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MAYOR AND COUNCIL – STUDY SESSION

LEGAL ACTION REPORT

TUESDAY, APRIL 6, 2021

MEETING NOTE: Due to the impacts of the COVID-19 pandemic, which have prompted declarations of a public health emergency at the local, state and federal levels, this meeting will be conducted using measures to protect public health. This meeting will be held remotely through technological means, as permitted under Arizona law.

IN-PERSON ATTENDANCE BY MEMBERS OF THE PUBLIC WILL BE PROHIBITED.

A live stream of the meeting will be broadcast so that members of the public may view and listen to the meeting online at this location:

<https://www.tucsonaz.gov/gov/mayor-and-council-live>

The meeting will not include any items that will involve time set aside for public comments.

PLEASE BE AWARE THAT THESE MEASURES ARE IN PLACE TO LIMIT THE NEED FOR MEMBERS OF THE PUBLIC TO PARTICIPATE IN LARGE PUBLIC GATHERINGS, WHILE ENSURING THAT THE DISCUSSIONS, DELIBERATIONS AND ACTIONS OF THE MAYOR AND COUNCIL ARE TRANSPARENT AND CONDUCTED OPENLY.

Mayor Romero called the Study Session to order at 1:01 p.m. The meeting was held remotely using Microsoft Teams.

OFFICIAL MEMBERS

PRESENT: Mayor Regina Romero
Council Member Lane Santa Cruz (Ward 1)
Council Member Cunningham (Ward 2)
Council Member Karin Uhlich (Ward 3)
Vice Mayor Nikki Lee (Ward 4)
Council Member Richard G. Fimbres (Ward 5)
Council Member Steve Kozachik (Ward 6)

OFFICIAL MEMBERS

ABSENT/EXCUSED: None

STAFF: Michael J. Ortega, City Manager
Michael Rankin, City Attorney
Suzanne Mesich, Chief Deputy City Clerk

AGENDA ITEM / MAYOR AND COUNCIL ACTION

1. **Report and Update on the Continuing COVID-19, Emergency: City Response and Emergency Management; Coronavirus Relief Fund (CRF) Mayor and Council Strategic Plan and Expenditures; American Rescue Plan (City Wide and Outside City) SS/APR06-21-78**

Introductory comments were made by Mayor Romero. She outlined the flow of the discussion regarding COVID numbers/cases, update on testing, vaccinations, utility delinquencies, and mask mandate in the City and Pima County

Information was provided by Michael J. Ortega, City Manager, on testing to date, vaccinations, and delinquencies.

Discussion ensued.

Information and presentation were provided by Andrew Greenhill, Intergovernmental Relations Manager, who fielded and answered questions on the American Rescue Plan, Eviction Moratorium update and the American Jobs Plan presented by President Biden.

Discussion ensued; no formal action was taken.

2. **Market Rate Analysis Update (City Wide) SS/APR06-21-82**

Introductory comments were made by Mayor Romero.

Information and presentation were provided by Michael J. Ortega, City Manager and Ana Urquijo, Assistant City Manager, who fielded and answered questions regarding the Market Posture Analysis conducted by HR Know Consulting, LLC for all classifications (excluding commissioned Police & Fire), Market Rate Analysis of Tucson Fire conducted by Human Resources Strategies, LLC., and Market Rate Analysis of Tucson Police conducted internally.

Discussion ensued; no formal action was taken

3. **Community Safety Pilot Program Update (City Wide) SS/APR06-21-83**

Introductory comments were made by Mayor Romero.

Information and presentation were provided by Liana Perez, Deputy City Manager, Charlene Mendoza, Mayor's Office, Chief of Staff, and Genesis Cubillas, Mayor's Office Community Engagement Advisor, who fielded and answered questions on

Discussion ensued; no formal action was taken.

4. **Continued Discussion of the FY 2022 Operating Budget, Including an Updated General Fund Five-Year Projection, Budget Presentations from City Clerk, Information Technology and Police Departments (City Wide) SS/APR06-21-86**

Information was provided by Michael J. Ortega, City Manager who outlined the flow of the conversation.

Information and presentations were provided by the following departments who fielded and answered questions.

- City Clerk's Office – Roger W. Randolph, City Clerk
- Information Technology – Collin Boyce, Director
- Tucson Police Department – Chris Magnus, Chief of Police

Discussion ensued.

Information and presentation were provided by Jeff Yates, Business Services Department Director, who fielded and answered questions on the City's FY 2022 Operating Budget, including an update on the General Fund Five-Year Projections (staffing level assumptions).

Discussion ensued; no formal action taken.

5. **Visit Tucson Presentation (City Wide) SS/APR06-21-85**

Introductory comments were made by Mayor Romero and Michael J. Ortega, City Manager.

Information and presentation were given by Brent DeRaad, Visit Tucson CTA President and CEO and Felipe Garcia, Visit Tucson CTA Executive Vice President, who fielded and answered questions.

Discussion ensued; no formal action taken.

6. **Update on Regulations Relating to Smoke Shops (City Wide) SS/APR06-21-84**

Introductory comments were made by Council Member Fimbres.

Information was provided by Assistant Chief Kevin Hall, Tucson Police Department, who fielded and answered questions on smoke shops, 1700 calls for services since January 2019, sale of spice at smoke shops and continued contribution to surrounding neighborhoods and businesses regarding incidences.

It was moved by Council Member Fimbres, duly seconded and CARRIED by a voice vote of 7 to 0, to have the City Manager direct staff to review the information provided, as well as, review the current process and report back to the Mayor and Council in sixty (60) days on making improvements and changes to the current system, including a background or investigative process for applicants, distancing from schools and from other smoke shops, saturation of smoke shops in areas and hours of operation.

Discussion ensued; no further action taken.

RECESS: 5:00 p.m.

RECOVENT: 5:06 p.m.

MAYOR & COUNCIL: All present

STAFF: All present

7. **Consideration of Differential Rate Implementation for Tucson Water Customers Located in Unincorporated Pima County (Outside City) SS/APR06-21-88**

Introductory comments were made by Council Member Cunningham.

Information and presentation were given by Timothy Thomure, Assistant City Manager, who fielded and answered questions. He said staff essentially needed some direction regarding the Notice of Intent for Consideration of Differential Rate Implementation for Tucson Water customers located in unincorporated Pima County. He said the item on the evening's regular meeting would set the cap of what can be charged. He gave examples of cities in Arizona who charged these types of rates.

Discussion ensued.

8. **Adult Use and Medical Marijuana Unified Development Code Text Amendment (City Wide) SS/APR06-21-87**

Introductory comments were made by Mayor Romero.

Information and presentation were provided by Scott Clark, Planning and Development Services Department Director and Daniel Bursuck, Planning and Development Services Department Principal Planner, who fielded and answered questions on the proposed *Unified Development Code (UDC)* amendments for Adult Use and Medical Marijuana, steps taken, Planning Commission outcome, Social Equity Licenses, Separation Distance, Separation Distance-Comparison Separation Distance Analysis, Options 1 through 3, and Options for Revision Setbacks.

Discussion ensued.

It was moved by Council Member Fimbres, duly seconded, and CARRIED by a voice vote of 7 to 0, that:

1. The Mayor and Council direct the City Manager and staff to participate and provide comment during the rule-making process to advocate for rules that will ensure that Social Equity licenses are ultimately issued to applicants who represent the minority communities that were disproportionately impacted by the enforcement of earlier marijuana laws. At a minimum, those rules should limit the economic barriers to applications, such as the elimination of extraordinarily high application fees that will prevent small minority businesses from having the opportunity to compete for these licenses and instead steer them towards the established corporate interests who already dominate the industry.
2. The zoning regulations relating to adult use are on tonight's agenda. *In addition* to Mayor & Council's direction on advancing the UDC text amendments, The City Attorney is directed to have language ready for Mayor and Council consideration that would preserve the status quo relating to social equity licenses by temporarily prohibiting social equity license locations. To be clear, this is *in addition* to moving forward the UDC text amendments, and would NOT affect dual-use dispensaries (which are currently the only dispensaries permitted to offer recreational products), nor would it affect location changes of existing dual use dispensaries.

Discussion continued; no further action was taken.

9. **Updates on State and National Legislation and Regional Committees (City Wide) SS/APR06-21-79**

Information and presentation were given by Andrew Greenhill, Intergovernmental Relations Manager, who fielded and answered questions regarding four bills on his report.

It was moved by Council Member Kozachik, duly seconded, and CARRIED by a voice vote of 7 to 0, to approve the recommendations in the report and oppose HB2190, HB2295, HB2309, and HB2668.

Discussion ensued regarding bill HR1. Postal legislation bills, HCM205 and PFAS remediation/litigation.

10. **Mayor and Council Discussion of Regular Agenda (City Wide) SS/APR06-21-80**

No items were identified.

11. Mayor and Council Discussion of Future Agendas (City Wide) SS/APR06-21-81

Council Member Fimbres requested the following Study Session items be added:

5/4/18 – 15 min. for an update regarding changes to the Impact Fee structure, process and how funds are distributed.

5/18/21 – 20 min. for an update on the City's p-Card Program.

ADJOURNMENT: 6:14 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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Agenda Summary

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MAYOR AND COUNCIL – REGULAR MEETING

LEGAL ACTION REPORT

TUESDAY APRIL 6, 2021

MEETING NOTE: Due to the impacts of the COVID-19 pandemic, which have prompted declarations of a public health emergency at the local, state and federal levels, this meeting will be conducted using measures to protect public health. This meeting will be held remotely through technological means, as permitted under Arizona law.

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THE PUBLIC WILL ALSO HAVE TWO OPTIONS TO PROVIDE COMMENT TO THE MAYOR AND COUNCIL FOR PUBLIC HEARINGS:

1. Members of the public may submit written comments on any items scheduled as a public hearing. To do so, send an email to cityclerk@tucsonaz.gov (mailto:cityclerk@tucsonaz.gov) . The email should include the individual’s name and the agenda item for comment. The comments will be limited to no more than 500 words.
2. Individuals wishing to speak during the public hearing (subject to technological availability) will join the meeting via teleconference. You must submit a written request to cityclerk@tucsonaz.gov (mailto:cityclerk@tucsonaz.gov) . The email should include your name, and the phone # you will use for the teleconference. The phone # will be used to identify the individual when/if being called upon to speak. Once your request to speak has been received by the City Clerk, you will be provided instructions on how to connect to the teleconference.

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1. **ROLL CALL:** 6:38 p.m.

OFFICIAL MEMBERS PRESENT: Mayor Regina Romero, Vice Mayor Nikki Lee, and Council Members, Lane Santa Cruz, Paul Cunningham, Karin Uhlich, Richard G. Fimbres and Steve Kozachik.

OFFICIAL MEMBERS ABSENT/EXCUSED: None

STAFF MEMBERS: Michael J. Ortega, City Manager; Michael Rankin, City Attorney; and Suzanne Mesich, Chief Deputy City Clerk

AGENDA ITEM / MAYOR AND COUNCIL ACTION	DEPARTMENT
<ol style="list-style-type: none"> 2. <u>INVOCATION, PLEDGE OF ALLEGIANCE, AND APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS</u> 	
<ol style="list-style-type: none"> <ol style="list-style-type: none"> b. <u>INVOCATION</u> – The invocation was given by Ana Marrufo, Management Assistant, City Clerk’s Office. 	

c. PRESENTATIONS

1. Proclamation: Proclaiming April 6, 2021 as “National Service Recognition Day.” Alison Doty and Didi Dieke, Arizona Serve, accepted the proclamation.
2. Proclamation: Proclaiming the week of April 11, 2021 as “National Public Safety Telecommunicators Week.”

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

CITY CLERK

1. Mayor and Council Communication (CITY WIDE) APR06-21-91
2. Pima County/Tucson Women ‘s Commission (PCTWC): Lisa A. Nutt and Tony Zinman

It was moved by Council Member Fimbres, duly seconded, and CARRIED by a voice vote of 7 to 0, to appoint Lisa A. Nutt and Tony Zinman to the Pima County/Tucson Women’s Commission (PCTWC).

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

There were none.

3. **MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS (CITY WIDE) APR06-21-92**

CITY CLERK

Current event reports were given by Mayor Romero, Vice Mayor Lee, and Council Members Santa Cruz, Cunningham, Uhlich, and Fimbres.

4. **CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS (CITY WIDE) APR06-21-93**

CITY CLERK

Current event reports were given by Michael J. Ortega, City Manager and Mike Rankin, City Attorney.

5. **LIQUOR LICENSE APPLICATIONS**

- a. Mayor and Council Communication (CITY WIDE) APR06-21-94
- b. 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, City 4-21

(This item was considered separately.)
- c. Special Event(s)
 1. Tu Nidito Children and Family Services, City TI-21

2. Vietnam Veteran's of America Tucson Chapter 106, City T2-21

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no application(s) for Agent Change/Acquisition of Control/Restructure scheduled for this meeting.

It was moved by Council Member Uhlich, duly seconded, and CARRIED by a voice vote of 7 to 0, to forward items 5c1 through 5c2, to the State Liquor Board with a recommendation of approval.

5. LIQUOR LICENSE APPLICATIONS

b. New License(s)

1. Speedy Mart, City 4-21

It was moved by Council Member Kozachik, duly seconded and CARRIED by a voice vote of 7 to 0, to forward Item 5b1 to the State Liquor Board with a recommendation of approval.

6. CALL TO THE AUDIENCE

Comments were provided by Abreeza Zegeer, Miranda Schubert, Dale Warner, Heidi Miller, and Cindy Hogan.

7. CONSENT AGENDA

a. APPROVAL OF MINUTES (CITY WIDE) APR06-21-95

CITY CLERK

b. INTERGOVERNMENTAL AGREEMENT: WITH TUCSON UNIFIED SCHOOL DISTRICT FOR JOINT USE OF CERTAIN AMENITIES AT CATALINA HIGH SCHOOL (WARD 6) APR06-21-101

PARKS AND RECREATION

Resolution No. 23323

c. BOARDS, COMMITTEES AND COMMISSIONS: AMENDING RESOLUTION 20632, EXTENDING THE TERM OF SERVICE FOR THE GRANT ROAD CORRIDOR PLANNING TASK FORCE (WARDS 2, 3, AND 6) APR06-21-96

TRANSPORTATION AND MOBILITY

Resolution No. 23319

d. INDUSTRIAL DEVELOPMENT AUTHORITY: AUTHORIZATION OF AMENDMENTS TO THE JOINT REVOLVING TAXABLE SINGLE FAMILY MORTGAGE PROGRAM OF 2012 (CITY WIDE) APR06-21-99

ECONOMIC INITIATIVES

Resolution No. 23322

e. AGREEMENT: WITH PIMA ASSOCIATION OF GOVERNMENTS FOR YOUTH PUBLIC ART FUNDING (CITY WIDE) APR06-21-97

TRANSPORTATION AND MOBILITY

Resolution No. 23320

It was moved by Vice Mayor Lee, duly seconded, and PASSED by a roll call vote of 7 to 0, that Consent Agenda Items a – e be passed and adopted, and the proper action taken.

<p>8.</p>	<p><u>PUBLIC HEARING: (C8-20-01) AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE RELATING TO ADULT USE AND MEDICAL MARIJUANA (CITY WIDE) APR06-21-102</u></p> <p>It was moved by Council Member Fimbres, duly seconded, and CARRIED by a voice vote of 7 to 0, to close the public hearing.</p> <p>Ordinance No. 11828</p> <p>Mike Rankin, City Attorney, read into the record corrections that needed to be made to the Ordinance.</p> <p>It was moved by Council Member Cunningham, duly seconded to pass and adopt Ordinance 11828, congruent with the discussion held earlier during the Study Session, to include the changes read into the record by the City Attorney to include a 500 ft. setback for residential treatment facilities and schools and a 2000 ft. separation between dispensaries.</p> <p>Discussion ensued regarding the inclusion of parks and libraries in the 500 ft. setback and the various options presented by staff, as well as a special exception option.</p> <p>Council Member Cunningham withdrew his motion.</p> <p>A substitute motion was made by Council Member Kozachik, duly seconded, and CARRIED by a voice vote of 7 to 0, to approve Ordinance 11828 with the changes read into the record by the City Attorney and to include the 500 ft setback for residential treatment facilities, schools, parks and libraries, and 2000 ft. separation between existing dispensaries.</p>	<p><u>PLANNING AND DEVELOPMENT SERVICES</u></p>
<p>9.</p>	<p><u>ZONING: (SE-20-12) T-MOBILE – 4216 S 12TH AVENUE, O-3 ZONE, WIRELESS COMMUNICATION FACILITY, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION (WARD 1) APR06-21-100</u></p> <p>Ordinance No. 11827</p> <p>It was moved by Council Member Santa Cruz, duly seconded, and PASSED by a roll call vote of 7 to 0, to approve the request for special exception as recommended by the Zoning Examiner and pass and adopt Ordinance 11827.</p>	<p><u>PLANNING AND DEVELOPMENT SERVICES</u></p>
<p>10.</p> <p>*</p>	<p><u>WATER: NOTICE OF INTENTION TO INCREASE CERTAIN TUCSON WATER RATES AND FEES AND SCHEDULING A PUBLIC HEARING FOR JUNE 8, 2021 (OUTSIDE CITY) APR06-21-98</u></p> <p>Resolution No. 23321</p> <p>It was moved by Council Member Fimbres Cunningham, duly seconded, and PASSED by a roll call vote of 7 to 0, to pass and adopt Resolution 23321 approving the publication of the Notice of Intent and schedule a Public Hearing for June 8, 2021, and direct staff to file all necessary documents with the City Clerk and all of their actions to allow the Mayor and Council to consider differential rates up to but not exceeding 50%. It was further moved that the Mayor and Council affirm that the City’s Water Service Area protects their water supply and is vital to its sustainability.</p>	<p><u>WATER</u></p>

11. ADJOURNMENT – 8:12 p.m.

Mayor Romero announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 20, 2021, at or after 5:30 p.m.



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