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MAYOR AND COUNCIL – STUDY SESSION

LEGAL ACTION REPORT

WEDNESDAY, FEBRUARY 22, 2023

MAYOR AND COUNCIL CHAMBERS

CITY HALL, 255 W. ALAMEDA, TUCSON, AZ

Mayor Romero called the Study Session to order at 12:10 P.M. in the Mayor and Council Chambers, City Hall Tower, Tucson, Arizona.

OFFICIAL MEMBERS

PRESENT:

Mayor Regina Romero
Council Member Lane Santa Cruz (Ward 1)
Council Member Paul Cunningham (Ward 2) (arrived at 12:16 p.m.)
Council Member Kevin Dahl (Ward 3)
Council Member Nikki Lee (Ward 4) (electronic attendance)
Vice Mayor Steve Kozachik (Ward 6)

OFFICIAL MEMBERS

ABSENT/EXCUSED:

Council Member Richard G. Fimbres (Ward 5)

STAFF:

Michael J. Ortega, City Manager
Michael Rankin, City Attorney
Maria Talamante, Assistant City Clerk

AGENDA ITEM / MAYOR AND COUNCIL ACTION

5. **Mayor and Council Discussion and Direction Relating to “Tucson Resilient Together,”
the Climate Action and Adaptation Plan (City Wide) SS/FEB22-23-40**

(This item was taken out of order.)

Information was provided by Michael J. Ortega, City Manager.

Update was provided by Timothy Thomure, Assistant City Manager, who fielded and answered questions. He said this was the last Study Session for the *Plan* to be discussed before Mayor and Council adoption on March 7, 2023. He reiterated the timeline of events for the *Plan* and what the status was to date. Items covered were stakeholder groups, equity lead/equity focused plan, climate action workshops, Climate Action Advisory Council and Commission on Climate, Energy and Sustainability’s involvement, climate action areas identified (climate leadership and governance, energy, transportation and land use, resource recovery and management and community resilience), EV Readiness Road Map, and community feedback.

(NOTE: Council Member Cunningham arrived at 12:16 p.m.)

Discussion ensued. Comments were made by Mayor Romero and Council Members Dahl, Santa Cruz, and Lee.

No formal action was taken.

3. **Recent Commission on Equitable Housing and Development Recommendations (City Wide) SS/FEB22-23-35**

(This item was taken out of order.)

Information was provided by Liz Morales, Housing and Community Development Department Director and Jim Tofel, Commission on Equitable Housing and Development (CEHD) Chair, regarding the Commission's concerns regarding the lack of housing in Tucson and the barriers developing affordable housing and their proposed recommendations.

Mr. Tofel reviewed the recommendations made by the CEHD, that included reinstating the City of Tucson Housing Trust Fund, LightTech Program, review and change rezoning regulations in order to encourage affordable housing projects, fast track the approval process for affordable housing projects, explore options for providing funding for affordable housing projects to subsidize the additional costs and installing EV infrastructure, and evaluate the potential of adding affordable housing in a future bond or tax measure to the voters.

Discussion ensued. Comments were made by Mayor Romero, Vice Mayor Kozachik, and Council Members Santa Cruz and Dahl.

It was moved by Council Member Santa Cruz, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Fimbres absent/excused), to move forward with the recommendations in the report and evaluate the potential of partnering with Pima County for an affordable housing bond on a future ballot measure.

1. **Executive Session – Lopez v. City of Tucson Pima County Superior Court Case No. C20224885 (City Wide) SS/FEB22-23-33**

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 enter into executive session as noticed on the agenda.

(Note: Mayor Romero departed at 12:55 p.m.)

RECESS: 12:55 p.m.

RECONVENE: 1:36 p.m.

MAYOR & COUNCIL: Mayor Romero departed, all other present as they were at the start of the meeting.

STAFF: All present

Executive Session was held from 1:09 p.m. to 1:28 p.m.

It was moved by Council Member Santa Cruz, duly seconded, and CARRIED by a voice vote of 5 to 0 (Mayor Romero and Council Member Fimbres absent/excused), to return to open session.

2. Mayor and Council Direction Relating to Executive Session – Lopez v. City of Tucson, Pima County Superior Court Case No. C20224885 (City Wide) SS/FEB22-23-34

It was moved by Council Member Santa Cruz, duly seconded, and CARRIED by a voice vote of 5 to 0 (Mayor Romero and Council Member Fimbres absent/excused), to proceed as discussed in executive session and direct the City Attorney to settle the case in the amount of \$175,000.

3. Recent Commission on Equitable Housing and Development Recommendations (City Wide) SS/FEB22-23-35

(This item was taken out of order and considered after Item #5.)

4. Update on Strategic Initiatives Related to Homelessness (City Wide) SS/FEB22-23-41

Opening comments were made by Michael J. Ortega, City Manager.

Information was provided by Amaris Vasquez, Multi Agency Resource Coordinator, and Brandi Champion, Housing First Program Director, who fielded and answered questions. They gave a shelter update for the month of January, shower program update, update on ADOH Grant for Expansion of Homeless Work Program, new funding announcements and protocol action plan. They reported that open houses with all the ward offices and environmental and General Services were held, as well as two operational divisions with TPD to get information on the new homeless protocol efforts and procedures, encampment reports, and information about the steering committee made up of city and county personnel.

Discussion ensued. Comments were made by Mr. Ortega, Mayor Pro Tempore Kozachik, Council Members Cunningham, and Santa Cruz.

No formal action was taken.

5. Mayor and Council Discussion and Direction Relating to “Tucson Resilient Together,” the Climate Action and Adaptation Plan (City Wide) SS/FEB22-23-40

(This item was taken out of order and considered before Item #1.)

6. Colorado River Update and Drought Preparedness and Response Plan Implementation Quarterly Update (City Wide and Outside City) SS/FEB22-23-42

Opening remarks were made by Mayor Pro Tempore Kozachik and Council Member Dahl.

Information was provided by John Kmiec, Tucson Water Department Director, who fielded and answered questions regarding Lake Mead, Bureau of Reclamation Tier 2 Shortage on the Colorado River, highlights Tucson Water (TW) had or was enacting, audits of City owned facilities recommending water efficiency improvements, grant from the Arizona Department of Water Resources, proactive communication with commercial and residential customers, drought plan, and sampling efforts the City was making to both lead in water conservation and assist customers.

Discussion ensued. Comments were made by Mayor Pro Tempore Kozachik, Council Members Dahl, and Cunningham.

Mayor Pro Tempore Kozachik asked for clarification as to whether or not the City had officially declared a Tier 2 in the City and if all of the protocols under the Tier 2 declaration had kicked in. He asked if the City had formally suspended all new requests for water service through PADAs.

Mr. Kmiec responded TW was moving forward with Tier 2 declarations and had suspended all requests for new water service through PADAs.

Discussion continued; no formal action was taken.

7. **Update on PFAS and the City of Tucson Water Supply (City Wide and Outside City). SS/FEB22-23-36**

Information was provided by John Kmiec, Tucson Water Department Director, who fielded and answered questions regarding drinking water safety, Randolph Park treatment update, offering of \$25M from the State for PFAS treatment at TARP, TARP update, connection to reclaimed coming soon, continuation of ADEQ to operate the Central Tucson PFAS plant, TFD has removed the majority of PFAS materials, AZWIFA loan offerings for Northwest well (\$60M; \$10.13M forgivable); Reclaimed System treatment (\$74M; \$6.3M forgivable), targeting other sources for gap, and Litigation court has chosen Stuart, Florida for the bellweather case.

Discussion ensued; no formal action was taken.

8. **Prohibition of Non-Functional Turf in New Development (City Wide) SS/FEB22-23-43 (City Wide)**

Information was provided by John Kmiec, Tucson Water Department Director, who fielded and answered questions on the City's response to deepening drought and shortage on the Colorado River and Mayor and Council's director to enact restrictions on installing non-functional turf in new development and to come up with a plan for phasing out existing non-function turf in the community.

It was moved by Council Member Dahl, duly seconded, to direct staff to move forward and ban all non-functional turf in new development and to concurrently move to phase out existing non-functional turf by June 2026.

Discussion ensued regarding the enforcement mechanism and the change to the UDC which begins with the Planning Commission and eventually making its way back to the Mayor and Council.

The motion was CARRIED by a voice vote of 5 to 0 (Mayor Romero and Council Member Fimbres absent/excused).

9. **Discussion of the Amended and Restated Bylaws of the Industrial Development Authority of the City of Tucson (City Wide) SS/FEB22-23-37**

Introductory comments were made Mayor Pro Tempore Kozachik and Michael J. Ortega, City Manager. It was stated that the materials were pretty straight forward and basically were updating the bylaws to memorialize and formalize the role of the Executive Director, CEO, update the language and make it current.

Mike Rankin, City Attorney, explained that if you looked at the redline form, it looked like there were a lot of changes, but a lot of that was just modernizing, reorganizing and clarifying the existing bylaws and going through the process to reinforce the facts. He commented that this was an entity that was statutorily created, and the Mayor and Council's role was in terms of appointing members to the board and approving their bylaws. He said the item was on the evening's consent agenda for approval.

Discussion was held; no action was taken.

**11. Continued Discussion and Direction on RTA Next Plan Development (City Wide)
SS/FEB22-23-39**

(This item was taken out of order.)

Introductory comments were made by Michael J. Ortega, City Manager. He said the materials were pretty self-explanatory. He touched on the two tables in the materials and explained what each table meant. He said one of the components of the move Tucson framework in conversation was about pavement maintenance. The pavement maintenance component was tricky because the current RTA language might not allow the City to use maintenance money during an RTA in the future. He said that conversation was ongoing, and they would certainly explore that.

Mr. Ortega said in the second table what we did was took those same percentages and outlined them on what a 60% amount would be for RTA Next. He said he picked that percentage as a way of illustrating what those percentages would look like if the City got the full 60% of the allocation. He spoke about \$3M available for maintenance, but stated he felt that needed to be redistributed to both the local specific projects as well as the transit component.

Mr. Ortega stated that when the item came back to the Mayor and Council at the next meeting, they would see a more project specific recommendations and ideas as a result of Move Tucson. He said there were also project submitted to the RTA using the criteria of regional projects that may not have been a part of Move Tucson. He said he felt this was the way to move forward because it provided the framework that was vetted by the community and gave them an understanding of what those important pieces were.

Mr. Ortega commented that a firmer recommendation would be available at the next meeting and they could talk more specifically about the terms of the projects and where the City was headed.

Discussion was held. Comments were made by Council Members Santa Cruz, Cunningham, Lee regarding safety, bicycle pedestrian accessibility, percentages for transit, projects on the east side of town, projects that can be included in RTA Next and what was allowable to present to the voters on a ballot.

Discussion continued; no formal action was taken.

10. Presentation from the Pima County Food Alliance (PCFA); Food Policies to Promote Access to Healthful Food (City Wide) SS/FEB22-23-38

Introductory comments were made by Council Member Dahl who fielded and answered questions. He asked Tucson Water was asked to look at expanding the community garden, reduced water rate to small and local agriculture. He said he knew this sounded counterintuitive to our discussions about water conservation. He said he asked the Pima County Food Alliance to do a short presentation on how local agricultural. intersected with climate resiliency, water and access to healthy food for low-income populations. This group has served as Pima County's Food Policy Council since 2011 and has successfully worked on food system initiatives around school gardening, urban agriculture, zoning, local food promotion and more.

Council Member Dahl said the group aimed to create greater food access and security, climate, resilient foodways and a more adjust food system through education, networking outreach and policy change.

Information and presentation were provided by Audra Christoffel, Community Food Bank and Gigi Owen, University of Arizona, and Don Breckenfeld, Local Food Producer, who fielded and answered questions on how urban small farmers contribute to Tucson's Resilience, the Pima County Food alliance (PFCA), what is a small farm, small farms vs large scale agriculture, food security and access, climate change resiliency, and current barriers.

Discussion ensued; no formal action was taken.

11. Continued Discussion and Direction on RTA Next Plan Development (City Wide) SS/FEB22-23-39

(This item was taken out of order and discussed after Item #9.)

12. Updates on State and National Legislation and Regional Committees (City Wide) SS/FEB22-23-30

Information was provided by Andrew Greenhill, Intergovernmental Relations Manager.

It was moved by Council Member Cunningham, duly seconded, and CARRIED by a voice vote of 5 to 0 (Mayor Romero and Council Member Fimbres absent/excused), to approve the recommendations in the report provided by Mr. Greenhill.

13. Mayor and Council Discussion of Regular Agenda (City Wide) SS/FEB22-23-31

No items were identified.

14. Mayor and Council Discussion of Future Agendas (City Wide) SS/FEB22-23-32

Council Member Cunningham stated he wanted to add an item to a future agenda in March regarding Innovative Paratransit Options with direction to the Department of Transportation and Mobility (DTM).

Council Member Lee stated she submitted a request for a Study Session item on March 21st for the City Manager to conduct a retrospective and help the Ward Office understand opportunities that can be improved on following the nitric acid spill.

ADJOURNMENT: 3:30 p.m.

AUDIO RECORDING AVAILABLE UPON REQUEST FROM THE CITY CLERK'S OFFICE FOR TEN YEARS FROM THE DATE OF THIS MEETING.



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