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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on March 1, 2005

Date of Meeting: January 25, 2005

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 6:12 p.m. on Tuesday, January 25, 2005, 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:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

Michael D. Letcher	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Liz Rodriguez Miller	Assistant City Manager

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Reverend Melinda Nay, Center for Joyful Living, after which the pledge of allegiance was presented by the entire assembly.

Presentation

- a. Mayor Walkup presented certificates to the Pima Storm Football Team for winning the Inaugural Pilgrim's Pride Bowl.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 37, dated January 25, 2005, would be received into and made a 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 West announced tax forms were available at the Ward 2 Council Office and donations of diapers and food for the Food Bank are being collected. She also announced there would be a landfill tour on Saturday, February 5, 2005 and two Townhall meetings concerning the Long Range Water Plan: a brown bag luncheon on Thursday, February 10, 2005 and an evening meeting on Wednesday, February 16, 2005.
- b. Vice Mayor Dunbar announced Ward 3 would host a landfill tour on Saturday, February 19, 2005.
- c. Mayor Walkup announced the Marriott at Starr Pass had officially opened and encouraged everyone to visit.
- d. Council Member Ronstadt announced that Ward 6, together with Ward 1, would dedicate playground equipment at DeAnza Park on Wednesday, January 26, 2005 at 2:00 p.m.

## **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 38, dated January 25, 2005 would be received into and made a part of the record. He asked for the City Manager's report.

Michael D. Letcher, City Manager, reported that the City's Procurement Department implemented, on a trial basis, in November 2004 a Purchase Card (pCard) system. The Fire and Library Departments reported the pilot program was running smoothly.

Liz Rodriguez Miller, Assistant City Manager, welcomed incoming Library Director Nancy Ledeboer, who began her employment with the City of Tucson on Monday, January 24, 2005. She also announced that HUD (U.S. Department of Housing and Urban Development) gave the City of Tucson 5.2 million dollars to fund homeless programs.

## 5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 40, dated January 25, 2005, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

### b. New Licenses

1. Intermezzo  
5350 E. Broadway Blvd. 128 & 130  
Applicant: Charles E. Heckman  
City 102-04, Ward 6  
Series 12, City 102-04  
Action must be taken by: February 4, 2005  
Staff Recommendation  
Police: In Compliance  
DSD: In Compliance  
Revenue: In Compliance
2. Doubletree Hotel  
445 S. Alvernon Way  
Applicant: Eugene R. Belcher  
City 103-04, Ward 6  
Series 11, City 103-04  
Action must be taken by: February 6, 2005  
Staff Recommendation  
Police: In Compliance  
DSD: In Compliance  
Revenue: In Compliance

### Person Transfer

3. Mongelli's  
2829 E. Speedway Blvd.  
Applicant: Paolo R. DeFilippis  
City 099-04, Ward 6  
Series 7, City 099-04  
Action must be taken by: January 29, 2005  
Staff Recommendation  
Police: In Compliance  
DSD: In Compliance  
Revenue: In Compliance

### c. Special Event

1. Tucson Museum of Art  
140 N. Main Avenue  
Applicant: Charlie E. Bodden  
City T108-04, Ward 1  
Date of Event: January 28, 2005  
Exhibition Opening Reception  
Staff Recommendation  
Police: In Compliance  
DSD: In Compliance  
Revenue: In Compliance

Kathleen S. Detrick, City Clerk, announced there were two requests for new licenses, one request for a person transfer and one request for a special event license. She stated that all carried recommendations for approval and no protests had been filed.

Mayor Walkup asked the Council's pleasure.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, that liquor license applications 5b1 through 5b3 and 5c1 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

## **6. CONSENT AGENDA ITEMS A THROUGH I**

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

- A. REAL PROPERTY: VACATION AND SALE OF RIGHT OF WAY LOCATED AT 8110 EAST SPEEDWAY BOULEVARD TO PRESTIGE MERIDIAN APARTMENTS, L.P.
  - 1. Report from City Manager JAN25-05-36 WARD 2
  - 2. Ordinance No. 10106 relating to real property; vacating and declaring certain portions of Speedway Boulevard right-of-way located at 8110 East Speedway Boulevard to be surplus property, and authorizing the sale thereof to Prestige Meridian Apartments, L.P.; and declaring an emergency.
  
- B. AGREEMENT: WITH THE ARIZONA DEPARTMENT OF COMMERCE, COMMERCE AND ECONOMIC DEVELOPMENT COMMISSION RELATING TO DOMESTIC VIOLENCE EDUCATION
  - 1. Report from City Manager JAN25-05-41 CITY-WIDE
  - 2. Resolution No. 20001 relating to economic development; approving and authorizing a contract between the City of Tucson, the Arizona Department of Commerce, Commerce and Economic Development Commission (CEDC) to provide Men Against Domestic Violence education and outreach services; and declaring an emergency.
  
- C. FINANCE: LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA FOR WATER IMPROVEMENTS
  - 1. Report from City Manager JAN25-05-43 CITY-WIDE

2. Ordinance No. 10101 an ordinance relating to finance; authorizing the City of Tucson to borrow up to \$2,997,000 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.

D. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY, THE TOWN OF ORO VALLEY, THE TOWN OF MARANA, THE CITY OF SOUTH TUCSON, THE ARIZONA BOARD OF REGENTS, AND THE STATE OF ARIZONA FOR THE PIMA COUNTY/TUCSON METROPOLITAN COUNTER NARCOTICS ALLIANCE

1. Report from City Manager JAN25-05-44 CITY-WIDE
2. Resolution No. 20002 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement for the Pima County/Tucson Metropolitan Counter Narcotics Alliance (CNA) between and among the City of Tucson, Pima County, the Town of Oro Valley, the Town of Marana, the City of South Tucson, the Arizona Board of Regents on behalf of the University of Arizona, and the State of Arizona on behalf of the Arizona Department of Public Safety; and declaring an emergency.

E. ASSURANCE AGREEMENT: (S04-024) DESERT POINT ESTATES SUBDIVISION (RCP), LOTS 1 TO 76 AND COMMON AREAS "A," "B," AND "C"

1. Report from City Manager JAN25-05-45 WARD 5
2. Resolution No. 20003 relating to planning: authorizing the Mayor to execute an assurance agreement securing the completion of improvements required in connection with the approval in Case No. S04-024 of a final plat for the Desert Point Estates Subdivision, Lots 1 to 76 and Common Areas "A" – "C"; and declaring an emergency.

F. FINAL PLAT: (S04-024) DESERT POINT ESTATES SUBDIVISION (RCP), LOTS 1 TO 76, COMMON AREAS "A", "B", AND "C"

1. Report from City Manager JAN25-05-35 WARD 5
2. The City Manager recommended that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant was advised that building/occupancy permits were subject to the availability of water/sewer capacity at the time of actual application.

G. REAL PROPERTY: LEASE AGREEMENT WITH THE MIDTOWN NEIGHBORHOOD ASSOCIATION FOR OFFICE SPACE AT THE WARD 6 COUNCIL OFFICE

1. Report from City Manager JAN25-05-46 WARD 6
2. Ordinance No. 10108 relating to real property; authorizing and approving the lease of a portion of certain City owned real property located at 3202 East 1<sup>st</sup> Street, Tucson, Arizona; to the Midtown Neighborhood Association; and declaring an emergency.

H. APPROVAL OF MINUTES:

1. Report from City Manager JAN25-05-47

I. ELECTIONS: CALLING A BOND SPECIAL ELECTION TO BE HELD ON MAY 17, 2005, RELATING TO THE ISSUANCE AND SALE OF \$142 MILLION OF BONDS FOR WATER SYSTEM IMPROVEMENTS

1. Report from City Manager JAN25-05-48 CITY-WIDE
2. Ordinance No. 10109 an ordinance ordering and calling a Bond Special Election to be held in and for the City of Tucson, Arizona, on May 17, 2005 to submit to the qualified electors thereof a question on authorizing the issuance and sale of bonds of the City to provide funds in the amount of \$142,000,000 to be used for improvements to the City's water system; providing for and giving Notice of the Bond Special Election; and declaring an emergency.

Item I was considered separately at the request of Vice Mayor Dunbar

Mayor Walkup recognized Vice Mayor Dunbar.

It was moved by Vice Mayor Dunbar, duly seconded, that Consent Agenda Items A through H be passed and adopted and the proper action taken.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Consent Agenda Items A through H were declared passed and adopted by a roll call vote of 7 to 0.

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Kathleen S. Detrick, City Clerk, stated that Consent Agenda Item I was removed at the request of Vice Mayor Dunbar and staff would make a presentation.

Marie Pearthree, Utilities Services Deputy Director, requested the Mayor and Council adopt the proposed ordinance calling for a Water Revenue Bond Special Election, May 17, 2005. She asked that staff be directed to continue their work with the Citizens Water Advisory Committee to develop and implement a community-wide public education program. She stated the financial plan for the last two years showed the need for a bond election in spring 2005. The May 2000 Bond Election authorized 123.6 million dollars in water revenue bonds that were fully issued and the Water Department anticipated spending all the proceeds by June 30, 2005. The Financial Plan called for 142 million dollars in bond funding over the next five years. Should the water bond be authorized by voters, staff anticipated the first bond sale would be in late May or June of 2005.

Ms. Pearthree stated the presentation would provide information on the new bond authorization and why a bond election was necessary in 2005. She explained that the new authorization dealt with infrastructure, which would allow efficient implementation of capital and operating requirements for the next five years. The cost was 67.5 million dollars for basic infrastructure related to water storage, expansion of reservoirs needed to meet demand, additional pumping capacity, additional transmission mains, and additional water treatment. The integrity of the system would be at risk, if the aging infrastructure was not cared for properly or upgraded when needed.

Ms. Pearthree added, bond authorization would provide funds for the development of the Southern Avra Valley Storage and Recovery Project. The first phase, also known as SAVSARP, would allow full use of our CAP (Central Arizona Project) allocation. Complete utilization of CAP allocation was beneficial to the long-term plan. The 46.3 million dollars would enable the City to recharge forty-five thousand acre-feet of additional CAP water. In addition, it would allow the City to store water supplies for other communities. This was an important element to drought resistance. There was

28.2 million dollars in the package for system expansion. Staff projected by 2010 that the City would be servicing between thirteen and fifteen thousand acre-feet of reclaimed water. Without bond authorization, WIFA (Water Infrastructure Finance Authority of Arizona) could not issue loans at reduced rates and the City would not benefit from the potential savings. Ms. Pearthree added, authorized bonds would allow budget flexibility because projects funded by bonds were not subject to state spending limitations.

Ms. Pearthree stated, if the bond election were delayed, it would postpone implementation of CIP (Capital Improvements Program), including SAVSARP, and the City would not be able to apply for WIFA loans in 2006. Also, there would be an increase in the City's 2006 fiscal year for Operation and Maintenance expenses. It could cause problems with obtaining the Assured Water Supply Designation because the Department of Water Resources required applicants to show readily available funds. She added that staff would return to the Mayor and Council on February 15, 2005 with a preliminary 2005-2010 Financial Plan. On December 6, 2004, the Mayor and Council directed the Citizens' Water Advisory Committee to prepare a report and recommendation. The Citizens' Water Advisory Committee recommendation was for the Mayor and Council to schedule a bond election.

Mayor Walkup asked if there were any questions. He recognized Council Member Scott.

Council Member Scott asked if staff would meet with Pima County to discuss how the City water bond would effect their strategies.

Michael D. Letcher, City Manager, explained staff would meet with Pima County staff later this week. He had responded to County Administrator, Chuck Huckleberry, regarding treatment of the effluent water and problems at the Roger Road Plant. He assured the Mayor and Council dialogue and collaboration in the future with Pima County, but, strongly recommended the Mayor and Council move ahead with the election.

Council Member Scott asked if the water bond could be placed on the scheduled November election, so that additional money would not be spent to conduct a Bond Special Election. She asked staff to explain to the public the reason behind their decision to hold a separate bond election.

Marie Pearthree explained the savings in interest charges incurred by the WIFA loans would finance the cost of the bond election. She also stated the election should not be delayed because a requirement on the WIFA loan application was that voters approved bonds. She added it would postpone the design and construction of the SAVSARP and create 3 to 5 million dollars of additional operational maintenance expenditures. This could cause the City, as a whole, to come close to the State expenditure limitations.

Council Member Scott asked what the pay out of the bond and WIFA loan debt would be and if it was financially beneficial in the end.

Scott Douthitt, Finance Director, stated when WIFA granted loans to the City it was similar to the City selling water bonds. The length of the loan was the same as the bonds. The loans replaced the bonds that would have been sold.

Mayor Walkup recognized Council Member West.

It was moved by Council Member West, duly seconded, to pass and adopt Consent Agenda Item I.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Consent Agenda Item I was declared passed and adopted by a roll call vote of 7 to 0.

## **7. 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 any items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He said there were a number of speakers.

- a. Jim Lockier presented suggestions for allocating homeless funds.
- b. Michael Toney presented minutes from the Rio Nuevo Citizen Advisory Committee meeting where funding of the University of Arizona Science Center was discussed.
- c. Linda Bohlke, representing AFSCME (American Federation of State, County and Municipal Employees), urged the Mayor and Council to discuss eliminating weekend and holiday work for Environmental Services employees.
- d. David Villalobos read a letter from Council Member Ibarra to Ernie Duarte, Director of Development Services, regarding progress on his home construction in relation to his building permit. He assured Mayor and Council that he had made progress by reading letters from his neighbors and asked that his permit be returned to him.
- e. Michael Toney addressed the Mayor and Council again and clarified that calling Council Member Ibarra a “Coyote” was a compliment.

**8. MAYOR AND COUNCIL: AMENDMENT TO RULES AND REGULATIONS OF THE GOVERNING BODY RELATING TO SELECTION OF VICE-CHAIRMAN**

Mayor Walkup announced City Manager's communication number 42, dated January 25, 2005, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20000 by number and title only.

Resolution 20000 relating to Rules and Regulations of the Governing Body; amending Rule I, Section A.13, Vice-Chairman, Eligibility Requirements; providing an effective date; and declaring an emergency.

Mayor Walkup recognized Council Member Leal.

It was moved by Council Member Leal, duly seconded, to change the rules by returning to the previous process whereby the Vice Chair rotated every eight months.

Mayor Walkup asked Michael Rankin, City Attorney, if the item was agendized to allow this motion.

Mr. Rankin told the Mayor and Council that the agenda item does allow the rules and regulations for the selection of the Vice Chair to be amended, so the motion was in order.

Mayor Walkup recognized Council Member West.

Council Member West stated the original way to select the Vice Chair was when Tucson was a much smaller city and the Council took turns. The Charter states the Vice Mayor shall serve a one year term. She stated that most of the other cities have a rule if you are running for re-election you do not serve as Vice Mayor because there is some exposure to the public that other candidates may not have and she was not going to support this motion. Council Member West stated the motion on the table was not in the spirit of the Charter.

A substitute motion was made by Council Member West, duly seconded, to pass and adopt Resolution 20000.

Mayor Walkup recognized Council Member Leal.

Council Member Leal stated the problem with the way the Vice Mayor was selected was not that there was a problem with the person inadvertently gaining some benefit. It was how the selection occurred. The two reasons Council Member Leal thought the Mayor and Council changed the way the Council selected the Vice-Mayor were so that all Council Members would acquire exposure by chairing agenda meetings and speaking on behalf of the City. The City and the Council benefit by having a level of growth that occurs by having this type of improvement, experience, and capacity for all Council Members. The second thing that happens when the selection is a simple rotation,

as opposed to the possibility of favoritism or the possibility of retribution, is that as the city grows the issues before them are complicated and significant. Those issues by themselves put a significant burden on the Council.

Council Member Leal thought it was best if there was not the divisiveness of having the Vice Mayor position perceived or experienced, either by Council Members or the community at large, as being done politically. Those do create tensions and divisions, both in the community and on the Mayor and Council. It was for those two reasons Council Member Leal thought the real solution would be to make the selection a simple rotation. Making this change still leaves the Council and the community subject to the short comings of the system as has been described and that is why Council Member Leal thought that having a simple rotation was the best thing for the community.

Mayor Walkup recognized Vice Mayor Dunbar.

Vice Mayor Dunbar stated she would not support either motion. She explained that the rules state the Vice Chairman means a Council Member selected by the governing body to act as Chairman in the absence or disability of the Mayor. She does not want to tie the hands of future Councils. She stated the Council Members are all adults and could determine whom they want for Vice Mayor. Vice Mayor Dunbar stated that maybe the Mayor should choose the Vice Mayor because as Council Member Leal pointed out, the Vice Mayor frequently goes out and represents and speaks for the Mayor. That should be a person the Mayor has confidence in. She thought that each body, as they are elected by the voters, should determine who and how they want to select their Vice Mayor. For those reasons she would not be supporting either motion.

Mayor Walkup recognized Council Member Ibarra

Council Member Ibarra stated he thought Council Member West's motion was a good start, but he had to agree with Council Member Leal. He stated that, yes, the Council are all adults and they were taking the issue of selecting a Vice Mayor and turning it into an immature type of system where they would pick and choose amongst themselves. Council Member Ibarra stated that the Council fights so much on other issues that on something this simple the Council should show a level of maturity and say they are just going to rotate it this was not one more thing that they show the public they are divisive on. Council Member Ibarra stated what they had before of just rotating the Vice Mayor was not the letter of the Charter, but at the same time it showed that the Mayor and Council were willing to work together on the vital issues. Maybe it showed some disagreements on the vital issues, but other issues that were a little easier they were not as divisive and it showed some sort of cohesiveness.

Council Member Ibarra thought it should be up to the person that was going to be the next Vice Mayor in the rotation whether they wanted it or not. If they do not want to be Vice Mayor then the Council would just move on. Council Member Ibarra did not want to take another issue and make it political. He felt the public was tired of elected officials constantly making every little item on the agenda political they want us to show

some maturity and some sort of cohesiveness and that way it would work better if the Council rotated the position of Vice Mayor. At the same time he did want to say the Council was off to a good start he would rather go back to the rotation that way the Council would not have to have fights in public.

Council Member West stated that the way to stop fighting is to have non-partisan elections.

Mayor Walkup recognized Council Member Ronstadt.

Council Member Ronstadt pointed out that if the Council stayed on the scheduled rotation Council Member Dunbar, who is currently the Vice Mayor would still have been the Vice Mayor. In April it would have been Council Member Ronstadt's turn to be Vice Mayor. So the people who were saying it was their turn or that it was not fair, the irony was if the Council had been on the current schedule the current Vice Chair would still be the Vice Chair.

Council Member Ibarra stated he had no problem with who was Vice Chair, it was the way it was done. The process was what Council Member Ibarra had a problem with and that was why he voted against it. If the Council went back to the rotation today and Vice Mayor Dunbar was still the Vice Mayor and Ward 6 was next, Council Member Ibarra had no problem with that, it was the process. He would rather go back to the rotation and let everyone get their fair chance.

Council Member West believed that it was voted on when it was changed. She did not remember if the vote was unanimous or not. She said she knew it was voted on and Tucson is a bigger City now and has more responsibilities for the Mayor. She stated that the rotation idea was good at one time but not anymore. That was why she felt what the Council did was actually what the Charter required. Council Member West said playing around with the Charter was not within the Council's purview.

Mayor Walkup called for a roll call vote on the substitute motion.

Upon roll call vote of the substitute motion, the results were:

Aye: Council Members West, and Ronstadt;  
Mayor Walkup

Nay: Council Members Ibarra, Scott, and Leal;  
Vice Mayor Dunbar

Motion failed by a roll call vote of 3 to 4.

Mayor Walkup called for a roll call vote on the main motion.

Upon roll call vote of the main motion, the results were:

Aye: Council Members Ibarra, Scott, and Leal;

Nay: Council Members West and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup

Motion failed by a roll call vote of 3 to 4.

## **9. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

Mayor Walkup announced City Manager's communication number 39, dated January 25, 2005, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to appoint Nina Trasoff and Koreen Johannessen to the Pima County/City of Tucson Commission on Addiction, Prevention and Treatment.

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

Council Member Scott announced her personal appointment of Dr. Peter M. Booth to the Tucson-Pima County Historical Commission.

Council Member West announced her personal appointment of Leah Marquez-Peterson to the Tucson Convention Center Commission.

**10. ADJOURNMENT 7:14 p.m.**

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, February 1, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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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 25<sup>th</sup> day of January 2005, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:dg/sl