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# **MAYOR AND COUNCIL – STUDY SESSION**

## **LEGAL ACTION REPORT**

**TUESDAY, OCTOBER 18, 2022**

**MAYOR AND COUNCIL CHAMBERS**

**CITY HALL, 255 W. ALAMEDA, TUCSON, AZ**

Mayor Romero called the Study Session to order at 1:14 p.m. in the Mayor and Council Chambers, City Hall Tower, Tucson, Arizona.

### **OFFICIAL MEMBERS**

#### **PRESENT:**

- Mayor Regina Romero
- Vice Mayor Lane Santa Cruz (Ward 1)
- Council Member Paul Cunningham (Ward 2)
- Council Member Kevin Dahl (Ward 3) (electronic attendance)
- Council Member Nikki Lee (Ward 4)
- Council Member Richard G. Fimbres (Ward 5) (electronic attendance)
- Council Member Steve Kozachik (Ward 6)

### **OFFICIAL MEMBERS**

#### **ABSENT/EXCUSED:**

- STAFF:**
- Michael J. Ortega, City Manager
  - Michael Rankin, City Attorney
  - Suzanne Mesich, City Clerk

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### **AGENDA ITEM / MAYOR AND COUNCIL ACTION**

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1. **City Manager's Report and Update on COVID-19, Monkeypox Virus, Ongoing City and County Mitigation Measures; Funding and Appropriations; and Related Legal Matters (City Wide) SS/OCT18-22-190**

Information was provided Michael J. Ortega, City Manager, who stated that information had been received from Dr. Theresa Cullen, Pima County Health Department, and was distributed to the Mayor and Council.

Mayor Romero added that it was important everyone remained vigilant with COVID-19, the Flu Season and Monkeypox virus. She spoke about vaccination available through the Pima County Health Department.

No action was taken.

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**2. Update on the City's Electric Vehicle Fleet and Infrastructure Plan (City Wide)  
SS/OCT18-22-197**

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

Information was provided by Carlos DeLaTorre, who fielded and answered questions. He said the City's Electric Vehicle and Infrastructure Plan was an integral component of Mayor and Council's adopted EV Readiness Roadmap. He said his update was primarily focused on Strategy 6.3 of the EV Readiness Road Map. He said that strategy worked with utilities to upgrade the electricity distribution infrastructure to ensure adequate capacity for future EV community needs. He said he also wanted to over Strategy 2.3 which was a strategy to develop a comprehensive citywide fleet replacement program with an emphasis on transition of the City's fleet to develop a comprehensive citywide fleet replacement program with an emphasis on transition our fleet. He said this emphasis did not include fire apparatus and ambulances, public transit, and parks and recreation. Tucson Water was also responsible for the maintenance of specialized equipment and utility construction, and EGSD also leans very heavily in specific areas for the maintenance of motorcycles, landfill equipment and Land Management equipment n service provided by some of the local vendors.

Mr. DeLaTorre said the said the main objective of the policy was really to provide managing operating and purchasing guidelines for all city departments to follow and to reduce the greenhouse gas emissions. He stated a key component of that strategy was to make sure they right sized their fleet and make sure that it did not grow or replace vehicles that were underutilized. He said the emphasis was really to replace light fleet vehicles with either battery power, hybrid vehicles or other green vehicles when commercially available, and again meet the operational need, continue to deploy EV charging stations at appropriate city facilities and encourage all departments to minimize vehicle the miles traveled and vehicles idling.

Mr. DeLaTorre stated another strategy was to educate employees on eco driving best practices, how vehicles are being driven, and how to best use those vehicles. He said they have identified what EV technology was available and tried to determine if this technology met the needs of the city's operational need. He said the Mayor and Council approved \$2.5 million as part of the EV Road Map. He suggested that a portion of that \$2.5 million be used to close the funding gap in the General Fund for EV Vehicle replacement. He noted the exceptional job that employees at Fleet Services were doing in terms of purchasing these vehicles because they had run into supply chain and other issues, but still managed to keep up and keeping up with EV technology.

Discussion ensued. Comments were made by Mayor Romero, Vice Mayor Santa Cruz, and Council Members Fimbres, regarding infrastructure to develop our own fleets into electric vehicles, tapping not federal bipartisan infrastructure dollars, climate action and adaptation, partnerships, bus advertisement and routes, and tangible plan in writing.

Vice Mayor Santa Cruz acknowledged that this was the right time for this. She said that in this country, transportation was the largest source of greenhouse gases, and the City had a unique opportunity to take important climate action with the decision they were making on their entire fleet of vehicles for the City of Tucson. She said she wanted to offer a motion to keep the conversation going.

It was moved by Vice Mayor Santa Cruz, that the Mayor and Council receive monthly or quarterly updates on the EV Road map progress and specific information on federal funding opportunities and also direct staff to bring the green fleets policy for Mayor and Council review within the next 30 days.

A friendly amendment was made by Council Member Lee, who also seconded the motion, that quarterly updates be given.

Council Member Cunningham stated he felt they had the opportunity to enjoy some cost avoidance with fuel. He said he was curious to see what that was. He said there was also some's some fiscal responsibility. Each electric vehicle, on the road, saves between \$2500 and \$3000 a year in fuel cost avoidance. With that in mind, he said they should be aware and that should be factored in their discussions every time.

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

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3. **Update on the City's Zero Waste Roadmap (City Wide and Outside City) SS/OCT18-22-196**

(NOTE: Council Member Lee departed at 1:40 p.m. and returned at 1:44 p.m.)

Introductory comments were made by Mayor Romero.

Information and presentation were provided by Carlos DeLaTorre, Environmental and General Services Department Director, who fielded and answered questions on the various phases of the Zero Waste Roadmap. He said initially there were 10 tasks and they had essentially completed five.

1. Identify Current System and Baseline Data
2. Aspirational Programs and Best Practices
3. Request for Information (RFI) for Alternate Uses of Wast Materials at Los Reales Sustainability Campus
4. Evaluate and Recommend Near-Term Development Options by Priority
5. Processing Technology Overview

Mr. DeLaTorre spoke about how much waste went through the landfill, recycling program, glass collection, comparisons to other cities, what new technology is available to landfill use, bulk weight vs green waste, deploying an organics collection system, how to capture food waste, curbside collection programs, brush and bulky, and pay as you go bins.

Council Member Cunningham stated he was under the impression that if organics were not mixed with solid waste, then the life of the landfill was longer, there was less decomposition that took place underground. He asked how that worked

Mr. DeLaTorre replied that if organics were taken out, the decomposition of the landfill waste would take a little bit longer. He said when that is done, it is vetted into the waste it generates greenhouse gases. So, the intent was how to really eliminate from going into the landfill first, what the beneficial use is, reduce the amount of methane emissions that is created as a result of processing the green waste in a different way rather than create a bioreactor and the bioreactor being the landfill itself. He said if that is the goal, how can the City expand on their recycling program, all the plastics and all the carbon pulled out of that, so that the landfill would be landfilling a lot of dry goods that would take more time, really, to break down as compared to the organic. He said no matter what, the organics were going to decompose first and the plastics, but it was really how do we deal with the landfill gas and the decomposition of that waste.

Discussion ensued.

Comments were made by Council Members Dahl, Fimbres, Cunningham, Kozachik and Mayor Romero, regarding plastic waste, burning plastics, green waste and food waste, glass recycling, community engagement to include the monolingual communities, how the City of Phoenix handles their recycling program, citywide sharing thrift stores, alignment of Zero Waste with the Climate Adaptation Plan, green procurement, zero waste procurement practices, zero waste public venues and events, landfill gas recovery and realization, partnerships for plastic bag recycling, curbside food waste, discussion of a single use recycling system,

No formal action was taken.

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**6. Discussion and Direction on Remaining Regional Transportation Authority (RTA) Projects and RTA Next Plan Development (City Wide) SS/OCT18-22-195**

(This item was taken out of order.)

Introductory comments were made by Michael J. Ortega, City Manager. He said this was a follow up to the conversation during the last meeting whereby he had presented a request from the RTA board for the City of Tucson to weigh in on potential projects that could be moved to RTA Next. He said he did not feel comfortable unilaterally making that decision and so it was decided and discussed that being done as a team. He stated the information in the materials basically outlined the information that there was an apparent \$150 million shortfall in the 2006 RTA plan. He commented that the vast majority of projects that were yet to be completed, were City of Tucson projects. He said he wanted to specifically focus on the 13 projects that were listed in the materials.

Mr. Ortega said he had given some thought to each project but wanted to focus more attention on the five that the Mayor and Council could consider as a potential delay. He said he used the term delay very deliberately and thought it was important that the message they send to the voters was that, as a city government, they were not okay with not doing them. He said he felt they had to be accomplished and completed as promised to the voters, but there were some potential opportunities for delay. He said he looked at those five projects and gave them a rank order for their consideration.

1. 22nd Street from Camino Seco to Houghton Rd. He said based on conversations that pavement was in poor condition and needed to be addressed. At this point, he asked that they not consider the project, but put it at the bottom of the list for consideration of a delay.
2. Valencia Rd which was more safety improvements. He said he suggested a potential delay there simply because the City had a finite dollar amount and as costs escalated, he felt this could be a candidate for more robust conversations with the public, particularly with an expansion of that scope to include other intersections. These again were safety conversations around that corridor of Alvernon Way to I-19 that affected both Council Member Fimbres and Vice Mayor Santa Cruz if that decision were to move forward.
3. Houghton Rd/Stage 8 from Broadway Road to Tanque Verde. He said this one was an interesting one because it was scoped in the RTA plan for a four-lane section. The City's preliminary review looked like the demand was not there necessarily to widen that road based on current ADT and current projected volumes. However, there was a need for a conversation around safety improvements, again at the intersections, thus another candidate for more robust conversation with the public, more robust conversation about a potential change in scope.

4. Harrison Rd, Golf Links to Irvington. He said he had made a recommendation for a delay on this, simply because the projections really demonstrated that it should be a four-lane section, not a two-lane section. He stated he understood that subsequent to his memorandum, there was a public meeting where the public was actually suggesting to Council Member Lee, that this project continue with the two-lane and adding the additional two lanes down the road for a future conversation for an RTA Next.
5. 22nd St from I-10 to Kino Pkwy. He said this was not currently funded but there was significant conversations that occurred about 10 years ago, particularly with the neighborhoods to the north of this corridor as well as the Santa Cruz Church and Santa Rita Park. He said he believed this was a candidate for a potential delay giving the City an opportunity to have more robust conversations with the public and stakeholders.

Mr. Ortega also point out that the request from the RTA Board was a recommendation for projects to be included in RTA next. He said what he was suggesting was a conversation amongst the Mayor and Council to delay these projects, but not specific to a delay to RTA Next, just to delay to say if they had other funding available, whether its regional, regional funds or potentially RTA Next, that would be fine, but it really was an opportunity to be partners, show that we understand the need, the financial need and the need for potentially delaying some of these projects. He said with the upcoming RTA Board meeting on November 3, he felt it was a good time to start the conversation to provide some guidance to the Board regarding the 2006 piece.

Discussion ensued.

Mayor Romero said most of the projects that had not been completed due to funding gaps that had been promised to the voters in 2006 were inside of the City of Tucson. She said there were some projects that needed to continue to move forward such as the 22nd Street Bridge, Harrison Road from Golf Links to Irvington, Valencia Road from I 19 to Alvernon Way because those were safety improvements and Valencia Road on that stretch was very dangerous. She also mentioned some of the other projects, Grant-Oracle to Swan Stages 3 and 4, Palo Verde to Venice, 22nd Street to I-10, and Oracle-Grant to Swan, Stages 5 and 6.

Mayor Romero said there was such a big gap in funding on some of these projects that required a lot more community and stakeholder engagement, including Union Pacific on 22nd St. She said she was not absolutely convinced that the City of Tucson was 100% absolutely on board with the RTA. Next, there were some very specific requests on behalf of the City, that they needed get from the RTA board and it's executive director to be able to make the final call on making sure that the City was well represented with an RTA Next.



Council Member Kozachik said he felt the list of open projects was joined at the hip with RTA. He said he was not sure a strict distinction between the two could be made, because they were talking about pushing projects potentially off to RTA Next. He asked if there were guaranteed federal dollars in the infrastructure package that would help bridge the \$150 million gap, and if so, how much and how soon.

Mayor Romero replied that it was not guaranteed, the federal infrastructure funds were mostly competitive grants, kind of like what was done with the \$25 million for the 22nd Street Bridge. She said there were funds that were coming directly through formula funding to the state of Arizona and to PAG.

Council Member Kozachik inquired if under those bills, was there a number the City could use to plug in at this point as to how much was available for City projects in HURF and the surface Transportation block grant dollars.

Mr. Ortega stated that the City, on an annual basis, received HURF funding, but felt what the Council Member was asking was about regional allocation dollars which was something he could not answer to.

Farhad Moghimi, Regional Transportation Authority (RTA) and Pima Association of Governments (PAG) Executive Director, responded that the region received roughly about \$20 million of federal dollars annually and another roughly \$25 million of HURF dollars, so combined about \$45 million of federal and state funds which those funds were already programmed on all the projects through 2026 and based on that, there was still \$150 million needed to close the gap.

Council Member Kozachik said there was roughly \$550 million in city projects identified and asked in the project list for RTA Next what were those cost estimates based on and was there an agreement with the RTA that when they are really bidding those projects, the full inflation baked in costs were going to be covered by the RTA. He also asked what the RTA's position was on the inflation cost impacts for our current projects and RTA Next.

Mr. Ortega said those were current year dollars and there had been no discussion about what those escalators could be going forward. He suggested that would be a question for the Executive Director.

Mr. Moghimi responded that the approach the Board was taking was to fully fund all projects to whatever was the actual cost of the project and was the basis for the analysis. With that analysis, they were assuming with the current construction cost and the revenue that were

bringing in, there was still going to be a \$150 million gap. He said as their revenues perform better and hopefully were in a more favorable position than they could close that gap as well.

Council Member Kozachik commented that in a recent memo put out by the RTA, it indicated that the inflation related costs were the responsibility of the jurisdiction.

Mr. Moghimi responded that was not correct and that they would fully fund projects to the actual cost of the projects, but they were still \$150 million short after they accounted for projected revenues and it was their position to cover inflation costs, which was something they had done thus far. He reiterated that the \$150 million they were talking about was the revenue that they did not have.

Discussion continued.

Council Member Kozachik stated he was not inclined to agree to pushing projects forward to something that he thought was a fool's errand, in terms of RTA Next and the City's inability to fund it 15 years from now. He said it was pretty clear that the \$700 million in 2022 were going to escalate well beyond the billion dollars, 15 or 20 years from now. He said he wanted to hear from his colleagues on the five projects since none of them were in his ward, but felt they were critical. He said personalities aside, he did not have confidence in the current director of the RTA that he could pull this off, not to mention how long the City has waited to receive his 360 annual review.

Council Member Cunningham spoke about Tanque Verde and Houghton Road and felt the residents in that area needed to be represented. He said this was one of the fundamental reasons he talked about incorporation. He said there was some apprehension about widening that area along Houghton. He said he felt there was an opportunity to have that dialogue. He said, hypothetically, that the City was in support of RTA Next and that that project (Tanque Verde and Houghton Road) got moved to RTA next, it would be first in his opinion. The other thing he said was the remaining \$550 million or if you count inflation 1.3 billion, come into play, were they going to have 17 projects in phase four again or was the City going to get first, second, third. He said he felt the City should get first dibs on all of its projects

Council Member Cunningham also spoke about weighted voting. In looking at everything overall, there was a lot of stuff going on, one thing after another. He said he was open to trying to be a problem solver, but not having all of the City's projects from the last phase on RTA next as the first phase was a non-starter for him.

Discussion continued.

Council Member Lee spoke about the Harrison project between Golf Links and Irvington Road. She said the residents felt adamantly that the City needed to go with the two-lane bridge. There were some safety concerns when there was flooding in the Pantano Wash. She said the residents gave her marching orders to fight for the project and ensure it moved forward and did not get kicked down the road. She said some of their feedback was that they did not have a high level of confidence that the future RTA might pass, and so they felt strongly that they wanted to try to get these things into the current project

Council Member Dahl stated that given the fact that there was a shortfall, which, should not have happened, and that PAG was not committed to finding all the funds needed to make up for that, he felt they needed to use creative and careful thinking about how to change the scope. He said he was pleased to see that 1st Ave was not one of the Manager's recommendations for putting off. He said Tucsonans overwhelmingly say that they are interested in pedestrian and bicycle safety and alternatives to cars, and there's not a huge demand for widening roads at this point. So, for instance, again, it's not in his ward, so it is just a suggestion that 22nd Street from Kino Pkwy to I-10, which has a lot of opposition to widening, why are we not just putting in the pedestrian and bicyclist safety improvements. He said the City should be investing in pedestrian safety which was something that could save lives now.

Vice Mayor Santa Cruz stated she had more of a question looking through the list of city projects that were recommended as priority by the Technical Management Committee. She said she noticed that the shared use path along the I-10 frontage road was in the category of non TMC priority and wanted to know why that was. She said she had had conversations with staff about the need for that, but also the intersections along the freeway between 29th Street and Silver Lake all the way to Grant Road. She said typically the concern was about moving people on and off the freeway and not really caring about the cross traffic of moving east to west. Specifically, if you are on foot or you're riding a bike, the freeways were significant barrier for the community members living on the west side, and if you they did not have a car, for people having to walk and bike moving north and south along the frontage road was dangerous. She said she was curious as to why that was seen as a non-priority.

Sam Credio, Director, Department of Transportation and Mobility stated that there was a lot of discussion between TMC members about the various projects. He said one of their exercises was to find projects that were either a priority or considered not a priority but were still considered for consideration in the RTA Next plan. He said with regards to the frontage road multi use path there was some concern about ADOT support of a multi-use path along the frontage roads. He said ADOT controls the access on the frontage roads, and we would need their buy-in on those particular projects and was probably why that project did not rise to the level of a priority of the technical Management Committee. However, it has remained on the list for consideration as the CAC continues to have a dialogue about future projects.

Mr. Ortega added that the key conversation was with ADOT and making sure that they understood the City's priorities as well as the City continuing to push that. But certainly, the fact that the Vice Mayor voiced it here, he would continue to push that for a conversation going forward.

Vice Mayor Santa Cruz stated that her understanding with ADOT was that they were not necessarily opposed to it, but they did not want to pay for it because they said they were not in the business of retrofitting freeway infrastructure. She said if they were approached with a funding mechanism that they would feel like it, then, takes away some of their responsibility.

Council Member Fimbres also commented on the five projects in question.

Mr. Ortega stated that this was an opportunity for not only inclusion in the master plan and effort, but also further engagement in the Santa Cruz Parish as well as the neighborhood associations to the north. He said he wanted to reiterate that in terms of the language to delay, it did not mean not doing it, it just meant making sure that the City went through whatever process the stakeholders would like to see up to and including a conversation around scope for whatever that future corridor improvement might look like, and to the mayor's point, including Union Pacific.

Mayor Romero said she just want to bring some thoughts to the table because she agreed with Councilmember Kozachik and Council member Cunningham. She said she was very clear about the program had to be completed and what was promised to the voters in 2006, especially in the projects that were voted on by City of Tucson voters, they had to be delivered. She said for her the PAG/RTA funding, whatever type of funding was coming, whatever the sources of funding were through federal, or state needed to be looked at. The City needed to make sure that the RTA Board and its executive director were making those funds available to be able to deliver the projects.

Mayor Romero said General Ted Maxwell's motion that was put on the table and was approved unanimously was a motion that basically talked about the possibility of delays and delaying projects into an RTA Next, and that motion was very specific about front loading, all delayed projects to the beginning of a possible RTA Next and that those funds should not be included in the jurisdictions share. She said as mayor, she had seen the value that the RTA had for the community. It was a regional partnership and oftentimes there was talk at this table, about concerns regarding the RTA, including the representation inequities that they felt were big. She said she thought they had taken steps towards remediation of that representation by adding voices to the CAC, adding voices to the TMC and other committees that were important to be able to have representative voices from the community in those committees.

Mayor Romero stated she felt as though they needed to come up with a strategy to move forward.

But at the end of the day, she wanted to make sure that if the Mayor and Council came up with direction that it very clearly states that RTA is responsible to deliver these projects in whatever way shape or form, with whatever funds necessary to the citizens of Tucson. She said it was important to be able to represent the City of Tucson on this Board and around the country and being able to go to the federal government and say that we can come up with solutions to even tax ourselves to invest in our transit, mobility and transportation measures that will improve the economy, our sustainability and how we move into the future.

Discussion continued.

Council Member Kozachik commented that front loading the City's projects in RTA next and not having them count against the \$550 million roughly was good, but there were still real dollars that the RTA had to find. He asked for some clarification and agreed with the Mayor that there needed to be some direction. He said what he thought he heard was Houghton Stage 8 and 22nd Street Stage 3 were okay to delay. He said he thought it was important that the City send a message that the City of Tucson was serious about finding solutions.

It was moved by Council Member Kozachik, duly seconded, to

1. recommend to the RTA board that the following projects be delayed in terms of completion to give the RTA Board an opportunity to find other funding sources, including all regionally allocated funding and the possibility of inclusion in RTA next, if that ends up going to the voters, the Houghton Road, Stage 8, Broadway to Tanque Verde Project and 22nd Street, Stage 3, I-10 to Kino Pkwy Project. He said in alignment with General Maxwell's motion in January, those delayed projects be front loaded to the beginning of RTA Next and they do not count against the City's RTA Next project list.
2. for the projects not being recommended for delay, and the rest of those that are unfunded, the RTA Board needs ensure delivery of those projects as was promised to the voters in 2006, using any available funding allocated to PAG and/or the RTA.
3. This does not indicate that the City agrees that not completing the projects as originally outlined to the voters in 2006 is acceptable. So we are, we're not walking away from those projects.
4. And finally, we recommend that the RTA Board includes any and all regionally allocated funding towards the completion of the 2006 RTA Program that they receive up through 2026 or as long as necessary to complete those projects.

Discussion ensued regarding how long the projects would be delayed.

Council Member Kozachik stated the spirit of the motion was to give the RTA the opportunity to find funding that could go through 2026. It could go beyond that. It could wind up an RTA Next. He said the City was not drawing that line in the sand with this motion. What it was saying was that the City was not walking away from the projects because they, the RTA, had promised it to the voters,

Mr. Ortega stated he through the motion was clear. He asked for a point of clarification, and as they heard the from the executive director, all the regional funds were programmed through 2026. He said he thought the motion said completion of the program, so that did not limit the regional funds to 2026 and could be for as long as necessary beyond that. He said the last time the executive director mentioned that there would be available fundings through 2028. So that could also work, but he like the language of, until completed which gave it some clarity.

Council Member Kozachik added to his motion that the City of Tucson wants to have that 360 review done within 30 days or preferably by the end of the calendar year. The seconder to the motion was in agreement with the added language.

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

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**4. Office of Economic Initiatives Update Regarding International Trade and Small Business Navigator Programs (City Wide) SS/OCT18-22-194**

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

(NOTE: Council Member Lee departed at 3:14 p.m. and returned at 3:20 p.m.)

Information and presentation were provided by Barbra Coffee, Economic Initiatives Department Director, Alma Peralta, Economic Development Specialist, and Francesca Villegas, Small Business Program Manager, who fielded and answered questions.

Ms. Peralta shared some of the work they had done since January in these two programs. She spoke about a book they had created highlighting their international ties, a Tucson global brochure they distribute at trade shows, shared they had ties with more than 500 international companies, four foreign consulates, direct flights to Canada, Arizona International Trade Offices & Sister Cities and the First UNESCO City of Gastronomy. She said they were doing a lot of business attraction activities by going to international trade shows, reverse trade missions, collaboration with Sister Cities, marketing material to highlight international ties, engage local, state and federal partners, and working with the University of Arizona Tech Parks to promote their soft-landing programs for the international entrepreneurs and startups that want to come to Tucson and expand their business.

Ms. Villegas provided an update regarding businesses in the Tucson area. She said 60% had fewer than 10 employees and 83% have fewer than 20 employees. She stated they had been helping businesses prepare on how to start a business and how to navigate the complex layers of licensing, permitting, and zoning requirements. She said they developed an approach that reflected the City's entrepreneurial ecosystem to ensure they were meeting the equity goals that had been established. She said the Small Business Assistance Line (SBAL) had been established and provided assistance in Spanish, increased 'new business' inquiries, marketing to reach a broader audience and was staffed by two-full time Business Navigators.

Ms. Villegas said some of the technical assistance they provide was how to start and grow a business, listen and respond to inquiries, support, 70+ hours of one-to-one sessions, 180+ engagements, 16+ business visit hours, 40+ training hours and development of 5 websites.

Discussion ensued; no formal action was taken.

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7. **PFAS Quarterly Update and Authorization to Proceed with the Randolph Park PFAS Project (City Wide and Outside City) SS/OCT18-22-192**

(This item was taken out of order.)

Information was provided by John Kmiec, Tucson Water Department Director, who fielded and answered questions regarding the quarterly update on PFAS. He said the update covered the primary activities during the timeframe of July 1st through September 30th, 2022. He said at the conclusion of the update, he would be asking for direction on the proposal to move forward with the design, and eventual construction of a PFAS treatment facility at the Randolph golf complex.

Mr. Kmiec reminded everyone that Tucson water was safe. He said TW continues to frequently test water for compounds like PFAS in an effort to remain diligent in the safe quality of the water they serve. During this quarter, TW tested more than 400 water samples to maintain their understanding of PFAS impacts. He noted that during this quarter, the TARP treatment facility continued to operate and release its discharge to the Santa Cruz River at the Irvington Outfall. Construction continues for the eventual tie-in with the City's reclaimed system, with materials and equipment delays, and was expected to be completed in early 2023.

Mr. Kmiec also stated that as a significant note, City officials, including the Mayor's office, met with EPA Region 9 and ADEQ officials in July and August to continue to express the City's concerns over the movement of PFAS in groundwater in the TARP and Davis-Monthan areas. He said EPA and ADEQ issued a joint letter to parties in the TARP area in late August asking them to begin efforts to move forward with PFAS mitigation as future regulation was reliably certain. He commented that meetings of the stakeholders were continuing to be held, Tucson Fire Department (TFD) announced this quarter that had found a replacement fire suppression foam that was PFAS-free. He said Chief Ryan and his team were in the process of replacing remaining PFAS containing foam agents in the TFD supply with the new PFAS free foam. The estimated time for the full inventory replacement was scheduled for later this quarter.

Mr. Kmiec said that on the Federal side, on September 21, Mayor Romero appeared at the US Senate Environment & Public Works Committee hearing on the Bipartisan Infrastructure Law (BIL) and provided detailed information about Tucson's infrastructure projects and priorities including the importance of PFAS treatment on impacted groundwater supplies. Both Mayor Romero and Senator Mark Kelly, who serves on the Committee, discussed the importance of addressing Tucson's PFAS issues expeditiously in light of drought, climate change, and shortages on the Colorado River. He said with respect to activities down gradient of Davis-Monthan. ADEQ and the City were interested in pursuing the design and construction of a



PFAS treatment facility at the north end of the Randolph Park golf complex. This treatment facility would assist in removing PFAS contaminated groundwater at the leading edge of the plume that was moving into the central wellfield. He stated that recent work in the last few years by ADEQ had identified this location as a good place to put in a recovery well in an effort to halt that migration.

Mr. Kmiec stated that the ask and discussion on this item was that the City team, in working cooperatively with ADEQ, would like authorization to begin design and construction on a PFAS treatment facility at the northern end of Randolph Park. The project cost was estimated around \$7.5M. He said initial funding could be supported from proceeds related from recent system conservation efforts on Lake Mead, with the ultimate intent to acquire reimbursement from other funding sources, like grants or direct reimbursement from responsible parties.

Discussion ensued. Comments were made by Mayor Romero, Council Member Kozachik and Fimbres.

It was moved by Council Member Kozachik, duly seconded, to start the Randolph Park PFAS project.

Mayor Romero asked if this project would be a partnership with ADEQ and if staff could expand a bit in terms of the Randolph location and why there and then what the plan was to do with the remediated water. She also asked how the City would ensure the responsible parties paid for this.

Mr. Kmiec responded this would be a partnership with ADEQ. He said it was through ADEQ's monitoring efforts north of Davis Monthan that identified this location. He said the City was going to take the lead, if approved, on design and construction, but a ADEQ was going to be a technical advisor. He said the location was right on the south side of Broadway, more or less directly across from Chick-fil-A. The location was identified because of where ADEQ identified the end of the front of the plume, coming from Davis Monthan and going north, northwest and terminates right at the pretty much Broadway Blvd. He said by putting in a well there that can extract somewhere between 300 to 500 gallons per minute, the concept was that it will stop that plume from going beyond Broadway and deeper into the central well field. He said they were working with the Parks Department to be able to use the treated water for beneficial purposes directly on the Randolph Park complex.

Mr. Kmiec stated Tucson Water would continue to work with ADEQ and Davis. Monthan. He said ADEQ was successful in getting Davis Monthan to partner on an environmental services agreement for the original pilot plant that was just outside the base. So there was already a relationship between the state and DM and the next steps was to bring that relationship to this facility over time.

Mayor Romero asked if the project could work in conjunction with what was already in place at that site and not be an obstruction to play, people walking in the area, and all those that use that space.

Mr. Kmiec said he completely agreed and wanted to make sure that was outside the field of play for any golf activity and outside of walking paths along Broadway, but then ultimately have the aesthetics blend into the scenery as best as they could

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

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**8. Proposed Water Conservation Measures Related to City Drought Response (City Wide and Outside City) SS/OCT18-22-193**

(This item was taken out of order.)

Information was provided by John Kmiec, Tucson Water Department Director, and James MacAdams, Water Administrator, who fielded and answered questions. He said the item was in response to declining conditions on the Colorado River. He said the Mayor and Council met on June 7th to discuss additional conservation measure to investigate. He said staff will be requesting direction on proposed conservation measures in conclusion of his presentation.

Mr. Kmiec outlined the five measures that were proposed for review. He said staff used the summer to study each item and engage with area stakeholders on their initial thoughts. Mr. MacAdams provided a synopsis of each of the measures.

- EPA WaterSense fixtures on new construction
- Irrigation meter requirements for Commercial/Industrial customers over a specific size
- Low Impact Development requirements for new construction
- Net Zero, or Net Blue, approach to future development (requested by W3)
- Sub-metering of new apartments/condominiums

Mr. Kmiec stated staff was recommending moving forward with implementation planning on three measures: EPA WaterSense, Irrigation meters for commercial/industrial, and Low Impact Development ordinance. He said they wanted to have an additional six months to study the Net Zero water measure, and staff would recommend not moving forward with sub-metering of new apartment/condos.

Discussion ensued.

Council Member Dahl stated he supported staff's recommendation on the three conservation measures, and they should be immediately implemented. He also spoke about the letter of recommendation they had received from the Citizen's Water Advisory Committee (CWAC) regarding turn. He asked if he should make one motion or move the recommendations and then come back and make a motion regarding the turf.

It was moved by Council Member Dahl, duly seconded, and CARRIED by a voice vote of 7 to 0, to support staff's recommendation on the three conservation measures and return in six months with additional information on potential zero water conservation measure.

Discussion continued regarding ornamental green grass.

It was moved by Council Member Dahl, to direct staff to come back in 90 days with ordinance language banning non-functional and ornamental turf in all new residential and commercial development and a plan to phase out non-functional turf in existing development through restrictions and incentives.

Mayor Romero clarified the language of the motion asking if the motion was banning ornamental turf and turf removal incentives to those already there.

(NOTE: Council Member Kozachik departed at 4:00 p.m. and returned at 4:03 p.m.)

(NOTE: Mayor Romero departed at 4:05 p.m. and returned at 4:09 p.m.)

(NOTE: Vice Mayor Santa Cruz departed at 4:09 p.m. and returned at 4:19 p.m.)

Council Member Dahl reiterated to ban all non-functional and ornamental turf and all new residential and commercial development and also return with a plan to phase out non-functional turf in existing development through restrictions and incentives.

Chris Avery, Principal City Attorney, said this was a timely motion and wanted to offer some advice before moving forward. He said they had been working with the Mayor's office because of many of the municipal and industrial water users throughout the Colorado River Watershed had recently signed on to her in the process of signing on to a memorandum declaring common intentions toward increasing conservation in Los Angeles, Las Vegas, Denver, Salt Lake, Central Arizona Project. He said Phoenix Area cities were considering the motion as well and staff had gone to the Mayor's office with authorization to proceed on behalf of the City. He said one of the components of that proposal was a recognition on the part of all of these cities in the Colorado River Watershed that they needed to look at nonfunctioning turf while retaining the green landscapes and characteristics of the City and enabling public recreation and those kinds of things that were important.

Mr. Avery said one of the earlier versions of the memorandum that was circulated was a little more draconian about the definitions of turf, and the later versions that had been circulated had a more expansive definition of nonfunctional turf and recognition of the importance of public places, etcetera. He said in the next few months there would be a lot of discussion amongst a lot of cities in the Colorado River basin about turf, and Tucson would benefit from participating in that discussion and then coming back to the Mayor and Council with some recommendations about how to define nonfunctional turf and how public spaces in functional turf could be preserved in both public places and private places.

Mr. Avery said his advice was that the City consider going along with and being part of this effort that was a mainstream effort across the Colorado River Watershed on behalf of many of the major water users and to stay consistent with that as we move forward.

Council Member Cunningham stated he was inclined to 2nd Council Member Dahl's motion to get this ball rolling based on what Mr. Avery saying. He said he thought they should probably let that discussion with these other cities start first and then come back and take a look at what the City's turf ordinance would be.

Mayor Romero said she thought they could do yes and, the motion as stated then add to the motion the language that the City will work with the stakeholders and other cities to help define non-functional turf. She asked the Attorney if that was a good hybrid motion.

Mr. Avery replied said one of the concerns they had was that the nonfunctional turf was one of those things like "pornography" where you see it, but everyone has a different definition of what it was. He said he thought they had to be careful in getting a good definition of nonfunctional turf and also being able to balance it against these public recreation and other incentives that cities across the west are also recognizing are important.

Council Member Cunningham seconded the motion.

Mayor Romero asked Council Member Dahl if he was comfortable working in parallel on the definition of nonfunctional turf and then start instituting what the City would like to do.

Council Member Dahl said he would be glad to add that to the motion, but felt it was not needed since staff had 90 days to work with the jurisdictions and figure out the definition. He said he was just asking them to return with Ordinance language. He said he thought it was important for Mayor and Council to direct the staff to start working on these measures and come back with some possibilities and a recommendation and analysis, which could be taken into consideration and delay at that point if need be. He said this was a crisis and the sooner they start working on it the better. He said he wanted to keep the language of the motion as is but was glad to add something if suggested.

Council Member Kozachik stated he did not feel what Mr. Avery said was inconsistent with the spirit of the motion, he said to study it for 90 days and bring something back to the Mayor and Council. He said he did not feel the motion went far enough, and agreed this was a new reality that everyone was living in.

Discussion continued.

Mayor Romero said she wanted to make sure that everyone was feeling comfortable with the motion and that there wasn't anything that needed to be added.

Mr. Avery commented that he thought they were consistent. Staff had an understanding about what they were being asked to do, work with other cities to be consistent and come back with some recommendations.

Council Member Kozachik asked if Council Members Dahl and Cunningham would agree to adding some of those other elements into what's being analyzed by staff and not just limited to turf size.

Mike Rankin, City Attorney added that the motion was really with direction to what would be in an ordinance on that issue. Some of the things that Council Member Kozachik raised were more internal practices and policies of the different departments, and probably did not necessarily need to be in an ordinance but could certainly be part of the direction to the manager and staff as other options to look at, to add to the conservation portfolio.

Council Member Kozachik said exercising fire hydrants, water and water valves were internal, but things such as when you water your car, how, where and when you water your car, the issue about draining pools, those were ordinance related issues.

Mayor Romero asked if language could be put on the motion that said in continuing to have other conservation measures or make another motion.

Mr. Rankin replied that it could be done either way, add it to the motion in terms of direction or they could do a separate motion since the first motion was really about the turf issue. He said it was up to the Mayor and Council how they wanted to do it.

Council Member Cunningham stated he was going to call the question, the vote on the turf issue and then they could do it cleaner and do a second motion

Discussion continued regarding the exploration of NetZero, working with UA, being in the middle of a housing crisis, researching the idea of higher density housing lowering water usage and if increasing density could help with water conservation as part of the discussion.

Mr. Kmiec replied that as part of the research that will be done on the NetZero with the UA, the size of lots and density will be addressed.

A friendly amendment was made by Council Member Kozachik to have staff include in the analysis, the Las Vegas Ordinance with respect to conservation measures.

Council Members Dahl and Cunningham accepted the friendly amendment.

The motion to direct staff to come back in 90 days with ordinance language banning non-functional and ornamental turf in all new residential and commercial development and a plan to phase out non-functional turf in existing development through restrictions and incentives, with the amendment to include in the analysis, the Las Vegas Ordinance with respect to conservation measure, was CARRIED by a voice vote of 7 to 0

(NOTE: Council Member Cunningham departed at 4:30 p.m.)

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5. Community Engagement Program for 2025 General Plan Update (City Wide)  
SS/OCT18-22-191 (City Wide)

Introductory comments were made by Michael J. Ortega, City Manager. He said this was an opportunity to update the Mayor and Council on the plan. He said they were looking for the opportunity to bring back a resolution at the next meeting or at a future meeting on the engagement effort and really kickstarting this process.

Information and presentation were provided by Koren Manning, Planning and Development Services Department, Planning Administrator and Jasmine Chan, Project Manager, who fielded and answered questions. They gave a little bit of background on the general plan, the timeline and overall approach to the updates and talked a little bit about how they were going to approach that update in terms of building off of other citywide plans such as the climate Action Plan, Housing affordability Study and others. And then really discuss the community engagement program in more details.

Ms. Manning said the plan was made-up of goals, policies to achieve aspirations as a Community and a key component was a growth scenario and growth map for the community. It was meant to be a plan to guide the physical development of the community in terms of infrastructure needs, as well as private development. She said the plan guides city investments, programs, rezoning, land use and development for the next 10 years and beyond, because it really did set up development for much longer than just the 10-year horizon and was required by state statute.

Ms. Manning stated the current general plan was Plan Tucson initiated in 2011 by the Mayor and Council and was ratified by our voters in 2013. She said the Plan laid out a vision for how to work towards a thriving, sustainable Tucson through goals and policies and there were four focus areas of planning to use, social environment, economic environment, built environment and natural environment, and it contains both elements that are required by state law. She said the Plan went beyond the state requirement, and also included components that were really driven by local goals and priorities heard from Tucson residents. She stated that in adopting a general plan, one of the first steps was that the local governing body must adopt written procedures for effective early and continuous public participation in developing this general plan.

Ms. Chan spoke about the draft Community Engagement Program and the five guiding principles. The five principals are everyone is welcome, center equity, build up and collaborate, foster authentic participation and prioritize safety and accessibility for participants. She said there were four phases for this engagement program; Phase 1 is from January 2023 through June 2023, Phase 2 is from July 2023 through June 2024, Phase 3 is from July 2023 through February 2025 and Phase 4 is from March 2025 through November



2025. She also spoke about engagement methods; project website, online survey and comments cards, working group meetings, media, open houses, public hearings, email and printed materials, pop-ups and public events were a few. She said some engagement indicators were the number of participants engaging through public meetings, surveys, website, social media, demographic and geographic representation, satisfaction surveys, media coverage, feedback from the Mayor and Council and Board and Commissions and range and variety of meeting types, locations, timing and communication methods.

Discussion ensued.

It was moved by Council Member Lee, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Cunningham absent/excused), to direct staff to bring this back on the meeting on November 14th for consideration of the adoption of the Plan.

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**6. Discussion and Direction on Remaining Regional Transportation Authority (RTA) Projects and RTA Next Plan Development (City Wide) SS/OCT18-22-195**

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

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**7. PFAS Quarterly Update and Authorization to Proceed with the Randolph Park PFAS Project (City Wide and Outside City) SS/OCT18-22-192**

(This item was taken out of order and discussed after Item #4.)

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**8. Proposed Water Conservation Measures Related to City Drought Response (City Wide and Outside City) SS/OCT18-22-193**

(This item was taken out of order and discussed after Item #7.)

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**9. Discussion and Direction on the Initiation of the Broadway/Broadmoor Neighborhood Area Plan Amendment Process SS/OCT18-22-201 (Ward 6)**

Introductory comments were made Mayor Romero.

Information was presented by Council Member Kozachik.

It was moved by Council Member Kozachik, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Cunningham absent/excused), to initiate the process for the Broadway/Broadmoor Neighborhood Area Plan Amendment.

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**10. Updates on State and National Legislation and Regional Committees (City Wide)  
SS/OCT18-22-187**

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

No action was taken.

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**11. Mayor and Council Discussion of Regular Agenda (City Wide) SS/OCT18-22-188**

Vice Mayor Santa Cruz requested that Consent Agenda Item 7k be considered separately.

Item 7k AMERICAN RESCUE PLAN STATE AND LOCAL FISCAL  
RECOVERY FUNDING SLFRF) – REALLOCATION OF  
FUNDS TO AFFORDABLE HOUSING AND  
INVESTING IN OUR HOUSELESS COMMUNITY  
(CITY WIDE) OCT18-22- 302

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**12. Mayor and Council Discussion of Future Agendas (City Wide) SS/OCT18-22-189**

Council Member Lee announced she was submitting an item for the November 14, 2022, meeting on SkillBridge participation.

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ADJOURNMENT: 5:00 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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## Supporting Documents

MAYOR AND COUNCIL MEMORANDUM SS/OCT18-22-193

(/1801AgendaOnline/Documents/DownloadFile/MAYOR%20AND%20COUNCIL%20MEMORANDUM%20SS%20OCT18-22-193.pdf?

documentType=2&meetingId=1645&itemId=66201&publishId=110297&isSection=False

ATTACHMENT A - POLICY MEMO – IRRIGATION METERS FOR COMMERCIAL AND MULTIFAMILY PROPERTIES

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%20POLICY%20MEMO%20%E2%80%93%20IRRIGATION%20METERS%20FOR%20COMMERCIAL%20AND%20MULTIFAMILY%20PROPERTIES.pdf?

documentType=2&meetingId=1645&itemId=66201&publishId=110298&isSection=False

ATTACHMENT B - POLICY MEMO – LOW IMPACT DEVELOPMENT ORDINANCE

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%20POLICY%20MEMO%20%E2%80%93%20LOW%20IMPACT%20DEVELOPMENT%20ORDINANCE.pdf?

documentType=2&meetingId=1645&itemId=66201&publishId=110299&isSection=False

ATTACHMENT C - POLICY MEMO – NET ZERO WATER

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%20POLICY%20MEMO%20%E2%80%93%20NET%20ZERO%20WATER.pdf?

documentType=2&meetingId=1645&itemId=66201&publishId=110300&isSection=False

ATTACHMENT D - POLICY MEMO – REQUIRING SUBMETERING FOR TOWNHOME AND CONDO DEVELOPMENTS

(/1801AgendaOnline/Documents/DownloadFile/ATTACHMENT%20D%20-

%20POLICY%20MEMO%20%E2%80%93%20REQUIRING%20SUBMETERING%20FOR%20TOWNHOME%20AND%20CONDO%20DEVELOPMENTS.pdf?

documentType=2&meetingId=1645&itemId=66201&publishId=110301&isSection=False

ATTACHMENT E - POLICY MEMO – MODIFYING BUILDING CODE TO REQUIRE USE

