



MAYOR AND COUNCIL Study Session Minutes

Approved by Mayor and Council
on September 14, 2021

Date of Meeting: March 23, 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 study session remotely through Microsoft Teams on Tuesday, March 23, 2021. The meeting was called to order by Mayor Romero at 1:03 p.m.

OFFICIAL MEMBERS

PRESENT:

Mayor Regina Romero
Council Member Lane Santa Cruz (Ward 1) (arrived at 1:05 p.m.)
Council Member Cunningham (Ward 2) (arrived at 1:04 p.m.)
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:

None

STAFF:

Michael J. Ortega, City Manager
Michael Rankin, City Attorney
Roger W. Randolph, City Clerk

1. **Executive Session – City of Tucson v. Roberts Development Company, Inc., et al., Pima County Superior Court Case No. C20201774 (City Wide) SS/MAR23-21-64**
3. **Executive Session – Marcus, et al. v. City of Tucson, Pima County Superior Court Case No. C20193881 (City Wide) SS/MAR23-21-70**

(Item #3 was taken out of order and considered after Item #1.)

It was moved by Council Member Fimbres, duly seconded and carried by a voice vote of 5 to 0 (Council Members Santa Cruz and Cunningham absent/excused), to enter into Executive Session as noticed in the agenda.

(Note: Council Member Cunningham arrived at 1:04 p.m.)

(Note: Council Member Santa Cruz arrived at 1:05 p.m.)

RECESS: 1:04 p.m. (Executive Session was held from 1:05 p.m. to 1:35 p.m.)

RECONVENE: 1:40 p.m.

MAYOR & COUNCIL: All Present

STAFF: All Present

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to return to open session.

2. Mayor and Council Direction Regarding Executive Session – City of Tucson v. Roberts Development Company, Inc., et al., Pima County Superior Court Case No. C20201774 (City Wide) SS/MAR23-21-65

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to direct and authorize the City Manager and City Attorney to proceed as discussed in Executive Session in order to resolve the eminent domain property acquisition case for the Grant Road project.

3. Executive Session – Marcus, et al. v. City of Tucson, Pima County Superior Court Case No. C20193881 (City Wide) SS/MAR23-21-70

(This item was taken out of order and discussed after Item #1.)

4. Mayor and Council Direction Regarding Executive Session – Marcus, et al. v. City of Tucson, Pima County Superior Court Case No. C20193881 (City Wide) SS/MAR23-21-71

It was moved by Council Member Santa Cruz, duly seconded, and carried by a voice vote of 7 to 0, to direct and authorize the City Attorney to proceed as discussed in Executive Session and settle this personal injury case in the amount of \$76,500.

5. 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/MAR23-21-73

Introductory comments were made by Mayor Romero who outlined how the discussion would take place.

Information was provided by Michael J. Ortega, City Manager, who fielded and answered questions on what he called a “soft” re-opening of City government beginning April 5th, specifically public facing counters (cashiers, parks and recreation, transit, etc.), opening of therapeutic pools and recreation pools, social activities for senior centers, testing and vaccinations.

Mayor Romero spoke about the possibility of the Mayor and Council returning to in-person meetings. She said she wanted to wait until the first meeting in May to allow staff, who work the meetings, the opportunity to receive their vaccination if needed.

Discussion ensued regarding social distancing at meetings, renovations to the Council Chambers, how Call to the Audience would be handled as well as Boards, Committees and Commission meetings.

Council Member Uhlich asked for a projection on the opening of senior programs in the rec-centers and the opening of pools.

Mr. Ortega stated the opening of the senior centers would also include the programing as well as activities for the seniors and that nine pools had already been opened. He also said that as the City geared up for their summer programs and bringing in seasonal workers, particularly lifeguards, they would provide them access to vaccinations as well.

Mayor Romero said that when KIDCO opened up, employees should have the opportunity also to get a vaccine if they chose to.

Council Members Fimbres and Kozachik asked if changes had been made to the Mayor and Council Chambers.

Roger W. Randolph, City Clerk, replied that a renovation of the audio-visual equipment in the Mayor and Council Chambers had been done along with spacing for social distancing.

Mr. Ortega gave an update on the American Rescue Plan Act (ARPA). He said the City was expecting to receive approximately \$139 million (\$69 million within the next sixty days and another \$69 million in the near future). He said staff was waiting for further guidance from the federal government before coming up with a strategic plan. He also touched on the process for handling/housing asylum seekers.

Discussion ensued regarding the ARPA, funding for Pima County and school districts, rent and utility assistance, eviction moratoriums, asylum seekers, Cesar Chavez Day March, and reimbursement from FEMA for testing and vaccinations.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to direct staff to convey to state and federal delegations the desire of the Mayor and Council to extend the eviction moratorium, allowing time for rental assistance dollars

from the American Rescue Plan to assist the City's housing and secure community members.

Discussion continued; no further action was taken.

6. Current FY Financial Update and Continuation of FY 2021-2022 Budget Discussion (City Wide) SS/MAR23-21-74

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

Information and presentation were provided by Jeffrey Yates, Business Services Department Director, who fielded and answered questions on the Unrestricted General Fund and Highway User Revenue Fund (HURF): FY 20/21 Year-to-Date Budget to Actuals, Working Projections and Five-Year Projections.

Discussion ensued.

Information, presentation, and department reports were provided as follows:

- Business Services Department - Ana Urquijo, Assistant City Manager and Jeffrey Yates, Director
- Economic Initiatives – Barbra Coffee, Director
- Planning and Development Services Department – Scott Clark, Director

Mayor Romero asked what the dollar amount of funds needed was for the Business Services Department.

Mr. Yates answered the 2020/2021 total budget for Business Services and Human Resources combined was \$42.8 million, and for 2021/2022 they were asking for \$43.9 million which included growth. He said they were largely personnel driven and had done a lot with vacant positions and reclassifications.

Discussion continued.

Mayor Romero asked the Economic Initiatives Department if the Mono-lingual Spanish Speaking Business Community would be a permanent small business navigator.

Barbara Coffee, Economic Initiatives Department Director, answered to be more effective in their efforts to reach the Mono-lingual Spanish Speaking Business Community that existed in Tucson, they needed a small business development coordinator to help provide resources so that businesses could be successful.

Discussion ensued regarding the comprehensive economic strategy and the importance of arts in cultural affairs.

Comments were made by Council Member Santa Cruz regarding the work Economic Initiatives had done and how to better integrate services throughout the City.

Scott Clark, Planning and Development Services Department Director, requested during his presentation, a \$2.2 million increase to his budget for FY 2021/22.

Discussion ensued regarding neighborhood planning efforts, investments in corridors, empty storefronts, big boxes, mixed uses, affordable housing, and how to best take advantage of land in the various corridors.

Discussion continued; no formal action was taken.

7. Discussion with the State Historic Preservation Office (SHPO) on Issues Affecting Preservation Policy (City Wide) SS/MAR23-21-77

Introductory comments were made by Mayor Romero.

Information and presentation were provided by Chris Cody, State Historic Preservation Office (SHPO) Deputy, who fielded and answered questions on the City's issues affecting preservation policy. He gave an overview of SHPO's role, his recommendation for the City of Tucson to establish an independent historic preservation commission and the official position of SHPO regarding Proposition 207.

Mayor Romero asked about SHPO's recommendation to establish its own historic preservation commission.

Discussion ensued regarding the possibility of the City of Tucson establishing its own historic preservation commission aside from Pima County, timeline for establishing the commission and the process of future historic zone preservation designations using best practices as discussed.

Council Member Cunningham asked, since the next two items on the agenda were to establish an neighborhood preservation zone, did the City need to establish its commission before that.

Mr. Cody replied that the City did not because the currently were part of a functioning commission and could conduct business. He was merely providing a recommendation for future action.

Council Member Kozachik stated in his conversation regarding carve-outs, it was not to carve-out properties that might fall within the period of significance or that were historic, it was carving out projects that had happened and already demolished properties. He said that was the type of properties he was talking about.

Mr. Cody said there certainly many of what they called non-contributors within historic districts.

Discussion continued.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to direct the City Manager and the Planning and Development Services Department to initiate the process to establish the City of Tucson Historical Commission as recommended by the State Historic Preservation Office.

8. Expanding the West University HPZ (Ward 6) SS/MAR23-21-66

Information and presentation were provided by Council Member Kozachik, who fielded and answered questions on expanding the West University HPZ in certain portions of the Feldman's Neighborhood Association. He said initiating the process was the first step, which was what he was asking for and following would be a more detailed process of any rezoning that the City might do.

Council Member Kozachik asked that staff initiate the process of expanding the West University HPZ, work with Feldman's Neighborhood Association, and help guide them through the process and help them define things such, which property owners should be included, the approval process, and generally coach them through the process.

It was moved by Council Member Kozachik, duly seconded, the direct staff to initiate the process of expanding the West University HPZ.

Discussion ensued on the process, who the applicant would be, boundaries, effects of Prop. 207 and assistance from the State Historic Preservation Office (SHPO).

Vice Mayor Lee asked from a capacity perspective to work on those efforts, how this would impact either the City Manager or Planning and Development Services Department with their current workload. She also asked, for her understanding, for some advice from the City Attorney regarding Prop. 207 and how it could affect this project.

Scott Clark, Planning and Development Services Department Director stated that Jodie Brown, Historic Preservation Officer, was already managing a number of consultants on other projects and her office had two staff members and some of their work was being done on consultation. He said there were plenty of qualified consultants locally who could take on this work and Jodie would oversee it. He said Jodie was currently working on two major grants and was overseeing six committees.

Mike Rankin, City Attorney, spoke about Proposition 207, the Arizona Private Property Protection Act. He said, fundamentally, what it did was, in the event a municipality adopts a new land use law, and an individual property owner can establish that the impact of that law diminishes the value of their property, the City had two choices; 1) waive the

application of the new regulation on that property; or 2) cut a check for the value of the property that has been diminished.

Mr. Rankin said while the initial burden was on the property owner to establish some diminution in value by way of an appraisal or valuation expert, then the burden shifts to the City. The City would then have to show that either it did not diminish the value of the property or there was an exemption. He stated that did not include historic preservation as being exempt from Prop. 207.

Mr. Rankin stated it was without question that historic overlays or historic regulations fell within the scope of Prop. 207. He said the real question was that whatever the final regulations might be, did they in fact have the impact of diminishing the value of property or not. He said that was a case-by-case basis based on individual properties.

The motion was carried by a voice vote of 7 to 0.

9. Proposed Historic Preservation Zone for Harold Bell Wright Estates (Ward 2) SS/MAR23-21-76

Introductory comments and information were provided by Council Member Cunningham regarding the proposed Historic Preservation Zone for the Harold Bell Wright Estates, who fielded and answered questions and gave some background information about the area.

Discussion ensued.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to direct staff to start the process for Historic Preservation Zone for the Harold Bell Wright Estates.

10. Cushing Street Underpass Skate Park (Ward 1) SS/MAR23-21-67

Introductory comments were made by Council Member Santa Cruz.

Information and presentation were provided by Chris Atkins and Erik Williams, Tucson Skate Park Alliance Co-Chairs, who fielded and answered questions on their proposal for a skatepark under the underpass at Cushing Street.

Discussion ensued.

It was moved by Council Member Santa Cruz, duly seconded, and carried by a voice vote of 7 to 0, to direct staff from the Parks and Recreation (P&R) Department and the Department of Transportation and Mobility (DTM) to initiate the process of conducting a feasibility and engineering study for the proposed Cushing Street Skatepark; initiate a community engagement process to obtain community feedback on the proposed Skatepark and authorize the director of DTM to begin the process of seeking the

necessary Arizona Department of Transportation approvals for the project and authorize the director of P&R to identify impact fee dollars for a potential phased development of the Cushing Street Skatepark.

11. (P-CHIP) Call for Projects Process and FY2022 Annual Action Plan (AAP) (City Wide) SS/MAR23-21-69

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

Information and presentation were provided by Liz Morales, Housing and Community Development Department Director, who fielded and answered questions on the P-CHIP (People-Communities and Housing Investment Plan) call for projects process. Her presentation included information on Funding Availability, Funding Priorities, Overview of the Call for Projects, Project Scoring and Committees, Contract Provisions, Performance Measures and Dashboard, Funding Recommendations (assess to training, education and housing; domestic violence, food insecurity, healthcare and choice neighborhoods, community safety pilot and homelessness, housing, older adult services and transportation and mobility), Annual Action Plan (AAP), and Timeline.

Discussion ensued.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote to approve the P-CHIP recommendations for funding projects and the Draft Annual Action Plan (AAP)

12. Pima Association of Governments (PAG) Management Committee's Recommendations to the PAG Executive Director (City Wide) SS/MAR23-21-75

Mayor Romero announced this item was being continued due to the cancellation of PAG's January and March meetings. She voiced her concerns regarding the lack of meetings by the PAG/RTA and its effect on the City, election of officers of PAG, and the annual executive director's review. She said she had sent a letter and received a response back from the PAG/RTA on projects within the City.

13. Move Tucson Update – Move Tucson Project Prioritization Framework (City Wide) SS/MAR23-21-72

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

Information and presentation were given by Diana Alarcon, Department of Transportation and Mobility Director and Andrew Bemis, Department of Transportation Mobility, Senior Project Manager, who fielded and answered questions on Move Tucson's Prioritization Framework, Prioritization Process, Network Screening/Results, Adjustments Applied to Projects after the Network Screen and Next Steps.

It was moved by Council Member Santa Cruz, duly seconded, to approve the Network Screening and Project Calibration Tool to allow Move Tucson to begin project prioritization.

Discussion ensued.

The motion was carried by a voice vote of 7 to 0.

14. Updates on State and National Legislation and Regional Committees (City Wide) SS/MAR23-21-61

Information was presented by Andrew Greenhill, Intergovernmental Relations Manager, who fielded and answered questions. He asked for the Mayor and Council's support regarding the bills in his report.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to oppose HB2682 and SB1146 as noticed in the report.

15. Mayor and Council Discussion of Regular Agenda (City Wide) SS/MAR23-21-62

Council Member Kozachik requested that Item 7d be considered separately.

Item 7d: Grant Agreement: With the Arizona Department of Water Resources for a Water-Loss Control Program (City Wide and Outside City) MAR23-21-84

16. Mayor and Council Discussion of Future Agendas (City Wide) SS/MAR23-21-63

No items were identified at this time.

17. ADJOURNMENT – 5:52 p.m.

AUDIO RECORDING FOR THIS MEETING IS AVAILABLE ON-LINE AT <https://www.tucsonaz.gov/gov/meeting-schedules-and-agendas> FOR TEN YEARS FROM THE DATE OF THIS MEETING.



MAYOR


ATTEST:



CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the study session meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 23rd day of March 2021, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR:rg:yl