

[Agenda](#)[Summary](#)[Switch to Accessible View](#)

## **MAYOR AND COUNCIL – STUDY SESSION**

### **LEGAL ACTION REPORT**

**TUESDAY, MARCH 22, 2022**

**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 1:02 p.m. The meeting was held remotely using Microsoft Teams.

#### **OFFICIAL MEMBERS**

##### **PRESENT:**

Mayor Regina Romero  
Vice Mayor Lane Santa Cruz (Ward 1)  
Council Member Cunningham (Ward 2)  
Council Member Kevin Dahl (Ward 3)  
Council Member 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  
Suzanne Mesich, City Clerk

---

**AGENDA ITEM / MAYOR AND COUNCIL ACTION**

---

1. **Executive Session – Exchange and Conveyance of City-Owned Property Located at 7575 E. Speedway Boulevard and a Portion of Tax Parcel No. 133-13-005E for Property Owned by Centre East Center, LLC Located at 7820-7840 E. Broadway Boulevard (Ward 2) SS/MAR22-22-65**

It was moved by Council Member Fimbres, duly seconded, and CARRIED by a voice vote of 7 to 0, to enter into executive session as noticed on the agenda.

---

RECESS: 1:04 p.m.

RECONVENE: 1:42 p.m.

MAYOR & COUNCIL: All present

STAFF: All present

---

Executive Session was held from 1:06 p.m. to 1:36 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 – Exchange and Conveyance of City-Owned Property Located at 7575 E. Speedway Boulevard and a Portion of Tax Parcel No. 133-13-005E for Property Owned by Centre East Center, LLC Located at 7820-7840 E. Broadway Boulevard (Ward 2) SS/MAR22-22-66**

It was moved by Council Member Cunningham, duly seconded, and CARRIED by a voice vote 7 to 0, to proceed as discussed in Executive Session.

---

---

3. **City Manager's Report and Update on COVID-19; Ongoing City and County Mitigation Measures; Funding and Appropriations; and Related Legal Matters (City Wide and Outside City) SS/MAR22-22-52**

Information was provided by Michael J. Ortega, City Manager, who fielded and answered questions on Pima County's website regarding COVID, and recommendations for vaccinations and masking.

Mayor Romero reiterated the need for people to continue getting vaccinated. She also stated that since the number of COVID cases were declining, in-person Mayor and Council meetings would resume beginning with the next scheduled meeting on April 5, 2022.

Discussion was held; no formal action was taken.

---

4. **General Fund FY 21/22 Fiscal Year-End Projections, FY 22/23 Operating Budget Focusing on Personnel Costs, Tucson Supplemental Retirement System (TSRS), and Public Safety Personnel Retirement System (PSPRS)(City Wide) SS/MAR22-22-56**

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

Information and presentation were provided by Jeffrey Yates, Business Services Department Director, who fielded and answered questions on FY 2023 Preliminary Personnel Costs, Vacancy Trends, Tucson Supplemental Retirement System (TSRS) Update and Public Safety Personnel Retirement System (PSPRS) Update.

Discussion ensued regarding PSPRS, the TRUST, budgeting, vacancies, staff burnout, staffing levels, self-insurance fund, student loan program, employee retention, etc.

No formal action was taken.

**5. American Rescue Plan Community Partner Competitive Grants (City Wide)  
SS/MAR22-22-63**

Opening remarks were made by Mayor Romero and Michael J. Ortega, City Manager.

Information and presentation were made by Liana Perez, Deputy City Manager, who fielded and answered questions on the three-phase review process:

- Phase I – ARPA Eligibility, Equity and Feasibility
- Phase II – Meet with Phase I Denials (upon request), Impact Analysis, Risk Assessment
- Phase III – Funding (Memorandum of Understanding/Financial Participation Agreement)

Discussion ensued. Comments were made by Council Members Fimbres, Dahl, Kozachik, Cunningham, Vice Mayor Santa Cruz and Mayor Romero regarding awarded amounts, how people were notified, demographics, approval process, climate resiliency, youth employment housing affordability and the framework previously approved by Mayor and Council.

No formal action was taken.

---

**6. Residential Gray Water Ordinance Review as Directed by Mayor & Council (City Wide)  
SS/MAR22-22-57**

Information and presentation were given by James MacAdam, Tucson Water Program Superintendent, who fielded and answered questions the residential greywater ordinance created in 2010, survey/results conducted by the City, lack of awareness and information about greywater, resources and rebates.

Discussion ensued. Comments were made by Council Member Dahl, Mayor Romero, and Council Member Cunningham.

No formal action was taken.

---

---

**7. Presentation by Tucson Industrial Development Authority (City Wide) SS/MAR22-22-61**

Opening remarks were made by Mayor Romero.

Information and presentation were made by Dre Thompson, Tucson IDA Board of Director's, Chief Executive Officer, who fielded and answered questions on what the IDA is and does. She said the IDA had three main purposes: 1) to create a source of perpetual wealth for cities that were not depending on taxpayers, 2) to bridge gaps within the traditional financing system, and 3) to be a guardian of long-term economic planning and economic development. She also informed about their small business loan program and housing affordability assistance programs, as well as, down payment assistance, mortgage credit certificate program for low- income families, and heritage food revolving loan fund.

Discussion ensued. Comments were made by Mayor Romero and Vice Mayor Santa Cruz.

No formal action was taken.

---

**8. Commercial Rainwater Harvesting Ordinance Process Improvement (City Wide) SS/MAR22-22-58**

Information was provided by Michael J. Ortega, City Manager.

Council Member Dahl stated that staff did an excellent job in the report from the direction given in January to return in 60 days with a course of action to address the plan review and site inspection process of the commercial rainwater harvesting ordinance. He said this ordinance was part of Mayor and Council's robust response to climate change and had multiple benefits to reduce water bills for businesses and ensuring cooling trees, shrubs and other vegetation continue to thrive on rainwater. He said Tucsonans use 30% of drinking water to grow plants/trees outside and could easily be changed and must change in the face of increasing regional drought.

It was moved by Council Member Dahl, duly seconded, to direct the City Manager to immediately post the positions of Landscape Architect and two Inspectors in Planning and Development Services for the purposes of plan review and site inspection related to the City of Tucson's Commercial Rainwater Harvesting Ordinance and the positions shall be incorporated into the fiscal 2023 budget. Additionally, he moved that staff report back in six months with a progress report on recommended program improvements in the Mayor and Council Memorandum.

Discussion ensued regarding the hiring of the additional staff. Mayor Romero asked if a friendly amendment could be considered to exclude the specific details on hiring staff and be able to include the possibility of hiring staff to manage the program as opposed to giving explicit direction of how many staff should be hired.

Council Member Dahl replied that if that was taken out of the motion, then all he was asking for was for staff to report back in six months. He said he wanted to hear from his colleagues on the issue.

Discussion continued. Comments were made by Council Members Kozachik, Nikki Lee, Paul Cunningham, and Vice Mayor Santa Cruz.

The motion was passed by a roll call vote of 4 to 3 (Council Member Lee, Vice Mayor Santa Cruz and Mayor Romero dissenting).

Further comments were made by Mayor Romero, Council Members Lee, Kozachik, Cunningham and Dahl.

No further action was taken.

---

9. **Pima Association of Governments (PAG) Management Committee Recommendation to the PAG Regional Council and Regional Transportation Authority (RTA) Technical Management Committee Recommendation to the RTA Board (City Wide) SS/MAR22-22-59**

Information was provided by Michael J. Ortega, City Manager. He said the recommendations were pretty well outlined in the information presented to the Mayor and Council but wanted to point out one thing on the agenda that was not part of the recommendations, which was funding for downtown links. He said there was a funding shortfall, but he would continue having dialogue with PAG and keep the Mayor and Council updated.

Discussion ensued regarding if the recommendation had gone to the Technical Management Committee for review to advise the RTA Board of the Funding, as well as what the Technical Management Committee's role was with regards to PAG/RTA.

Comments were made by Council Members Kozachik, Cunningham and Vice Mayor Santa Cruz.

No formal action was taken.

---

---

**10. University of Arizona Campus Agricultural Center Historic Landmark Designation Update (Ward 3) SS/MAR22-22-60**

Information was presented by Council Member Dahl. He said he had brought the item forward so that they could clarify that the City supports concerns of neighbors and want to follow the recommendation of the Historic Commission Campus farms. He said it was a wonderful part of the UA land grant university with great agricultural programs in history. He said the Historic Commission prepared an application, held hearings and made a recommendation to the Mayor and Council in June 2021 to move forward.

It was moved by Council Member Dahl, duly seconded, to direct City staff to designate and rezone the full 140.12 acre property known as the University of Arizona Campus Farm / the University of Arizona Campus Agriculture Center, as nominated by the Tucson-Pima County Historical Commission, as a City of Tucson Historic Landmark and to report back the timeline and start date of the process.

Discussion ensued regarding the process for historic designation. Comments were made by Council Members Kozachik, Lee, Kozachik, Mayor Romero, as well as Scott Clark, Planning and Development Services Department Director, Jodie Brown, Historic Preservation Officer and Peter Dourlein, AIA, LEED AP, Campus Architect, UA Associate VP Planning, Design & Construction.

After much discussion, Council Member Dahl withdrew his motion so that they could proceed with discussions and bring the item back at a more appropriate time.

---

**11. Discussion Regarding Social Equity and Marijuana Licenses (City Wide) SS/MAR22-22-64**

Opening remarks were made by Mayor Romero. She said the Mayor and Council had directed staff to provide comment during the Arizona Department of Health Services Social Equity license rulemaking process to ensure that licenses were ultimately issued to applicants who represented minority communities, disproportionately impacted by the enforcement of earlier marijuana law. She said they also directed the City Attorney to prepare language to move forward with the UDC Text amendments, while also include a temporary prohibition on social equity licenses, which were single use license marijuana establishments.

Mayor Romero stated she knew that the City Attorney had been working with Planning and Development Services on this issue and asked if they wanted to give an update.

Mike Rankin, City Attorney stated that in 2010, voters approved Prop. 203, Medical Marijuana. Fast forward, in 2020 voters approved Prop. 207 which authorized adult use to include the social equity license feature. In April 2021, Mayor and Council chose to amend the *Unified Development Code (UDC)* to provide for the dual use (adult or recreational) licensed facilities until the City saw how the rulemaking would play out.

Mr. Rankin said, essentially, what that meant was that there were going to be 26 social equity licenses available statewide. Application had already been submitted to the AZ DHS and had to meet eligibility criteria that were established both by the initiative and through the rules. which essentially were intended to be for persons who had been negatively impacted by enforcement of drug laws. He said to qualify for social equity license, the ownership of the particular applicant or applying business had to be at least 51% held by persons who met the criteria so that meant that they had to be at not no more than 400% of the poverty income level and that either they or a relative was impacted by prosecution of prior drug laws.

Mr. Rankin stated a 4th criteria related to that they lived for a certain period of time within an area defined by zip code basically that was determined to have had inequitable enforcement of prior drug laws and so as long as the applicant satisfied 3 of those, 4 criteria, they could qualify for a social equity licenses. He continued with what the process would be and said it needed to go through the Planning Commission and be approved by Mayor and Council.

Discussion ensued. Mayor Romero asked for a motion to direct staff to move forward with the process.

It was moved by Vice Mayor Santa Cruz, duly seconded, to direct the city Manager and staff to initiate the process for amending the *UDC* to establish a Special Exception process that would allow adult use marijuana establishments to locate within the City under specified conditions.

(Mayor Romero departed at 5:20 p.m.)

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

The motion was PASSED by a roll call vote of 6 to 0 (Mayor Romero absent/excused).

---



---

**12. Updates on State and National Legislation and Regional Committees (City Wide) SS/MAR22-22-53**

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

It was moved by Council Member Kozachik, duly seconded, and PASSED by a roll call vote of 6 to 0 (Mayor Romero absent/excused) to support HB2060, HB2528, SB1215, and oppose HB2414, HB2473, HB2624, HB2721, HCR2028, SB1094.

---

**13. Mayor and Council Discussion of Regular Agenda (City Wide) SS/MAR22-22-54**

Council Member Dahl requested that Consent Agenda Item 7b be considered separately.

Item #7b – Implementation of Proposition 206: Tucson Minimum Wage Act  
and Creation of the Labor Standards Unit (City Wide) MAR22-22-86

---

**14. Mayor and Council Discussion of Future Agendas (City Wide) SS/MAR22-22-55**

No items were identified.

---

ADJOURNMENT: 5:30 p.m.

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

---



© 2022 - Hyland Software