



MAYOR AND COUNCIL – STUDY SESSION

LEGAL ACTION REPORT

TUESDAY, OCTOBER 3, 2023

MAYOR AND COUNCIL CHAMBERS

CITY HALL, 255 W. ALAMEDA, TUCSON, AZ

Mayor Romero called the Study Session to order at 12:35 p.m., in the Mayor and Council Chambers, City Hall Tower, Tucson, Arizona.

OFFICIAL MEMBERS

PRESENT: Mayor Regina Romero
Council Member Paul Cunningham (Ward 2) (arrived at 12:36 p.m.)
Council Member Kevin Dahl (Ward 3)
Council Member Nikki Lee (Ward 4) (electronic attendance)
Council Member Richard G. Fimbres (Ward 5) (electronic attendance)
Vice Mayor Steve Kozachik (Ward 6)

OFFICIAL MEMBERS

ABSENT/EXCUSED: Council Member Lane Santa Cruz

STAFF:

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

Mayor Romero announced that Council Members Lee and Fimbres would be participating electronically through Microsoft TEAMS.

AGENDA ITEM / MAYOR AND COUNCIL ACTION

1. Executive Session – Pima County v. City of Tucson, Maricopa County Superior Court Case No. CV2022-001142 (City Wide and Outside City) SS/OCT03-23-200

(NOTE: Council Member Cunningham arrived at 12:36 p.m.)

It was moved by Vice Mayor Kozachik, duly seconded, and CARRIED by a voice vote of 5 to 0, (Councils Member Santa Cruz and Cunningham absent/excused) to enter into Executive Session for Items #1 as noticed in the agenda.

RECESS: 12:36 p.m.

RECONVENE: 2:14 p.m.

MAYOR & COUNCIL: All present (Council Member Santa Cruz absent/excused)

STAFF: All present

Executive Session was held from 12:38 p.m. to 2:12 p.m.

It was moved by Vice Mayor Kozachik, duly seconded, and CARRIED by a voice vote of 6 to 0, to return to open session.

2. Mayor and Council Direction Relating to Executive Session – Pima County v. City of Tucson, Maricopa County Superior Court Case No. CV2022-001141 (City Wide and Outside City) SS/OCT03-23-201

It was moved by Council Member Cunningham, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Santa Cruz absent/excused), that the Mayor and Council authorize and direct the City Manager and City Attorney to attempt to resolve this matter with Pima County in the manner discussed in Executive Session. If that effort is unsuccessful, the City Attorney and City Manager are authorized to proceed as discussed in Executive Session, including but not limited to the following:

1. The City Attorney will object to Pima County's proposed form of judgment for the reasons discussed in Executive Session;
2. The City Attorney is authorized to appeal or special action the trial court's determination that the City's differential rate is not compliant with Arizona law;
3. The City Manager is directed to commence the process to secure a new cost-of-service study relating to the provision of water service to customers located outside of the incorporated city limits.
4. Based on the trial court's ruling, Tucson Water will stop billing the current differential rate as soon as practicable.

8. Update on Fraudulent Sober Living Homes Including Happy Times/Ocotillo Apartments (City Wide) SS/OCT03-23-203

(This item was taken out of order.)

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

Information was provided by Amaris Vasquez, Multi-Agency Resource Coordinator. She presented an update on Fraudulent Sober Living Homes and recent activities at the Happy Times/Ocotillo Apartments, 1025 E Benson Highway. She stated that fraudulent, sober living homes are creating complex problems across our state that victimize people, foster criminal activities on a variety of levels, and create significant harm. A timeline of events was presented to show the accurate sequence of events that took place. She stated that the property owners at the Happy Times/Ocotillo Apartments went through with their evictions. A joint event with multiple agencies was provided to individuals impacted seeking services. She stated, that due to heavy vandalism to the power systems and fire suppression mechanisms, Code Enforcement determined the building had to be vacated and condemned.

Mr. Ortega advised that Ms. Vasquez' presentation would be distributed to the Mayor and Council.

Discussion ensued. Comments were made by Mayor Romero, and Council Members Cunningham, Dahl and Fimbres and Mr. Ortega and Ms. Vasquez fielded and answered questions.

No formal action was taken.

(Note: Council Member Lee departed at 2:44 p.m.)

RECESS: 2:54 p.m.

RECONVENE: 3:06 p.m.

MAYOR & COUNCIL: All present (Council Members Santa Cruz and Lee absent/excused)

STAFF: All present

3. Continued discussion regarding the Microgrid Solar Program from Mayor and Council meeting of May 23, 2023 (City-Wide) SS/OCT03-23-197

Introductory comments were made by Mayor Romero and Council Members Dahl and Kozachik and Michael J. Ortega, City Manager.

Timothy Thomure, Deputy City Manager and Steven Addison, Environmental Scientist, City Manager's Office, presented and discussed the Microgrid Solar Program reports prepared by the Climate Action Team and the Commission on Climate, Energy, and Sustainability (CCES). He recommended the use of microgrid sites as a resilience strategy for capturing, storing, and utilizing clean energy. Additionally, they consider the creation of shade canopy for pedestrians along the planned High-Capacity Transit (HCT) line connecting neighborhoods from Tohono Tadaí Transit Center to the Tucson International Airport.

Dr. James Sell, CCES Chair and Garrett Weaver, CCES Member, made comments and fielded and answered questions.

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

It was moved by Council Member Dahl, duly seconded, and CARRIED by a voice vote of 5 to 0 (Council Members Santa Cruz and Lee absent/excused), to proceed with the recommendation.

4. Discussion on Tucson Resilient Together, the City of Tucson's Climate Action and Adaption Plan (City Wide) SS/OCT03-23-202

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

Information was provided by Timothy Thomure, Deputy City Manager, who fielded and answered questions on the second quarterly update on Tucson Resilient Together (TRT) implementation progress. Tucson Resilient Together established the framework for climate action and adaptation in Tucson. This update represented the collective work of multiple departments advancing the actions and programs in the TRT Plan.

No formal action was taken.

5. Office of Economic Initiatives Update Regarding International Trade and Small Business Navigator Programs (City Wide) SS/OCT03-23-198

(This item was continued to a future meeting.)

6. Discussion and Direction on City of Tucson's Major Streets and Routes Plan (City Wide) SS/OCT03-23-199

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

Sam Credio, Director, Department of Transportation and Mobility, presented an update on the Major Streets and Routes (MS&R) plan. He recommended updating the MS&R map only to reflect the City's transportation and development priorities, to include community outreach. It was estimated that this process would take between twelve to eighteen months.

It was moved by Council Member Dahl, duly seconded, and CARRIED by a voice vote of 5 to 0 (Council Members Santa Cruz and Lee absent/excused), to proceed with the recommendation.

7. Continued Discussion and Direction on RTA Next Plan Development (City Wide)

(This item was continued to a future meeting.)

8. Update on Fraudulent Sober Living Homes Including Happy Times/Ocotillo Apartments (City Wide) SS/OCT03-23-203

9. Updates on State and National Legislation and Regional Committees (City Wide) SS/OCT03-23-194

Information was provided by Andrew Greenhill, Intergovernmental Relations Manager, who fielded and answered questions on the status of a possible Federal shutdown.

Council Member Dahl stated he wanted to know if there was any marijuana industry lobbying taking place in Washington DC.

Discussion ensued; no formal action was taken.

10. Mayor and Council Discussion of Regular Agenda (City Wide) SS/OCT03-23-195

Mike Rankin, City Attorney, advised that Item #11, Mayor and Council Rules and Regulations: Electronic Attendance and Hybrid Meeting format of Mayor and Council and City Boards, Committees and Commissions (City Wide) OCT03-23-320 was being continued to a future meeting since it was sent out very late to the Mayor and Council. He encouraged the Mayor and Council to review the materials.

11. Mayor and Council Discussion of Future Agendas (City Wide) SS/OCT03-23-196

No items were identified.

ADJOURNMENT: 4:03 p.m.

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