



MAYOR AND COUNCIL Study Session Minutes

Approved by Mayor and Council
on May 19, 2022.

Date of Meeting: September 28, 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, September 28, 2021. The meeting was called to order by Mayor Romero at 1:35 p.m.

OFFICIAL MEMBERS

PRESENT:

Mayor Regina Romero
Council Member Lane Santa Cruz (Ward 1)
Council Member Cunningham (Ward 2) (arrived at 1:41 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 – Review of Legal Issues Relating to City of Tucson Ordinance No. 11869 (Adopted August 13, 2021) and Implementation of COVID-19 Vaccine Requirements for City Employees and Other Mitigation Measures; Impact of Attorney General’s Office Report No. 2021-03 (September 7, 2021); and Legal Implications of Federal Actions Announced September 9, 2021 by President Biden Relating to Vaccine Requirements for Federal Employees and Contractors, and for Large Employers; Other Related Legal Matters, Including Pending Litigation in ASBA v. State of Arizona, Maricopa County Superior Court Case No. CV 2021-012741 (City Wide and Outside City) SS/SEP28-21-186**

(NOTE: Council Member Cunningham arrived at 1:41 p.m.)

3. **Executive Session – City of Tucson v. Granjoma, Pima County Superior Court Case No. C20203846 (City Wide) SS/SEP28-21-187**

(This item was taken out of order.)

It was moved by Council Member Fimbres, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Cunningham absent/excused), to enter into Executive Session as noticed on the agenda for Items 1 and 3.

RECESS: 1:35 p.m.

RECONVENE 2:37 p.m.

MAYOR & COUNCIL: All present

STAFF: All present

Executive Session was held from 1:38 p.m. to 2:28 p.m.

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

2. **Mayor and Council Direction on Executive Session - Review of Legal Issues Relating to City of Tucson Ordinance No. 11869 (Adopted August 13, 2021) and Implementation of COVID-19 Vaccine Requirements for City Employees and Other Mitigation Measures; Impact of Attorney General’s Office Report No. 2021-03 (September 7, 2021); and Legal Implications of Federal Actions Announced September 9, 2021 by President Biden Relating to Vaccine Requirements for Federal Employees and Contractors, and for Large Employers; Other Related Legal Matters, Including Pending Litigation in ASBA v. State of Arizona, Maricopa County Superior Court Case No. CV 2021-012741 (City Wide) SS/SEP28-21-191**

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

- direct the City Attorney and City Manager to proceed as discussed in Executive Session,
 - continue to carry out the direction of the Mayor and Council as provided on September 14, 2021,
 - direct to the City Manager to implement additional mitigation measures, including but not limited to regular COVID testing and supplemental mask requirements for unvaccinated employees, as well as other measures necessary or appropriate to protect the health and safety of the public and other employees
 - direct the City Attorney to continue to communicate to the Attorney General that his 1487 Report and ACRD complaint must be abandoned
3. **Executive Session – City of Tucson v. Granjoma, Pima County Superior Court Case No. C20203846 (City Wide) SS/SEP28-21-187**

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

4. **Mayor and Council Direction Regarding Executive Session – City of Tucson v. Granjoma, Pima County Superior Court Case No. C20203846 (City Wide) SS/SEP28-21-188**

It was moved by Council Member Kozachik, duly seconded, and CARRIED by a voice vote of 7 to 0, that the Mayor and Council approve the settlement of this eminent domain case for the Grant Road Project as discussed in Executive Session.

5. **City Manager’s Report and Update on COVID-19; and Mayor and Council Direction Following Executive Session: Review of Legal Issues Relating to City of Tucson Ordinance No. 11869 (Adopted August 13, 2021) and Implementation of COVID-19 Vaccine Requirements for City Employees and Other Mitigation Measures; Impact of Attorney General’s Office Report No. 2021-03 (September 7, 2021); and Legal Implications of Federal Actions Announced September 9, 2021 by President Biden Relating to Vaccine Requirements for Federal Employees and Contractors, and for Large Employers; Other Related Legal Matters, Including Pending Litigation in ASBA v. State of Arizona, Maricopa County Superior Court Case No. CV 2021-012741 (City Wide and Outside City) SS/SEP28-21-189**

Information was provided by Michael J. Ortega, City Manager, who fielded and answered questions regarding an update on where the City stood with exemptions and religious accommodations for those not fully vaccinated.

Mayor Romero gave an update on the number of COVID cases reported in Pima County thus far.

Discussion ensued; no formal action was taken.

6. Unrestricted General Fund: FY 2020/21 Financial Update and FY 2021/22 Year-to-Date Budget to Actuals (City Wide) SS/SEP28-21-190

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

Information and presentation were provided by Jeff Yates, Business Services Department Director, who fielded and answered questions where the City stood with budget figures for FY 2021. He said there was not a whole lot to report for FY 2022 at this time, but spoke about cash flow, growth, and vacancy savings and how/where those are funded.

Mr. Ortega also spoke about vacancies and turnovers within the City, hard to fill positions, salary adjustments, market study, etc.

Discussion ensued. Comments were made by Vice Mayor Lee, and Council Members Santa Cruz, Cunningham and Fimbres.

No formal action was taken.

8. Move Tucson Update – Move Tucson Draft Implementation Plan and RTA Next Project Submission (City Wide) SS/SEP28-21-183

(This item was taken out of order.)

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

Information and presentation were provided by Diana Alarcon, Department of Transportation and Mobility (DTM) and Patrick Hartley, who fielded and answered questions on the Draft Implementation Plan, Funding Categories, Investments, Funding Scenario Gaps, Recommended Funding, Funding Distribution, Potential Funding Sources, Potential RTA Next Requests, and Next Steps.

Discussion ensued. It was suggested that staff return with an updated project list at the next Mayor and Council meeting for discussion and possible action.

7. 1st Avenue Needs Assessment Recommendation (Wards 1, 3, and 6) SS/SEP28-21-182

Introductory comments were made by Diana Alarcon, Department of Transportation and Mobility (DTM) Director.

Information and presentation were provided by Patrick Hartley, DTM, who fielded and answered questions on the needs assessment for 1st Avenue from Grant Road to River Road, project extent, background, project alternatives, alternative cost estimates, project timeline, existing conditions (bridge over the Rillito, multimodal

conditions, pedestrian high-injury network, project conditions), public input, and recommendation.

Discussion ensued regarding the department's recommendation for the 4-lane alternative. She said it was the best path forward.

It was moved by Council Member Uhlich, duly seconded, and CARRIED by a voice vote of 7 to 0, to move forward with the 4-lane alternative from Grant Road to River Road.

8. Move Tucson Update – Move Tucson Draft Implementation Plan and RTA Next Project Submission (City Wide) SS/SEP28-21-183

(This item was taken out of order and discussed after Item #6.)

9. Initiation of Sam Hughes Neighborhood Plan Update (Ward 6) SS/SEP28-21-184

Information was presented by Council Member Kozachik. He said the neighborhood had been working and meeting for over a year to put the draft plan together and there had been significant outreach.

It was moved by Council Member Kozachik, duly seconded, and CARRIED by a voice vote of 7 to 0, to move forward with the next steps in finalizing the Sam Hughes Neighborhood Plan.

10. Update on Amendments to the Unified Development Code to Require EV Readiness in Multi-family Residential and Commercial Development and to Allow Restaurants to Utilize the Individual Parking Plan Option (City Wide) SS/SEP28-21-185

Introductory comments were made by Scott Clark, Planning and Development Services Department (PDSD) Director.

Information and presentation were provided by Daniel Bursuck, PDSD Principal Planner, who fielded and answered questions on the Commercial Parking Amendments, background on Expanded Restaurant Seating and EV Readiness, First EV Stakeholders Meeting, Definitions, Case Studies, and Proposed Outreach and Workplan.

Discussion ensued.

It was moved by Council Member Kozachik, duly seconded, and CARRIED by a voice vote of 7 to 0, to move forward with the City Manager's recommendation with an amendment to the UDC parking requirements section that incorporates both EV readiness in multifamily residential and commercial development as well as changes

to allow utilization of the IPP option for businesses using the Expansion of Restaurant Seating Program.

11. Financial Relief for Tucson Water Customers with Delinquent Accounts Who Have Been Negatively Impacted by COVID-19 (City Wide and Outside City) SS/SEP28-21-192

Information was provided by Council Member Cunningham regarding providing relief to individuals who have basically come under the “thumb” of unmanageable solutions due to the COVID impacts. He said he knew the City had already done a lot to help these individuals out, but many were still in a financial bind. He said there were about 3300 or so households that were in dire need. He asked if the \$2.4 million left from funding could be used for these delinquent accounts.

Discussion ensued.

It was moved by Council Member Cunningham, duly seconded, to direct the City Manager and staff to use any legal funding source to alleviate the current delinquent account balance for Tucson Water customers who have self-reported to the utility and have been negatively impacted by COVID and for low-income customers with delinquent accounts.

Discussion continued.

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

12. Updates on State and National Legislation and Regional Committees (City Wide) SS/SEP28-21-179

Information was provided by Andrew Greenhill, Intergovernmental Relations Manager, who fielded and answered questions.

Discussion ensued; no formal action was taken.

13. Mayor and Council Discussion of Regular Agenda (City Wide) SS/SEP28-21-180

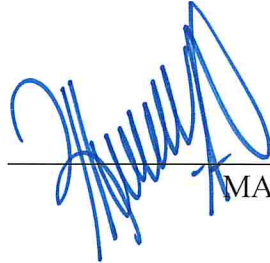
No items were identified.

14. Mayor and Council Discussion of Future Agendas (City Wide) SS/SEP28-21-181

No items were identified.

15. **ADJOURNMENT** – 5:44 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 14th day of September 2021, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

RWR:yl