

MAYOR AND COUNCIL – STUDY SESSION

LEGAL ACTION REPORT

TUESDAY, FEBRUARY 7, 2023

MAYOR AND COUNCIL CHAMBERS

CITY HALL, 255 W. ALAMEDA, TUCSON, AZ

Mayor Romero called the Study Session to order at 2:03 P.M. in the Mayor and Council Chambers, City Hall Tower, Tucson, Arizona.

OFFICIAL MEMBERS

PRESENT:

Mayor Regina Romero
Council Member Lane Santa Cruz (Ward 1)
Council Member Paul Cunningham (Ward 2)
Council Member Kevin Dahl (Ward 3)
Council Member Nikki Lee (Ward 4)
Council Member Richard G. Fimbres (Ward 5) (arrived at 2:49 p.m. via electronic attendance)
Vice Mayor Steve Kozachik (Ward 6)

OFFICIAL MEMBERS

ABSENT/EXCUSED: None

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

AGENDA ITEM / MAYOR AND COUNCIL ACTION

1. Executive Session – Goodman v. City of Tucson, Notice of Claim Nos. 26860 and 26861; Pima County Superior Court No. 20194826 (City Wide) SS/FEB07-23-24

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

RECESS: 2:04 p.m.

RECONVENE: 2:49 p.m.

MAYOR & COUNCIL: All present

STAFF: All present

Executive Session was held from 2:08 p.m. to 2:47 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 Relating to Executive Session – Goodman v. City of Tucson, Notice of Claim Nos. 26860 and 26861; Pima County Superior Court Case No. 20194826 (City Wide) SS/FEB07-23-25

It was moved by Council Member Fimbres, duly seconded, and CARRIED by a voice vote of 7 to 0, to direct the City Attorney and City Manager to proceed as discussed in Executive Session.

3. Discussion Regarding Transform Tucson Fund (City Wide) SS/FEB07-23-29

Introductory comments were provided by Mayor Romero.

Information and presentation was provided by Dre Thompson, CEO, Tucson Industrial Development Authority (IDA), and Francisca Villegas, Small Business Program Manager.

Additional information was provided by Michael J. Ortega, City Manager. He said he would bring back more information on ideas and details, but the City's contribution of approximately \$925,000 might come from reallocating American Rescue Plan Act (ARPA) funds.

Mayor Romero said she was asking for approval of \$1.5 Million for the AVANZA Revolving Loan Fund, and \$925,000 to co-locate the City's Small Business Program with the IDA.

It was moved by Council Member Lee, duly seconded, to direct the City Manager and City Attorney to work with the Industrial Development Authority to prepare the agreements necessary to carry out the proposal as described in the agenda material for the colocation and establishment of the Avanza Empowerment Center and to schedule the agreements for Mayor and Council approval as soon as they were ready.

Discussion ensued.

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

4. **City Regulation of Smoke Shops; Presentation by Liberty Partnership Kino Neighborhoods Council (LPKNC) Leadership Regarding Impacts of Smoke Shops (City Wide) SS/FEB07-23-26**

(Note: Council Member Cunningham departed at 3:23 p.m.)

Introductory comments were provided by Council Member Fimbres and Mayor Romero.

(Note: Council Member Cunningham returned at 3:27 p.m.)

Information and presentation was provided by Jamal Givens, LPKNC (Liberty Partnership Kino Neighborhoods Council) President and CEO, and members of the Youth Empowered Success (YES) Club: students Angela Moreno and Angelica Martinez, Desert View High School, and Parth Verma, Sunnyside High School.

Michael Rankin, City Attorney, said Ordinance 11703 was adopted in 2019 and specifically included smoke shops and “vape” products, and enhanced penalties for violations. He reviewed actions Mayor and Council might take to implement additional regulations.

Information was presented by Captain Mickey Petersen, Tucson Police Department. He said the problem was not something the police would solve; it would be solved by working with the Pima County Health Department, and through education and policy.

It was moved by Council Member Fimbres, duly seconded, to direct staff to initiate the Code amendments described in the agenda material, and schedule a review of Ordinance 11703, also known as Tucson Code Sections 7-426 to 7-434, including the enforcement component, and return within 90 days with provisions similar to the liquor license process.

Michael J. Ortega, City Manager, said staff was already working on a significant overhaul of the Unified Development Code. The proposed Code amendments could be incorporated into that process. He said a separate issue was enforcing the provisions of Ordinance 11703, and he committed to ensuring the enforcement occurred immediately and expeditiously.

Discussion ensued.

Mr. Rankin said staff would look into regulating hours of operation, and would include that information when the item returns for consideration.

Discussion continued.

Mr. Rankin said the Tucson City Code authorized enforcement by the Tucson Police Department as well as any other department Code Enforcement agent designated by the City Manager to do so.

Discussion resumed.

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

RECESS: 4:15 p.m.

RECONVENE: 4:27 p.m.

MAYOR & COUNCIL: All present

STAFF: All present

5. **Expungement of Convictions for Marijuana Offenses; and Sealing of Other Conviction Records (City Wide) SS/FEB07-23-27**

Introductory comments were provided by Council Member Dahl.

Information was presented by Michael Rankin, City Attorney, who fielded and answered questions. He explained a partnership being pursued with the University of Arizona (UA) Law School to assist with a program to initiate marijuana conviction expungements. Southern Arizona Legal Aid might also help by supervising the participating students. He anticipated the program starting in the upcoming fall semester, using existing protocols for establishing internships and externships so a formal agreement was not necessary. If the program later expanded into paid internships or part-time employment with the City, or if grant funding was involved, that could lead to an agreement requiring formal approval by the Mayor and Council.

It was MOVED by Council Member Dahl, duly seconded, to endorse the approach as described by the City Attorney and partners from the University of Arizona Law School, and to provide periodic reports as the efforts progress.

Information was presented by Mia Burcham and Rebecca Cohen, UA Law School, who explained the process of going through a database to identify eligible charges, filing the petition for expungement, and notifying individuals after being processed by the courts.

Discussion ensued.

Mr. Rankin estimated approximately 10,000 cases would be eligible for expungement. He said the Pima County Attorney's Office was aware of the program and would be kept informed as it moves forward.

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

**6. Continued Discussion and Direction on RTA Next Plan Development (City Wide)
SS/FEB07-23-28**

Introductory comments were provided by Michael J. Ortega, City Manager, regarding the evolution of the ongoing conversation away from focusing on named projects and towards a holistic approach to investments in the entire community on a macro scale, similar to Move Tucson.

Information was provided by Sam Credio, Director of Transportation and Mobility, regarding budgetary assumptions.

Discussion ensued.

Mr. Ortega said staff would return with recommendations for the next Mayor and Council meeting on February 22, 2023. He hoped to have a solid plan by the meeting scheduled for March 7, 2023, and any final adjustments could be made at the meeting on March 21, 2023.

No formal action was taken.

**7. Updates on State and National Legislation and Regional Committees (City Wide)
SS/FEB07-23-21**

Andrew Greenhill, Intergovernmental Relations Manager, provided an update on Federal grants received by the City, and President Biden's State of the Union Address. He reviewed handout material regarding the status of proposed state legislation.

Mr. Greenhill said the handout indicated Senate Bill (SB) 1553 would appropriate \$5 Million to the University of Arizona for a pharmacy lab at St. Joe's Hospital, but it was recently clarified to be St. Joe's Hospital in Phoenix, not Tucson.

It was MOVED by Council Member Fimbres, duly seconded, to support and oppose the bills as recommended in the handout material, except for SB 1553.

Discussion ensued.

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

8. Mayor and Council Discussion of Regular Agenda (City Wide) SS/FEB07-23-22

No items were discussed.

9. Mayor and Council Discussion of Future Agendas (City Wide) SS/FEB07-23-23

Council Member Kozachik requested an update on Becton Dickinson's plan for transporting Ethylene Oxide in the community.

ADJOURNMENT: 5:45 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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Item Details

City Regulation of Smoke Shops; Presentation by Liberty Partnership Kino
Neighborhoods Council (LPKNC) Leadership Regarding Impacts of Smoke Shops (City
Wide) SS/FEB07-23-26

Supporting Documents

MAYOR AND COUNCIL MEMORANDUM SS/FEB07-23-26

(/1801AgendaOnline/Documents/DownloadFile/MAYOR%20AND%20COUNCIL%20MEMOR.
23-26.pdf?

documentType=2&meetingId=1678&itemId=67381&publishId=116411&isSection=False&i

MEMORANDUM FROM COUNCIL MEMBER FIMBRES DATED JANUARY 13, 2023

(/1801AgendaOnline/Documents/DownloadFile/MEMORANDUM%20FROM%20COUNCIL%2
documentType=2&meetingId=1678&itemId=67381&publishId=116412&isSection=False&i

