



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 13, 2010.

Date of Meeting: May 4, 2010

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:40 p.m., on Tuesday, May 4, 2010, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

| | |
|--------------------|-----------------------------------|
| Regina Romero | Council Member Ward 1 |
| Karin Uhlich | Council Member Ward 3 |
| Shirley C. Scott | Vice Mayor, Council Member Ward 4 |
| Richard G. Fimbres | Council Member Ward 5 |
| Steve Kozachik | Council Member Ward 6 |
| Robert E. Walkup | Mayor |

Absent/Excused:

| | |
|--------|-----------------------|
| Vacant | Council Member Ward 2 |
|--------|-----------------------|

Staff Members Present:

| | |
|-------------------|---------------|
| Mike Letcher | City Manager |
| Michael Rankin | City Attorney |
| Roger W. Randolph | City Clerk |

- * **City Clerk Note:** The minutes of May 4, 2010, as approved by the Mayor and Council, contained a clerical error on page 5. Within the text of the document, new text is in **bold**.
RWR:DR:y1 12/09/10

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Father Charlie Knapp, Catholic Diocese of Tucson, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup presented Honorary Citizens of Tucson certificates to Quadir Kahn from Indore, India, Yakout Fizazi from Bechar, Algeria and Yanzhu Hu from Beijing, China
- b. Mayor Walkup, assisted by Council Member Uhlich, presented a Copper Plaque to Ellie Towne, Past President of the Flowing Wells Neighborhood Association and community activist.
- c. Mayor Walkup presented a Copper Plaque to Robert Mackay for his thirty years of outstanding commitment and dedication to PROJECT MORE High School.
- d. Mayor Walkup, assisted by Council Member Fimbres, proclaimed May 2 to May 8 to be “Correctional Officers Week.” Lieutenant Amber Barber accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 201, dated May 4, 2010, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Fimbres announced that the Center of Excellence for Women’s Health at the University of Arizona and the University Physicians partnered to host a free One-Stop Checkup and Health Fair. He also reminded constituents of the deadline to request early ballots for the Special Election.
- b. Council Member Kozachik reminded constituents about “Second Saturdays” and the Tucson Police Officers’ Memorial Service.

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 202, dated May 4, 2010, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for the report.

Mike Letcher, City Manager, congratulated Council Member Fimbres and his wife, Mary, for their recognition award in support of Borderlands Theatre.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 203, dated May 4, 2010, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

1. Quik Mart, Ward 6
2200 E. Broadway Blvd.
Applicant: John Wesley Little
Series 10, City 15-10
Action must be taken by: May 16, 2010

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument in Favor Filed

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

c. Special Event(s)

1. Tucson's Young Professionals, Ward 1
140 N. Main Ave.
Applicant: Stephanie Bermudez
City T41-10
Date of Event: June 4, 2010
(Promote Community Event Downtown)

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument Opposed Filed

This item was considered separately.

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent change(s) scheduled for this meeting.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 6 to 0, to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event(s)

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City T41-10
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(Promote Community Event Downtown)

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument Opposed Filed

This item was considered separately.

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5c1, Tucson's Young Professionals, located in Ward 1.

Council Member Romero asked if the applicant was present. Seeing that they were, she voiced a concern that the El Presidio Neighborhood had which was about the music being held outside and carrying into the direction of the Neighborhood. She requested that the music, during their event, be directed to the south of the Neighborhood rather than to the north, to decrease neighborhood disturbance.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 6 to 0, to forward liquor license application 5c1 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Isabel Garcia, Coalición de Derechos Humanos, spoke in support of the Mayor and Council's decision not to support SB 1070.
- b. Katherine Rodriguez, Coalición de Derechos Humanos, thanked the Mayor and Council for their decision not to support SB 1070.

- c. Rick Westfall spoke in regards to the City of Tucson's lease agreement with a Fotowatio Renewable Ventures to build a photovoltaic solar farm in Marana.

Vice Mayor Scott asked the City Manager to ask Tucson Water to gather information regarding Mr. Westfall's property so that he may be properly notified regarding this issue.

- d. Roy Warden spoke regarding border issues and SB 1070.
- e. Joe Sweeney spoke in opposition to illegal immigrants and unjust enrichment from taxpayers; he spoke in favor of 287(g) funding and SB 1070.
- f. Robert Reus spoke in opposition of SB 1070 and commented on attending the Southern Arizona Leadership Conference, Charter Change Committee meeting.
- g. Tillie Arvizu, Chicanos Por La Causa Vice President, thanked the Mayor and Council for opposing SB 1070 and spoke about the impacts SB 1070 had on the 2010 Census.
- h. Bob Oldfather, representing Bookmans, spoke in opposition of the proposed pawn ordinance, and suggested an increase to the business license tax.

Council Member Kozachik asked the City Manager incorporate Mr. Oldfather's idea into the future pawn ordinance presentation. He requested clarification on the legality of the proposal and asked for revenue projections.

- i. Ana Valenzuela-Estrada, League of United Latin American Citizens (LULAC) State Director, commended the Mayor and Council for their decision not to support SB 1070.
- j. Curtis Dutiel thanked the Mayor and Council for voting to challenge SB 1070 and commented on the proposal presented by Mr. Oldfather and the proposed pawn ordinance.

7. CONSENT AGENDA – ITEMS A THROUGH H

* **Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.**

A. APPROVAL OF MINUTES

- 1. Report from City Manager MAY4-10-206 CITY-WIDE
- 2. Approval of minutes for the regular meeting of the Mayor and Council held on November 9, 2009.

B. LICENSE AGREEMENT: WITH THE PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF A SHARED USE TRAIL ALONG JULIAN WASH

1. Report from City Manager MAY4-10-209 WARD 4
2. Resolution No. 21540 relating to Parks and Recreation; approving and authorizing execution of a Pima County Regional Flood Control District License between the City of Tucson and Pima County Regional Flood Control District for the construction, operation and maintenance of a shared use trail along Julian Wash; and declaring an emergency.

C. FINANCE: SALE OF SENIOR LIEN STREET AND HIGHWAY USER REVENUE REFUNDING BONDS, SERIES 2010

1. Report from City Manager MAY4-10-211 CITY-WIDE
2. Ordinance No. 10778 an ordinance relating to Finance; authorizing the issuance and sale of not to exceed \$15,000,000 City of Tucson, Arizona, Senior Lien Street and Highway User Revenue Refunding Bonds, Series 2010; providing certain terms, covenants and conditions relating to the Series 2010 Refunding Bonds; providing for the application of the proceeds thereof to the redemption of the bonds to be refunded; authorizing the execution and delivery of a bond purchase contract and a continuing disclosure undertaking with regard to the Series 2010 Refunding Bonds and a Depository Trust Agreement with respect to the bonds to be refunded; appointing a Bond Registrar, Transfer Agent and Paying Agent; authorizing the preparation and delivery of an official statement in connection with the Series 2010 Refunding Bonds; authorizing the purchase of and payment for bond insurance; ratifying certain acts heretofore taken by City officials; and declaring an emergency.

D. FINANCE: LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA FOR IMPROVEMENTS TO THE WATER SYSTEM

1. Report from City Manager MAY4-10-210 CITY-WIDE
2. Ordinance No. 10780 an Ordinance relating to finance; authorizing the City of Tucson, Arizona, to borrow up to \$2,750,000 from the Water Infrastructure Finance Authority of Arizona; authorizing the execution and delivery of a Loan Agreement setting forth the terms of such loan and providing for the repayment thereof; pledging the Net Revenues of the City's Water System to the repayment thereof; and declaring an emergency.

E. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA FOR CONSTRUCTION OF WATER FACILITIES AND PROVISION OF WATER SERVICES FOR THE BIOSCIENCE PARK

1. Report from City Manager MAY4-10-214 WARD 5
2. Resolution No. 21543 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Board of Regents, for construction of water facilities and provision of water service for the University of Arizona Bioscience Park; and declaring an emergency.

This item was considered separately at the request of Council Member Fimbres.

F. INTERGOVERNMENTAL AGREEMENT: WITH THE CITY OF SOUTH TUCSON FOR POLICE CALL TAKING AND DISPATCHING SERVICES

1. Report from City Manager MAY4-10-215 OUTSIDE CITY
2. Resolution No. 21542 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the City of South Tucson for Police service call taking and dispatching services provided by the Tucson Police Department, and declaring an emergency.

G. FINANCE: SALE OF WATER SYSTEM REVENUE OBLIGATIONS, SERIES 2010

1. Report from City Manager MAY4-10-213 CITY-WIDE
2. Ordinance No. 10777 an ordinance relating to finance: authorizing the Chief Financial Officer of City of Tucson, Arizona, to cause the sale and execution and delivery pursuant to an obligation indenture of not to exceed \$40,000,000 aggregate principal amount of Water System Revenue Obligations, Series 2010, evidencing proportionate interests of the holders thereof in installment payments of the purchase price to be paid by the City of Tucson, Arizona, pursuant to a Series 2010 City purchase agreement; authorizing the completion, execution and delivery with respect thereto of all agreements necessary or appropriate for the financing of costs of acquiring improvements to the storage, treatment and distribution facilities of the water system of the City and related financing costs including the delegation to the Chief Financial Officer of certain authority with respect thereto; authorizing the preparation and delivery of an official statement with respect to such Series 2010 obligations; ordering the sale of such Series 2010 obligations; authorizing the execution and delivery of a continuing disclosure undertaking with respect to such Series 2010 obligations; authorizing the Chief Financial Officer to expend all necessary funds therefore and declaring an emergency.

H. FINANCE: AUTHORIZING THE SALE OF CERTIFICATES OF PARTICIPATION FOR CAPITAL IMPROVEMENTS, SERIES 2010

1. Report from City Manager MAY4-10-216 CITY-WIDE
2. Resolution No. 21513 relating to real and personal property; authorizing the execution and delivery of a Ground Lease, an Equipment Lease, a Lease-Purchase Agreement, and a continuing disclosure undertaking; acknowledging and approving the execution of a Certificate Purchase Agreement and Amendments and supplements to a declaration of irrevocable trust and the sale and delivery of one or more series of Certificates of Participation in the Lease-Purchase Agreement pursuant thereto; and declaring an emergency.

This item was considered separately at the request of Council Member Kozachik.

Council Member Kozachik stated that during the study session, it was the consensus of the Mayor and Council to pull Item H from the Consent Agenda, which was originally City Courts and was now being considered as the City's standing commitment to the Zoo for the elephant expansion and also, for technology improvements.

Michael Rankin, City Attorney, responded stating that Council Member Kozachik was correct based on the discussion held during the study session and that the item was to be brought back to the Mayor and Council the following week rather than trying to make the changes on the "fly".

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 6 to 0, to pass and adopt Consent Agenda Items A through H, with the exceptions of Items E and H, which were considered separately, and the proper action taken.

7. CONSENT AGENDA – ITEM H

(Note: This item was taken out of order)

H. FINANCE: AUTHORIZING THE SALE OF CERTIFICATES OF PARTICIPATION FOR CAPITAL IMPROVEMENTS, SERIES 2010

1. Report from City Manager MAY4-10-216 CITY-WIDE
2. Resolution No. 21513 relating to real and personal property; authorizing the execution and delivery of a Ground Lease, an Equipment Lease, a Lease-Purchase Agreement, and a continuing disclosure undertaking; acknowledging and approving the execution of a Certificate Purchase Agreement and Amendments and supplements to a declaration of irrevocable trust and the sale and delivery of one or more series of Certificates of Participation in the Lease-Purchase Agreement pursuant thereto; and declaring an emergency.

This item was considered separately at the request of Council Member Kozachik.

Roger W. Randolph, City Clerk, announced that the first item to be considered separately was Consent Agenda Item H at the request of Council Member Kozachik. He stated that a vote was needed to continue the item for one week.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0, to continue Consent Agenda Item H to the meeting of May 11, 2010.

7. CONSENT AGENDA – ITEM E

(Note: This item was taken out of order.)

E. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA FOR CONSTRUCTION OF WATER FACILITIES AND PROVISION OF WATER SERVICES FOR THE BIOSCIENCE PARK

1. Report from City Manager MAY4-10-214 WARD5
2. Resolution No. 21543 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Board of Regents, for construction of water facilities and provision of water service for the University of Arizona Bioscience Park; and declaring an emergency.

This item was considered separately at the request of Council Member Fimbres.

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Consent Agenda Item E at the request of Council Member Fimbres. He said that the City Attorney had a statement to make before moving on the item.

Michael Rankin, City Attorney, stated that revisions had been made to the Intergovernmental Agreement (IGA) after the time it had been distributed. He said there were no substantive changes, only revision of the boiler plate to make it fit into the City's IGA format.

Council Member Fimbres stated that this was exciting news for Ward 5 and a great partnership for the City of Tucson and the University of Arizona (U of A). He introduced Bruce Wright, Associate Vice President for University Research Parks and asked him to speak a little bit about the project.

Bruce Wright, Associate Vice President for University Research Parks, gave a brief presentation about the Bioscience Park which was under construction on fifty-four acres at Thirty Sixth Street and Kino Parkway funded by a \$4.7 million federal stimulus grant.

Comments regarding the value of the partnership were made by Council Members Romero and Fimbres, Vice Mayor Scott and Mayor Walkup.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0, to pass and adopt Consent Agenda Item E and the proper action taken.

8. PUBLIC HEARING: APPROVING THE CITY OF TUCSON/PIMA COUNTY FIVE-YEAR CONSOLIDATED PLAN AND FISCAL YEAR 2011 ANNUAL ACTION PLAN

Mayor Walkup announced City Manager's communication number 212, dated May 4, 2010, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on the City of Tucson/Pima County Five-Year Consolidated Plan and Fiscal Year 2011 Annual Action Plan. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations. He asked if there was anyone wishing to speak on the item. There was no one.

It was moved by Vice Mayor Scott, duly seconded, and passed by a voice vote of 6 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 21541 by number and title only.

Resolution No. 21541 relating to public housing; approving the City of Tucson/Pima County Five-Year Consolidated Plan for Fiscal Year 2011; authorizing and directing submittal of that plan to the United States Department of Housing and Urban Development (HUD); and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 6 to 0, to pass and adopt Resolution 21541.

9. COUNCIL: APPOINTMENT OF COUNCIL MEMBER FOR THE OFFICE OF WARD 2

Mayor Walkup announced City Manager's communication number 207, dated May 4, 2010, was received into and made part of the record. He asked the City Clerk to read Resolution 21539 by number and title only.

Resolution No. 21539 relating to the council; appointing _____ to fill the vacant position of councilmember for Ward 2 of the City of Tucson, for the remainder of the term of that office; and declaring an emergency.

Council Member Romero stated she felt good about the process used and that people, in the community, felt they had the opportunity to give their input. She commented on the number and quality of candidates received.

Discussion was held and comments were made by Council Members Uhlich and Kozachik and Mayor Walkup about the process and the number of candidates involved.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 6 to 0, to appoint Paul Cunningham as the Council Member for Ward 2 to fill the vacancy left by Rodney Glassman for the remainder of that term.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 204, dated May 4, 2010, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 6 to 0, to approve the appointments of Maxine Goodman and Sheila Tobias to the Pima County/Tucson Women's Commission (PCTWC).

Mayor Walkup asked if there were any personal appointments to be made.

There were none.

11. ADJOURNMENT: 6:43 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 11, 2010, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 4th day of May 2010, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:yl