



MAYOR AND COUNCIL Study Session Minutes

Approved by Mayor and Council
on January 23, 2024.

Date of Meeting: September 6, 2023

The Mayor and Council of the City of Tucson met in study session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona at 12:35 p.m., on Wednesday, September 6, 2023, all members having been notified of the time and place thereof.

OFFICIAL MEMBER

PRESENT: Mayor Regina Romero
Council Member Lane Santa Cruz (Ward 1)
Council Member Paul Cunningham (Ward 2) (arrived at 12:53 p.m.)
Council Member Kevin Dahl (Ward 3) (electronic attendance)
Council Member Nikki Lee (Ward 4)
Council Member Richard G. Fimbres (Ward 5) (electronic attendance)
Vice Mayor Steve Kozachik (Ward 6)

OFFICIAL MEMBERS

ABSENT/EXCUSED: None

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

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

1. **Executive Session – Webb v. City of Tucson, Pima County Superior Court Case No. C20230503 (City Wide) SS/SEP06-23-172**
 3. **Executive Session – Claim No. 29663 (Carbon Health v. City of Tucson) (City Wide) SS/SEP06-23-175 (City Wide)**
 5. **Executive Session — City Recognition of a Designated Labor Organization to Represent the Interests of the City’s Labor and Trades Non-Supervisory Employees (City Wide) SS/SEP06-23-182**
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7. Executive Session — TPOA, et al. v. City of Tucson, et al., Pima County Superior Court Case No. C20213869; and Proposed Amendments to Tucson Code Chapter 14 to Establish a “Meet and Consult” Process (City Wide) SS/SEP06-23-184

(Items #3, #5, and #7 were taken out of order and considered after Item #1.)

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 enter Executive Session for Items #1, #3, #5 and #7 as noticed in the agenda.

RECESS: 12:36 p.m.

RECONVENE: 3:01 p.m.

MAYOR & COUNCIL: All present (Council Member Cunningham arrived at 12:53 p.m.)

STAFF: All present

Executive Session was held from 12:43 p.m. to 2:50 p.m.

It was moved by Council Member Lee, 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 - Webb v. City of Tucson, Pima County Superior Court Case No. C20230503 (City Wide) SS/SEP06-23-173 (City Wide)

It was moved by Council Member Dahl, duly seconded, and carried by voice vote of 7 to 0, to direct the City Attorney to proceed as discussed in Executive Session with respect to Webb versus City of Tucson that the Mayor and Council authorize and direct the City Attorney and City Manager to proceed and to settle this lawsuit for the amount of \$100,000.

3. Executive Session – Claim No. 29663 (Carbon Health v. City of Tucson) (City Wide) SS/SEP06-23-175 (City Wide)

(This item was taken out of order and considered after Item #1.)

4. Mayor and Council Direction Regarding Executive Session – Claim No. 29663, (Carbon Health v. City of Tucson) (City Wide) SS/SEP06-23-176 (City Wide)

It was moved by Vice Mayor Kozachik, 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 and to settle the reference to claim based on final adjustment of damages caused by the water line failure on July 26th of 2023.

5. Executive Session — City Recognition of a Designated Labor Organization to Represent the Interests of the City’s Labor and Trades Non-Supervisory Employees (City Wide) SS/SEP06-23-182

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

6. Mayor and Council Direction Regarding Executive Session – City Recognition of a Designated Labor Organization to Represent the Interests of the City’s Labor and Trades Non-Supervisory Employees (City Wide) SS/SEP06-23-183

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to direct staff to proceed as discussed in Executive Session and to prepare an amendment to Chapter 14 of the code that allows for the recognition of a designated labor organization without an election, under the circumstance that the approved local chapter is of the previously designated parent organization.

Council Member Cunningham explained the reason for this motion was to set up the transition from AFSCME Local 449 to AFSCME Local 905 which is represented by American Federation of State, County and Municipal Employees Labor Union.

Mayor Romero commented that she wanted Item 6 to be brought back for discussion. She believes that the Mayor and Council want to work in good faith with the labor organization and the community. She stated that the Blue-Collar Union currently known as AFSCME, as a legislative body, could modify Section 14 of the City code to address the issue of the lack of information for retaining (AFSCME) and changing the local chapter 449, established in 1968, to local chapter 905 for representation of City workers.

7. Executive Session — TPOA, et al. v. City of Tucson, et al., Pima County Superior Court Case No. C20213869; and Proposed Amendments to Tucson Code Chapter 14 to Establish a “Meet and Consult” Process (City Wide) SS/SEP06-23-184

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

8. Mayor and Council Direction Regarding Executive Session – TPOA, et al. v City of Tucson et al., Pima County Superior Court Case No. C20213869; and Proposed Amendments to Tucson Code Chapter 14 to Establish a “Meet and Consult” Process (City Wide) SS/SEP06-23-185

It was moved by Council Member Lee, duly seconded, and carried by a voice vote of 7 to 0, that Mayor and Council direct the City Attorney to proceed as discussed in executive session, that Item #11 on the regular session agenda be continued at this time, that the City Attorney is directed to engage in the Settlement Conference as directed, with the expectation that the labor organizations will participate in the Settlement Conference in good faith.

Mayor Romero stated that it was very unfortunate that there was a lawsuit against the City of Tucson because of a legislative action that the Mayor and Council took to protect the public health and safety of the community. She stated it is very important that the Mayor and Council retain legislative authority and that the City Manager retain their administrative authority given by the Charter of the City to protect the health and safety of City employees and the community. Mayor Romero also mentioned that the Mayor and Council need to make sure unions are representing City employees. She stated she would like to hear their feedback and input, and that labor unions should be part of the decision-making with the Mayor and Council to help make decisions for City employees. She would like to see a good faith effort by behalf of both the City of Tucson and Labor Unions organizations.

9. Gun Violence Reduction - Place Network Investigations (PNI) Update; and Request for Authority to Initiate Legal Actions (City Wide) SS/SEP06-23-177 (City Wide)

Introductory comments were made by Mayor Romero, as she thanked the City Manager, Chad Kasmar, Chief of Police, Kevin Hall, Assistant Chief of Police, Sarah Lanius, Community Safety, Health & Wellness Program Director, all City Directors, and staff who worked together for several years. She explained that the concepts of the Place Network Investigation were first established by the Tucson Police Department.

Mayor Romero stated the project was first introduced in the City of Cincinnati after a fair amount of research. The City of Tucson took the opportunity to explore the strategies that would make Tucson look at the community's safety and public safety in a holistic way.

Information was provided by Timothy Thomure, Assistant City Manager, whom commented that he is very pleased to present a mid-year update on the status of the gun violence reduction strategy Place Network Investigations (PNI) alongside Chief Hall and Doctor Annalise Pietenpol of the National Police Institute, who is the coordinator of the program.

Mr. Thomure outlined the presentations objectives:

1. Place Network Investigations (PNI) Background
2. Collaborative Problem-Solving Framework for long term success.
3. High-Risk Property owners
4. Results
5. PNI moving forward.

Mr. Thomure explained that the investigations were observed over an 18-month span. The City identified that one of the key areas for action was property owners. He further explained there are property owners who were willing to collaborate and help resolve the problems, but on the other end there were property owners who were not willing to participate.

Mr. Thomure touched based on the evidence-based gun violence reduction strategy and went over the disruptive crime place networks through TPD investigations in 3 violent crime hotspots: those being:

- Grant/Alvernon (center-2550 N. Dodge)
- Campbell/Bilby (center-6200 S. Campbell)
- 22nd/Prudence (center-7440 E. 22nd St.)

Mr. Thomure explained that the City of Tucson was part of a second cohort of about six cities that had taken Place Network Investigations into the field and were learning how it works well in Tucson and close by communities.

Chief Hall explained that PNI stands for Place Network Investigations, and they are based on the evidence that comes from observations and research from about 3 decades worth of crime that shows concentration amongst a small number of people and a small number of places. He stated with the help of data and analysis, the City can identify the challenges to focus TPD efforts in a meaningful and intentional way on the micro locations. He explained that the focus is not on neighborhoods but instead looking at 500 square meters of microgrids that really impact violent gun crime. Chief Hall reiterated that this was a violent gun crime reduction strategy which would help the community members who live in those areas.

Chief Hall highlighted the framework for the collaborative problem-solving slide by explaining the number of individuals and departments directors who have participated month to month to engage in the Place Network Investigation Board Meetings. However, he stated the Board is the one that makes the decision with equal voices from the community that offer suggestions. Chief Hall stated the goal is to have the community go and walk outside, walk their dog and children to school without worrying about gun violence. He stated that he hopes the property managers are responsible and are held accountable to maintain a safe space for their tenants. He mentioned that one of the things that the Mayor and Council did authorize Section 8 with no rent policy where it has had an impact on one of the property owners who needed some nudging to collaborate with the City and that is what this policy did because now the property owner is compliant with the City.

Mayor Romero reiterated the significant numbers the Tucson Police Department and the community accomplished in terms of the gun violence reduction. She stated there were 80% reduction in gun violence on Campbell and Bilby Road, 75% reduction at Grant and Alvernon Road and 77% reduction at 22nd and Prudence Road. Mayor Romero stated it is important to sustain these high-risk areas while focusing on other areas in the City of Tucson with additional efforts to build a community engagement and create positive spaces for residents with the Community Safety & Wellness team leading the way. She stated she is very pleased with the outcome, and for that reason this is where the City of Tucson needs to be and continue the partnership.

Mike Rankin, City Attorney, vocalized and described the Charter, Code and Statutes that authorize the City Attorney to participate in litigation without coming to the Mayor and Council to engage in prosecutions, code enforcement, and defend any lawsuits against the City, therefore, to have the authority to initiate civil legal actions going into Superior Court. Mr. Rankin explained that a set of Statute and Title 12 which allows civil actions to be filed in Superior Court and try to urge property owners, either residential or commercial that are reoccurring for criminal activities and where the City would ask the court to order the property owners to take action to engage in improvements on the property that would include PNI locations.

It was moved by Council Member Lee, duly seconded, and carried by a voice vote of 7 to 0, to authorize the initiation of legal action as may be appropriate to compel the abatement of criminal nuisance properties.

Council Member Cunningham commented on a great start to PNI, but he expressed his concern in the long run for how the City can maintain and expand this program in other areas in the City. He believes that the City can shape the City Courts and Pima County Justice system in the next 6 months.

Discussion ensued; no further action was taken.

10. Water Resources Update: Colorado River Drought Update, 2024 CAP Order, Drought Preparedness and Response Plan Update (City Wide and Outside City) SS/SEP06-23-174

Introductory comments were made by Mayor Romero. She stated that in January the City was at a Tier 1 shortage level, and that the City needed to remain vigilant on water conservation and management strategies by implementing Tier 2 strategies preparedness for a potential drought.

John Kmiec, Tucson Water Department Director, presented and discussed updates regarding the Colorado River Drought, 2024 CAP Order and the Drought Preparedness Response Plan. He outlined a record-breaking snowpack that peaked at 174% above median levels in mid-April 2023, the Arizona Department of Water Resources anticipates high reservoir inflows that will temporarily ease the current drought in the lower Colorado River Basin. He said Lake Mead and Lake Powell are doing well. On August 15, 2023, the Bureau of Reclamation released their 24-month study on the river system by declaring that the calendar year 2024 the river will return to a Level 1 shortage condition. He explained that there will be a reduction in the municipal and industrial pool with CAP and the City had the ability to order their allotment without restrictions. He stated in regard to the commitments that were made to participate in the Bureau of System of Conservation program, the City can withhold and will deliver 30,000-acre feet in calendar year 2024. He explained that for 2023, the City foresees 50,000-acre feet of delivery. In the last year of the City's agreement, 2025, the City plans to deliver another 30,000-acre feet. He also stated that Tucson Water must submit a water delivery schedule to CAP by October 1, 2023, indicating the amount of CAP water to be delivered to the

City and its storage partners during each month of 2024. He said the City of Tucson is currently implementing Tier 2 drought response measures guided by shortage conditions on the Colorado River. Tier 2 measures focus on the city continuing to lead by example and encouraging customers exceeding their water use guidelines to take action to reduce use.

Mayor Romero complimented Tucson Water on a job well done in collaborating with Arizona Cities to store parts of their CAP allocation in recharging facilities. She stated it was a major win for the City knowing that the City of Tucson is helping other cities. She also expressed how proud she is of Tucson Water and Mr. Kmiec for moving forward as a community by managing the City's water's safety and security. She followed up with the previous recommendations and direction that the Mayor and Council have discussed regarding the Pima Mine Road recharge project. Mayor Romero recalled that in previous years, the Mayor and Council refused to store water. She asked Mr. Kmiec how the current decision was different.

Mr. Kmiec mentioned that 2 years ago the City of Tucson partnered with Pima Mine Road SCWCD, for a 50% partnership to utilize our storage availability at Pima Mine Road. He explained that if the City of Tucson has the first refusal of storage at Pima Mine Road by taking the option of filling the project, it will block out the possibility of some others who might want to utilize that facility for storing water. And in working with SCWCD they're estimated to deliver about 19,000-acre feet of capacity.

Council Member Dahl commented on a great report and the job was well done. He asked about the funding of the 44 million from the system conservation that the City of Tucson is leaving water in the river. He also questioned Mr. Kmiec on how many letters were sent to people that were using 250 percent of their water usage.

Mayor Romero noted the discussion for the 44 million funding for the system conservation be discussed at the next Study Session Meeting on September 19, 2023.

Mr. Kmiec briefly stated Tucson Water could research how many letters were mailed to the community using the self-audit water usage tool. Mr. Kmiec commented that the Bureau of Reclamation was to notify people by the end of this calendar year and will be giving an update to the City with the implementation of the Turf Reduction Program, which is currently being worked on.

Mayor Romero requested an update on the AD Grant Funding for families that qualified for the 10 million given by the State.

Mr. Kmiec answered with an update based on the 1000 customers who did meet the qualifications and that the Arizona Department of Economic Security (DES) exhausted the AD Grant Funding and are waiting to provide more funding to help those customers.

Discussion ensued, no action was taken.

11. Mayor and Council Consideration of the One Water 2100 Draft Plan (City Wide and Outside City) SS/SEP06-23-181

(NOTE: Council Member Lee departed at 4:14 p.m. and returned at 4:17 p.m.)

Mayor Romero introduced the One Water 2100 Draft Plan and stated she is looking forward to voters knowing exactly what the general plan consists of and being updated on the City's water resources in the future.

John Kmiec, Director, Tucson Water and Jamie Galayda, Lead Planner, Tucson Water, presented and discussed updates regarding the recently completed draft.

Mr. Kmiec stated that every 10 years Tucson Water updates the water plan for the City of Tucson known as One Water 2100 Plan. Mr. Kmiec explained that an earlier draft was reviewed by the Citizens' Water Advisory Committee (CWAC) and feedback from CWAC, the public, and staff was incorporated into the current draft. He stated this list of recommendations is designed to ensure water resilience well into the future. Water resources and demand management were identified as the two primary areas of concern, so the recommendations focus is on making the best use of our Colorado River water, finding more ways to use our reclaimed water, expanding the beneficial uses of stormwater, and continuing to reduce our community's overall demand. He mentioned the next annual progress report update is October 17, 2023, for Mayor and Council to review the report and if adopted the plan would be to have annual updates for the One Water 2100 Implementation Plan for the year 2024.

The presentation included the following:

- Timeline from years 2019 to 2024
- Coordination with Tucson Resilient Together Plan
- Draft Review Process
- One Water 2100 Plan Outline
- Increased Portfolio Diversification
- Surface Water Strategies
- Groundwater Strategies
- Recycled Water Strategies
- Stormwater Strategies
- Demand Management Strategies

Mayor Romero thanked Mr. Kmiec and Ms. Galayda for the presentation regarding the One Water 2100 Plan. And commented that the goal is to have a thriving city with economic opportunities for the community.

Council Member Dahl thanked Mr. Kmiec and Ms. Galayda for a great report. He mentioned he will have questions at the next meeting on the One Water 2100 Plan, specifically he would like to see recommendations on expanding the storm to shade program.

Council Member Santa Cruz commented on a job well done with mapping out our values and goals for the City of Tucson. She expressed concern with the pushback for housing developments or housing shortages. She questioned how the City could be using the same amount of water as in the 1980's if the population has doubled. She asked how the City can explain to the community the math of the growth of our housing stock and our access to water without it meaning that the City taking more water from our limited resources

Mr. Kmiec replied that although the community has been growing, new houses are more efficient and so the impact of new developments and new housing is a lot less than what it was 40 years ago.

Vice Mayor Kozachik congratulated Tucson Water on a job well done with the presentation on the One Water 2100 Plan.

12. Tucson-Pima County Historical Commission (City Wide) SS/SEP06-23-178 (City Wide)

(This item was continued at the request of staff.)

13. Proposed modifications to the Vacant and Neglected Structures (VANS) program and establishing a new Abatement Lien Foreclosure Process (City Wide) SS/SEP06-23-179 (City Wide)

Introductory comments were made by Mayor Romero, she stated this item was first discussed back in March of this year with Council Member Dahl regarding the challenges of dealing with problems caused by properties that are neglected by their owners and are becoming a nuisance for neighbors. She thanked the City Manager, City Attorney and City Staff for the incredible work and the presentation on the possible enhancements that will expand the program.

Council Member Dahl commented that vacant and neglected properties cause a negative and ripple effect in the community. He stated that Laurie Pumphrey and the team at Code Enforcement were working diligently and using the recommended tools to hold nuisance property owners more accountable. He also mentioned that like the City of Phoenix, the City of Tucson will be able to start recouping some or all of the funds that are spent by the City in securing some of the problem structures and in creating a pathway to foreclosure on noncompliant properties.

Shilpa Hunter-Patel, Principal Assistant City Attorney, presented and discussed enhancements to the Vacant and Neglected Structures (VANS) program, which includes a new Abatement Lien Foreclosure Process within the Code Enforcement Division. She explained the current process, which is complaint driven, has not been sufficient due to the ongoing nuisance issues. She stated the City has invested money in abatement, but this still continues to be a problem. She explained that instead of responding to a complaint, to proactively have Code Enforcement go out, evaluate, and identify some of the VANS areas in the community as well as work with the Ward Offices and the City.

These changes had the purpose of holding responsible parties accountable and develop a mechanism for the City to utilize legal remedies when a responsible party does not comply.

Carlos De LaTorre, Environmental and General Services Department Director, commented that the process is going into more of a reactive or complaint driven process for advanced cases that really need more of a proactive approach. He stated that the goal is to conduct a public outreach for the community on how to report vacant or nuisance areas such that reporting is not just to Code Enforcement but multiple venues where citizens can have access to resources work proactively with their neighborhood associations.

Vice Mayor Kozachik requested clarification on liens and the City's process on the criminal nuisance properties. He questioned the fundamental sources for funding and implementing this program, asking if there was a difference or change to be expected and when this officially began.

Ms. Hunter-Patel announced that by State Statues, Code Enforcement automatically places a lien on every dollar that is spent. However, what hasn't been enforced is foreclosing on the liens to try to collect the money proactively. She stated that normally the City waits for properties to change and usually the property owners clear their title. Under State Statue Title 9, there is a framework in terms of monies and how long owners must pay before the foreclosure process begins.

It was moved by Council Member Dahl, duly seconded, and carried by a voice vote of 7 to 0, to accept the recommendation of the staff to adopt the proposed enhancements to the VANS program and the establishment of a new abatement lien foreclosure process.

14. Good Governance Principles and Practices; Roles of City Officials under the City Charter and Codes; Update and Discussion (City Wide) SS/SEP06-23-180

Introductory comments were made by Mayor Romero and Council Members Lee and Santa Cruz.

Mike Rankin, City Attorney, provided a presentation on the roles of the various City officials (Mayor, Vice Mayor, City Manager, etc.) as provided in the Tucson Charter and in the Tucson Code. He stated he will review the governance components of the City of Tucson Code of Ethics, as approved by the Mayor and Council in August 2013.

Mayor Romero commented on the need to focus on innovation and having an openness to expanding and defining the role of Vice Mayor.

Council Member Santa Cruz made comments that competence and capacity highlights the professional skills and performance of elected officials and the duties of Mayor, Vice Mayor, Council Members, and the City Manager. She asked how we could empower the

role of Vice Mayor. Council Member Lee made comments that the city is growing, and it is good to reevaluate these topics and see where to head in the future.

Mr. Rankin fielded and answered questions. He advised that changes to the role of Vice Mayor should be separate from the Mayor and Council rules.

It was moved by Council Member Santa Cruz, duly seconded, and CARRIED by a voice vote of 7 to 0, to direct the City Attorney to return to Mayor and Council, with language that defines Vice mayor duties and responsibilities, building on what is mandated for the Vice Mayor position by the City Charter.

15. Updates on State and National Legislation and Regional Committees (City Wide) SS/SEP06-23-169

Andrew Greenhill, Intergovernmental Relations Manager, provided information regarding updates on federal and state issues. He first stated that on the federal side there were a lot of actions to be discussed at Congress, with the Senate and the House returning to discuss budget and spending bill negotiations. He expressed concern about the federal budget which expires September 30th. He stated there was a need to approve a fiscal year 2024 budget or continuing a resolution to avoid a federal government shutdown. He mentioned that there were other items at federal level to be discussed and President Biden was asking for supplemental appropriation for important needs including supporting Ukraine and disaster relief across the country. He said Tucson hosted the annual meeting of the Arizona League of Cities and Towns and there were approximately 1200 attendees to the event, which was a record for the City of Tucson.

Mr. Greenhill praised the Mayor and Council members for participating and attending the annual meeting. He stated that Mayor Romero received an award for 16 years of service and Vice Mayor Kozachik and Council Member Fimbres were recognized for 12 years of public service. He stated he had discussions with mayors, council members, and state legislators from across the state regarding priorities such as housing and shelter services, houselessness, the housing trust fund, low-income housing tax credits water transportation, the state budget, and public safety.

Discussion ensued; no formal action was taken.

16. Mayor and Council Discussion of Regular Agenda (City Wide) SS/SEP06-23-170

Council Member Dahl requested that Liquor License Application Item 5c6, Perimeter Bicycling be considered separately.

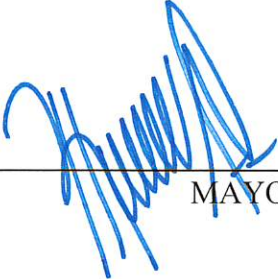
Mayor Romero requested that Consent Agenda Item 7g be considered separately.

17. Mayor and Council Discussion of Regular Agenda (City Wide) SS/SEP06-23-171

No items were identified for future agendas.

18. **ADJOURNMENT – 5:35 p.m.**

AUDIO RECORDING FOR THIS MEETING IS AVAILABLE ON-LINE AT <https://www.tucsonaz.gov/gov/meeting-schedules-and-agendas> FOR TEN YEARS FROM THE DATE OF THIS MEETING.



MAYOR

ATTEST:



CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the study session meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 6th day of September 2023, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

SM:ci:yl