Silvyn, Lazarus and Silvyn P.C., representing the applicant stated they were in agreement with the proposed requirements.

It was moved by Council Member Santa Cruz, duly seconded, and carried by a voice vote of 7 to 0, to authorize the request for rezoning as recommended by the Zoning Examiner.

**13. ADJOURNMENT: 9:19 p.m.**

Mayor Romero announced the next regularly scheduled meeting of the Mayor and Council would be held on Thursday, November 9, 2021, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

  
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MAYOR

ATTEST:

  
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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 19th day of October 2021, and do hereby certify that it is an accurate transcription.

  
\_\_\_\_\_  
DEPUTY CITY CLERK

RWR:yl