

MAYOR AND COUNCIL – STUDY SESSION

LEGAL ACTION REPORT

TUESDAY, NOVEMBER 23, 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 1:33 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) (arrived at 1:38 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/EXCUSED: None

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

AGENDA ITEM / MAYOR AND COUNCIL ACTION

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- 1. Executive Session - Tucson Electric Power's (TEP's) Proposed Kino to DeMoss-Petrie Transmission Line Project; Arizona Power Plant and Transmission Line Siting Committee Docket No. L-000000C-21-0288-00192; City of Tucson Board of Adjustment Case No. C10-21-09; and Application of the City's Code Requirements for Undergrounding of TEP Transmission Lines (Wards 3, 5, 6 and City Wide) SS/NOV23-21-233**

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.

RECESS: 1:34 p.m.
RECONVENE 2:41 p.m.
MAYOR & COUNCIL: All present
STAFF: All present

Executive Session was held from 1:36 p.m. to 2:36 p.m.

(NOTE: Council Member Cunningham arrived at 1:38 p.m.)

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 – Tucson Electric Power's (TEP's) Proposed Kino to DeMoss-Petrie Transmission Line Project; Arizona Power Plant and Transmission Line Siting Committee Docket No. L-000000C-21-0288-00192; City of Tucson Board of Adjustment Case No. C10-21-09; and Application of the City's Code Requirements for Undergrounding of TEP Transmission Lines (Wards, 3, 5, 6 and City Wide) SS/NOV23-21-234**

It was moved by Council Member Kozachik, duly seconded, and CARRIED by a voice vote of 7 to 0, to proceed as discussed in executive session with specific direction to the City Manager and City Attorney to meet and engage with stakeholders to explore conditions under which a special exception process will be followed to explore relief from our existing Scenic and Gateway Corridor requirements.

- 3. City Manager's Report and Update on COVID-19; City and County Mitigation Measures: Update on Any Federal Actions Relating to Occupational Safety and Employer Requirements; and Update on Related Legal Matters. (City Wide and Outside City) SS/NOV23-21-235**

Information was provided by Mayor Romero, who introduced Dr. Theresa Cullen, Public Health Director, Pima County Health Department.

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Dr. Cullen started off by providing information about the current hospital situation with regards to the availability of ICU beds and ventilators giving percentages currently in use by COVID-19 patients and how this compared to earlier this year. She went on to provide an update on the number of positive cases in Pima County explaining the status of percent positivity and how this compared to the overall goal.

Dr. Cullen continued, giving an update on vaccines expressing the intent for the County to expand vaccination sites and sharing information on the process of obtaining the booster shot. She also reported on the percentage of persons vaccinated.

Dr. Cullen also reported on the number of positive cases, closures, exposure rates and vaccinations statuses for schools.

Discussion ensued; no formal action was taken.

(NOTE: Council Member Fimbres departed at 3:00 p.m.)

4. Discussion on Continuity of Operations and Service Delivery (City Wide) SS/NOV23-21-239

Mayor Romero presented the item and initiated the discussion thanking City employees who were in compliance with the Vaccine Mandate and shared her contentment in having the number of non-compliant employees decrease daily.

Information was provided by Michael J. Ortega, City Manager, regarding the number of employees that are compliant and non-compliant and what this meant with regards to continuity of operations. He proceeded to go over the current staffing plan and some of the challenges and aspects needing to be considered such as recruitments, competitive pay, employee burnout, retirement eligible employees, and employee retention. He went on to describe the various conversation pieces needing to take place to alleviate, in part, the aforementioned challenges. This included flexibility in the workplace with regards to part-time/ flexible schedules, the possibility of childcare, virtual work and at the forefront, appropriate training, and capacitation.

Mr. Ortega proceeded to discuss questions provided by the Mayor and Council on the topics of recruitment and training of public safety personnel, over hiring of Community Service Officers (CSO), wage adjustments for CSO's, bus drivers, and Code Enforcement, referring unvaccinated employees to the COVID-19 Antibody Testing Initiative with the University of Arizona, expediting the hiring process for all positions, and lastly the consideration of a retention bonus for employees who have elected to take the vaccine.

Discussion ensued; no formal action was taken.

5. Discussion on COT Department Staffing and Resource Study (City Wide) SS/NOV23-21-238

Introductory comments were made by Vice Mayor Nikki Lee regarding the possibility of

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having an analysis done by someone external with goals of determining the staffing, resource, and technology needs for the City in preparation for the FY23 budget.

Comments were made by Mayor Romero and Council Members Cunningham and Kozachik as well as Michael J. Ortega, City Manager.

It was suggested for this item to return for the December 7, 2021, meeting for an update on what the next steps would be.

Discussion ensued; no formal action was taken.

10. Pima Mine Road Recharge Project (PMRRP) (City Wide) SS/NOV23-21-230

(This item was taken out of order.)

Opening comments were made Council Member Kozachik who explained the intent of the item being to sensitize staff to the need for tracking the CAP Board and their subcommittee agenda items and to re-clarify the City's own policy and direction with regards to decision making in facilities for which the City are co-owners.

Information was given by Christopher Avery, City Attorney's Office, who explained the ownership rights of the City with regards to the project and went over areas of the Intergovernmental Agreement entered associated with this.

Discussion ensued; no formal action was taken.

6. American Rescue Plan Act (ARPA) Community Process (City Wide) SS/NOV23-21-232

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

Information and presentation were made by Liana Perez, Deputy City Manager, who fielded and answered questions on the American Rescue Plan Act funding process to include the various potential applications of the funds, qualifications, and a live review of the Zoom grants Application process.

Discussion ensued, questions and comments were made by Mayor Romero, Vice Mayor Lee, and Council Members Cunningham and Santa Cruz.

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 proceed with the American Rescue Plan Act (ARPA) community process as presented and outlined taking in consideration the feedback given by Mayor and Council.

7. Move Tucson Update – Move Tucson Draft Plan (City Wide) SS/NOV23-21-236

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

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Information and presentation were provided by Diana Alarcon, Department of Transportation and Mobility (DTM) and Andy Bemis, who fielded and answered questions on the final draft of the Move Tucson long-range transportation plan for the City of Tucson.

Discussion ensued, comments were made by Mayor Romero and Council Member Uhlich.

Council Member Santa Cruz recommended staying consistent with the terminology and their definitions within the plan.

It was moved by Council Member Uhlich, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Fimbres absent/excused), that staff return before February 1st to provide a matrix of the projects and categories and the different potential funding sources with regards to the Move Tucson Plan.

8. Regional Transportation Authority (RTA) Technical Management Committee's Recommendations to the RTA Executive Director; and Information Relating to RTA Governance Options (City Wide, Outside City) SS/NOV23-21-237

Introductory comments were made by Diana Alarcon, Department of Transportation and Mobility (DTM) who provided information on items scheduled for consideration at the upcoming RTA Board meeting.

Michael J. Ortega, City Manager, expressed his concerns relating to the City's ability to deliver on projects established by the RTA due to funding.

Mayor Romero brought forward the notion of weighted voting/ representational voting for the City of Tucson with regards to PAG and requested clarification from the City Attorney.

Mike Rankin, City Attorney, explained that the City was dealing with two different entities. First, the PAG which functions as its own Regional Council with its own MPO and rules and second, the RTA which is a statutory entity governed by the statutes that apply to it. He explained that when the statutes that govern the RTA were being shaped, it was ultimately decided to structure it as a one member one vote structure and any change to that, implementing weighted voting for example, would require a statutory change. However, said statutes dictate that the RTA Board is composed of the PAG Regional Council for which the statutes do not dictate membership to the PAG Regional Council, this is instead governed by its bylaws. Thus, an amendment to the PAG Regional Council Bylaws would result in a change to the RTA Board.

Mr. Rankin went on to explain that an amendment to the PAG Bylaws would require a majority vote of the Regional Council and any change to the membership or voting requirements would require an additional step, signoff by the governor and the 2 entities that make up at least 75% of the region, in this case the City of Tucson and Pima County.

Discussion ensued, comments were made by Council Members Uhlich, Kozachik, and Cunningham.

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It was moved by Council Member Cunningham, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Fimbres absent/excused), to endorse the recommendations made by the Mayor and Council to the to the RTA Executive Director.

RECESS: 5:35 p.m.

RECONVENE 5:42 p.m.

MAYOR & COUNCIL: All present

STAFF: All present

9. Housing Affordability Strategy for Tucson Discussion (City Wide) SS/NOV23-21-231

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

Information and presentation were made by Liz Morales, Housing and Community Development, who fielded and answered questions on the draft Housing Affordability Strategy for Tucson composed of 5 sections, Introduction, Data Snapshots - Housing Needs Assessment and Gap Analysis, Policy Initiatives and Actions, Funding / Resource Overview, and Short-term Action Plans.

Discussion ensued, comments were made by Mayor Romero, Vice Mayor Lee, and Council Members Santa Cruz, Uhlich, and Kozachik.

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:

1. Direct HCD to return to Mayor and Council with resolution to adopt the Housing Affordability Strategy for Tucson, with the added direction and changes discussed.
2. Approve and adopt the geographical areas outlined in the Community Revitalization Areas map.
3. Direct Planning and Development Services that is currently developing an amendment to the commercial parking code to include affordable housing projects as eligible projects to request a parking reduction.
4. Direct staff to develop language to amend the affordable housing impact fee waiver program for any affordable housing project that meets affordability terms; subject to available funding.
5. Direct HCD to implement the CEHD recommendation to issue an annual funding process to develop at least one Permanent Supportive Housing project per year for the next five (5) years with a maximum of 50 Project Based Vouchers or \$500,000 in HOME Funds for such projects starting January 2022.
6. Support the inclusion of Affordable Housing and Homelessness Support in the 2022 City of Tucson State Legislative Agenda, including advocacy for more LIHTC funding allocated to Tucson projects and to remove the State's preemption against local adoption of inclusionary zoning.

10. Pima Mine Road Recharge Project (PMRRP) (City Wide) SS/NOV23-21-230

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

**11. Updates on State and National Legislation and Regional Committees (City Wide)
SS/NOV23-21-229**

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

Discussion ensued; no formal action was taken.

12. Mayor and Council Discussion of Regular Agenda (City Wide) SS/NOV23-21-228

No items were identified.

13. Mayor and Council Discussion of Future Agendas (City Wide) SS/NOV23-21-227

No items were identified.

ADJOURNMENT: 6:34 p.m.

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