



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 18, 2011

Date of Meeting: May 10, 2011

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 5:45 p.m., on Tuesday, May 10, 2011, all members having been notified of the time and place thereof.

1. ROLL CALL

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

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Mayor Pro Tempore, Council Member Ward 5
Steve Kozachik	Council Member Ward 6

Absent/Excused:

Robert E. Walkup	Mayor
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Staff Members Present:

Mike Letcher	City Manager
Michael Rankin	City Attorney
Suzanne Mesich	Assistant City Clerk

- * **City Clerk Note:** The minutes of May 10, 2011, as approved by the Mayor and Council, contained a clerical error on page eight. Within the text of the document, deleted text is ~~struck through~~ and new text is **bold**. RWR:DR:y1 03/13/12

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Roy Tullgren, Gospel Rescue Mission, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Pro Tempore Fimbres proclaimed May 15, 2011, as “International AIDS Candlelight Memorial Day.: Jeffrey Scott Brown accepted the Proclamation.
- b. Mayor Pro Tempore Fimbres proclaimed May 2011 to be “Building Safety Month.” Ernie Duarte, Planning and Development Services Department Director, accepted the Proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro Tempore Fimbres announced City Manager’s communication number 181, dated May 10, 2011, 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 Romero invited the community to Tucson’s largest community picnic, “Tucson Together.” She also reported on Mercado San Agustin’s grand opening and the Santa Cruz Farmers Market.
- b. Council Member Cunningham announced a Town Hall event in Ward 2 on Tucson Water’s proposed rate increase. He also reported on the Ward 2 shredding event, a Community Festival for Youth Health, Fitness and Wellness, Arizona Symphonic Winds Music in the Park Series, Summer Kidco Programs and the Farmers Market at Jesse Owens Park.
- c. Council Member Uhlich reported on the next Neighborhood Alliance meeting in Ward 3.
- d. Council Member Scott reported on an exhibit at Pima Community College East Campus entitled, “Enduring Eyes – A Remembrance of the Holocaust.” She also reported on the Second Annual Eric Hite Fallen Officer’s Memorial Softball Tournament and a small business forum in Ward 4.
- e. Council Member Kozachik reported on the first anniversary of Second Saturdays.
- f. Mayor Pro Tempore Fimbres reported on the YWCA’s 90th Anniversary breakfast celebration, an Open House at the Ward 5 Office on the proposed water rate changes, observance of Memorial Day and invited the public to attend the Amigos Scholarship luncheon.

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

Mayor Pro Tempore Fimbres announced City Manager’s communication number 182, dated May 10, 2011, 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 that report.

Mike Letcher, City Manager, announced that Michael Rankin, City Attorney, was named as President of the State of Arizona’s Attorneys Association. He congratulated Mr. Rankin and stated that this year’s conference was being held in Tucson.

5. LIQUOR LICENSE APPLICATIONS

Mayor Pro Tempore Fimbres announced City Manager’s communication number 183, dated May 10, 2011, 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. Metro Gas & Food Mart, Ward 2
7889 E. 22nd St.
Applicant: Sudhir N. Nawa
Series 10, City 17-11
Action must be taken by: May 21, 2011

Staff has indicated the applicant is in compliance

2. El Saguarito Mexican Food, Ward 3
1763 E. Prince Rd.
Applicant: Adalberto M. Vasquez
Series 12, City 18-11
Action must be taken by: May 21, 2011

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

Person Transfer(s)

NOTE: There are no application(s) for person transfers scheduled for this meeting.

c. Special Event(s)

NOTE: There are no application(s) for special events scheduled for this meeting.

- d. Agent Change/Acquisition of Control

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

It was moved by Council Member Romero, duly seconded and carried by a voice vote of 6 to 0 (Mayor Walkup absent/excused), to forward liquor license applications 5b1 and 5b2 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Pro Tempore Fimbres 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.

Mayor Pro Tempore Fimbres also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

- a. Roy Warden read a letter he sent to the Superintendent of School in opposition to the Razas Study Program in the Tucson Unified School District (TUSD).
- b. Mikki Niemi voiced his concerns about the City’s proposed budget.
- c. Ken Johnson spoke about Memorial Day and Veteran’s Day; he suggested having a Law Enforcement Day for officers. He also spoke about American Legion events.
- d. Keith Van Heyningen requested an investigation by the FBI on the Raza Studies Program at TUSD.
- e. James Dumel read the next installment of “Tucson the Novel: An Experiment in Literature and Civil Discourse.”
- f. Joanne Osuna spoke in support of the Jefferson Park Neighborhood Preservation Zone and Design Manual.
- g. Suzanne Trappman spoke in opposition to mini dorms in the Jefferson Park Neighborhood and urged the Mayor and Council to support their Preservation Zone and Design Manual.
- h. Joan Hall spoke in opposition to mini dorms in the Jefferson Park Neighborhood and urged the Mayor and Council to support their Preservation Zone and Design Manual.

- i. Elizabeth (no last name) gave her thoughts about making mistakes and thanked the military and police officers for their service.
- j. Meghan Nutting, Solar City Director of Government Affairs, thanked the Mayor and Council for their support to reinstate solar permit fee waivers.
- k. Eric Shepp, Highland Vista Neighborhood Association President, spoke about the need for maintaining funding for the Residential Street Pavement Preservation Program.
- l. Rick Grinnell, Smart United Business Strategies, voiced his concerns about the City's proposed budget.

(NOTE: Council Member Uhlich departed at 6:20 p.m. and returned at 6:21 p.m.)

7. CONSENT AGENDA – ITEMS A THROUGH I

Mayor Pro Tempore Fimbres 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 MAY10-11-185 CITY WIDE
- 2. Mayor and Council Regular Meeting Minutes of January 25, 2011

b. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE 22ND STREET AND LAKESHORE LANE HAWK PROJECT

- 1. Report from City Manager MAY10-11-190 WARDS 5 AND 6
- 2. Resolution No. 21734 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson regarding the 22nd Street/Lakeshore Lane HAWK Project; and declaring an emergency.

(This item was continued to the meeting of May 24, 2011, at the request of staff.)

c. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE RITA ROAD IMPROVEMENT PROJECT

- 1. Report from City Manager MAY10-11-192 WARD 4

2. Resolution No. 21736 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson regarding the Rita Road Improvement Project; and declaring an emergency.

(This item was continued to the meeting of May 24, 2011, at the request of staff.)

d. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE SPEEDWAY BOULEVARD AND SIXTH AVENUE SIGNAL UPGRADE PROJECT

1. Report from City Manager MAY10-11-191 WARDS 1 AND 6
2. Resolution No. 21737 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson regarding the Speedway Boulevard/Sixth Avenue Signal Upgrade Project; and declaring an emergency.

(This item was continued to the meeting of May 24, 2011, at the request of staff.)

e. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE SPEEDWAY BOULEVARD AND 10TH AVENUE HAWK PROJECT

1. Report from City Manager MAY10-11-193 WARDS 1 AND 3
2. Resolution No. 21735 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson regarding the Speedway Boulevard/10th Avenue HAWK Project; and declaring an emergency.

(This item was continued to the meeting of May 24, 2011, at the request of staff.)

f. COOPERATION AGREEMENT: WITH THE PASCUA YAQUI TRIBE FOR HOUSING REHABILITATION OR RENOVATION

1. Report from City Manager MAY10-11-189 CITY WIDE
2. Resolution No. 21733 relating to public housing; approving and authorizing execution of a Cooperation Agreement between the City of Tucson and Pascua Yaqui Tribe for housing rehabilitation or renovation; and declaring an emergency.

g. FINANCE: PROPOSED SALE OF WATER SYSTEM REVENUE OBLIGATIONS, SERIES 2011

1. Report from City Manager MAY10-11-196 CITY WIDE
2. Ordinance No. 10889 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 2011, 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 2011 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 2011 Obligations; ordering the sale of such Series 2011 Obligations; authorizing the execution and delivery of a continuing disclosure undertaking with respect to such Series 2011 Obligations; authorizing the Chief Financial Officer to expend all necessary funds therefore and declaring an emergency.

(This item was considered separately at the request of Council Member Cunningham.)

h. FINANCE: SALE OF SENIOR LIEN STREET AND HIGHWAY USER REVENUE REFUNDING BONDS, SERIES 2011

1. Report from City Manager MAY10-11-195 CITY WIDE
2. Ordinance No. 10891 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 2011; providing certain terms, covenants and conditions relating to the Series 2011 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 2011 Refunding Bonds and 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 2011 Refunding Bonds; authorizing the purchase of and payment for bond insurance; ratifying certain acts heretofore taken by City Officials; and declaring an emergency.

(This item was considered separately at the request of Council Member Cunningham.)

i. FINANCE: AUTHORIZING THE SALE OF CERTIFICATES OF PARTICIPATION, SERIES 2011

1. Report from City Manager MAY10-11-197(2) CITY WIDE
2. Resolution No. 21722 relating to real and personal property; authorizing the execution and delivery of a ground lease, a lease-purchase agreement, amendments to lease-purchase agreements, 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 and refunding 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 Cunningham.)

- * It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Mayor Walkup absent/excused), that Consent Agenda Items a through i, with the exception of items b through d e, which were continued to the meeting on May 24, 2011, and items g through i, which were considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM G

g. FINANCE: PROPOSED SALE OF WATER SYSTEM REVENUE OBLIGATIONS, SERIES 2011

1. Report from City Manager MAY10-11-196 CITY WIDE
2. Ordinance No. 10889 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 2011, 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 2011 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 2011 Obligations; ordering the sale of such Series 2011 Obligations; authorizing the execution and delivery of a continuing disclosure undertaking with respect to such Series 2011 Obligations; authorizing the Chief Financial Officer to expend all necessary funds therefore and declaring an emergency.

Suzanne Mesich, Assistant City Clerk, announced the first item to be considered separately was Consent Agenda Item g, at the request of Council Member Cunningham.

Council Member Cunningham asked staff what the \$40 million was for.

Andrew Quigley, Tucson Water Interim Director, explained that the Capital Improvement Plan (CIP) for Fiscal Year 2012 identified the projects by name. He also gave a quick overview of what the Department envisioned for the year.

Council Member Cunningham expressed his concerns and asked if the City's ability to deliver water would be compromised if the Bond package was not passed.

Mr. Quigley said the City's ability to deliver water would be compromised if the Bond package did not pass. He said there was a need to move forward with the projects in order to support Tucson Water's delivery of safe water to the public.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Item g be passed and adopted and the proper action taken.

Council Member Kozachik asked what percentage of the \$40 million dollars was related to Regional Transportation Authority's (RTA's) water projects.

Mr. Quigley replied that, for the upcoming fiscal year, Tucson Water had identified approximately \$9.5 million dollars for RTA projects.

Council Member Kozachik commented on a recent presentation to the Mayor and Council by Chris Avery, Chief Water Council, where he said that under the June 29 Policies and Procedures adopted by the RTA, the City was eligible for utility relocations. He said later on, the RTA voted to cost shift those utility relocations to the City. Council Member Kozachik asked what recourse the City had in order to re-shift those costs back to the RTA to the half-cent sales tax where they began.

Michael Rankin, City Attorney, said the City did not have a direct recourse. It could be an issue brought back up with the Regional Council and discussed at that level, but he could not say within the RTA or ballot measure as proposed to the voters, they could point to something that said definitely the RTA monies were to include expenditures for utility relocations.

Mr. Rankin said he did not disagree with Mr. Avery's characterization, it was accurate; but the direct answer to Council Member Kozachik's question was that he did not see a direct resource for the City.

Further discussion was held and Mr. Rankin responded to additional questions from Council Member Kozachik.

Council Member Kozachik made a friendly amendment to the motion to direct City staff to initiate conversations with the RTA, indicating the City's interest in returning to the original intent, and the City not absorb the utility line relocations costs, but that they be returned to the half cent sales tax.

Council Member Scott asked the City Attorney for confirmation that there was no recourse because there was a vote, or if he meant it was just a vote they took that was not valid, and therefore the Mayor and Council should accept the amendment and send it back to the RTA.

Mr. Rankin explained that there was no direct recourse; they could not compel a change in policy at the RTA.

Council Member Scott brought up her concerns about thoughts the RTA might have about other RTA projects and their involvement with the City. She asked her colleagues about their thoughts.

Discussion was held on the possibility of continuing the item.

Kelly Gottschalk, Chief Financial Officer, advised the Council that the water bond issue did not have to close before the end of the year, so the item could be delayed. She said the other two bond items had to be considered before the end of the fiscal year.

Further comments were made by Council Members Romero and Uhlich about continuing the item to give staff an opportunity to study the item further and provide more information to the Mayor and Council.

Council Member Scott withdrew her original motion in favor of continuing the item until the Mayor was present and suggested that the RTA schedule the item on their next meeting and return to the Mayor and Council to respond to the City's concerns.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 6 to 0 (Mayor Walkup absent/excused), to continue Consent Agenda Item g.

7. CONSENT AGENDA – ITEM H

h. FINANCE: SALE OF SENIOR LIEN STREET AND HIGHWAY USER REVENUE REFUNDING BONDS, SERIES 2011

1. Report from City Manager MAY10-11-195 CITY WIDE
2. Ordinance No. 10891 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 2011; providing certain terms, covenants and conditions relating to the Series 2011 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 2011 Refunding Bonds and 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 2011 Refunding Bonds; authorizing the purchase of and payment for bond insurance; ratifying certain acts heretofore taken by City Officials; and declaring an emergency.

Suzanne Mesich, Assistant City Clerk, announced the next item to be considered separately was Consent Agenda Item h, at the request of Council Member Cunningham.

Council Member Cunningham asked if the \$15 million dollars the City was borrowing would go into the General Fund for the current year or just the debt service.

Kelly Gottschalk, Chief Financial Officer, replied the money would go into the Highway User Tax Fund and would basically refund that debt. She said the money that would have been used to pay the debt service payment due at the end of the fiscal year would remain partly in the fund and part would be used for the City's match on the Houghton Road project.

Council Member Cunningham asked for confirmation that it was basically a refinancing process for existing debt the City already had.

Ms. Gottschalk replied that was correct.

It was moved by Council Member Cunningham, duly seconded, and carried by a roll call vote of 6 to 0 (Mayor Walkup absent/excused), that Consent Agenda Item h be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM I

i. FINANCE: AUTHORIZING THE SALE OF CERTIFICATES OF PARTICIPATION, SERIES 2011

1. Report from City Manager MAY10-11-197(2) CITY WIDE
2. Resolution No. 21722 relating to real and personal property; authorizing the execution and delivery of a ground lease, a lease-purchase agreement, amendments to lease-purchase agreements, 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 and refunding Certificates of Participation in the lease-purchase agreement pursuant thereto; and declaring an emergency.

Suzanne Mesich, Assistant City Clerk, announced the final item to be considered separately was Consent Agenda Item i at the request of Council Member Cunningham.

Council Member Cunningham asked staff why the Mayor and Council had to reapprove \$6.5 million they already approved last year.

Kelly Gottschalk, Chief Financial Officer, said technically, she did not believe they had to reapprove the \$6.5 million dollars. What staff wanted was to show the Mayor and Council what was included in the financing transaction. She confirmed that the \$6.5 million dollars had been approved and added that earlier at the Study Session; she had not pointed out that the debt service related to the Plaza Central Garage would be paid by parking fees from ParkWise and would not be part of the General Fund.

Council Member Cunningham asked about the General Fund, liability, and monthly payments. He said he wanted to know what the City would be going up to by taking out the new debt.

Ms. Gottschalk explained the new debt portion for the Certificates on Participation (COPs) was approximately \$9 million dollars, which was about a ninety thousand dollar payment. She said of that amount, sixty-five thousand dollars

Council Member Cunningham asked for clarification that they were adding a debt liability of seventy-five hundred dollars a month, which he said was enough money to hire another firefighter, police officer, or additional employees to carry out City services. He asked if the City could avoid taking on this new tax liability.

Ms. Gottschalk replied the \$6.5 million dollars of the debt was for the parking garage, which was already under construction. She said the General Fund fronted that money based on the Mayor and Council's direction, last year, to move forward with the project. She said, if the Mayor and Council did not reissue the debt, the General Fund would pay for it. She added it was more difficult to come up with the \$6.5 million dollars than it was for the debt that ParkWise would pay.

Further discussion was held and Ms. Gottschalk responded to all concerns.

Council Member Uhlich said during the Study Session, they talked about the \$35 million dollar amount and spoke about how the Mayor and Council, specifically examined \$9.5 million dollars in the General Fund budget plus a ParkWise element which brought it to \$11.3 million dollars. She asked, since they specifically authorized those two parts of the \$20 million, would any balance against the \$20 million be brought back to the Mayor and Council and what would the advantages be of lowering the amount closer to the \$11.5 million dollar target.

Ms. Gottschalk replied that when the Mayor and Council Communication was drafted, it was done broad enough so that they would be able to handle anything that came up on the day of pricing. She said they needed to refund the principle payments

due at the end of the fiscal year, which was \$1.7 million dollars. She said they currently anticipated issue \$1.3 million dollars, which would pay off that principle. She explained that the numbers could change slightly depending on the market; however, they still ended up with the same net transaction. She added that was why they needed the flexibility in the numbers. The \$20 million dollar figure was excessively higher than what they normally would have done. She also stated staff would not be coming back later with another issuance; it was just a “not to exceed” figure.

Council Member Uhlich asked if they were to change the restructuring number to \$15 million would they still be safe; and if so, how low could they go.

Ms. Gottschalk replied they could go down to \$12 million dollars.

Discussion was held and Ms. Gottschalk responded to further concerns from Council Members Uhlich, Scott, Romero and Cunningham about the numbers in question.

It was moved by Council Member Uhlich, duly seconded and passed by a roll call vote of 6 to 0 (Mayor Walkup absent/excused), that Consent Agenda Item i be passed and adopted and the proper action take, with the following dollar amounts:

● Technology Improvements	\$ 1,000,000
● Plaza Central Parking Garage – ParkWise	\$ 6,500,000
● Restructuring July 1, 2011 COPS Maturities	\$12,000,000
● Qualified Energy Conservation Bonds	\$ 1,430,000
● Contingency Funding	<u>\$ 1,500,000</u>
Total Issuance:	\$22,430,000

8. PUBLIC HEARING: APPROVING THE FISCAL YEAR 2012 ANNUAL ACTION PLAN

Mayor Pro Tempore Fimbres announced City Manager's communication number 186, dated May 10, 2011, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing to consider the City of Tucson Fiscal Year 2012 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.

Albert Elias, Housing and Community Development Services Director, pointed out that the budget allocation for the entitlement funds listed in the Mayor and Council communication did not reflect the final budget action taken by the Federal government. He said the Annual Plan document attached as “Exhibit A”, had the proper dollar amounts and reflected the final action by the United States Government and the United States Department of Housing and Urban Development. He added they satisfied the public notice requirements associated with the FY 2012 Annual Action Plan.

There were no speakers from the audience.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Mayor Walkup absent/excused), to close the public hearing.

Mayor Pro Tempore Fimbres asked the City Clerk to read Resolution 21738 by number and title only.

Resolution No. 21738 relating to Public Housing; approving City of Tucson 2012 Annual Action Plan. Authorizing and directing submittal of the Annual Action Plan to the United States Department of Housing and Urban Development (HUD); and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 6 to 0 (Mayor Walkup absent/excused), to pass and adopt Resolution 21738.

9. PUBLIC HEARING: ZONING (C9-05-29) DOS HOMBRES LLC - COLUMBUS BOULEVARD, R-1 TO R-2, REACTIVATION, FIVE-YEAR TIME EXTENSION, CHANGE OF CONDITIONS

Mayor Pro Tempore Fimbres announced City Manager's communication number 194, dated May 10, 2011, 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 a request for a reactivation, time extension and a change of conditions on property located at the northwest corner of Columbus Boulevard and Blacklidge Drive. He asked if the applicant or representative were present and if they had any brief comments to make before beginning the public hearing.

Robin Large, The Planning Center, said she was representing the applicant and would be happy to answer any questions the Mayor and Council had.

Council Member Cunningham asked if there was anyone in the audience wishing to speak on the item. There was no one.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Mayor Walkup absent/excused), to close the public hearing.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Mayor Walkup absent/excused) to approve the request as recommended by staff.

10. FINANCE: TENTATIVE ADOPTION OF FISCAL YEAR 2012 BUDGET

Mayor Pro Tempore Fimbres announced City Manager's communication number 198, dated May 10, 2011, was received into and made part of the record. He asked the City Clerk to read Resolution 21730 by number and title only.

Resolution No. 21730 relating to Finance; adopting a tentative budget for the 2012 Fiscal Year and fixing times and places, confirming time and place to conduct a truth in taxation public hearing and to conduct a public hearing on said budget, to adopt the final budget in a special meeting, to fix time and place to determine the primary and secondary tax levies for said Fiscal Year.

Council Member Uhlich announced the final hearing on the budget was on May 24, 2011. She noted that there was someone in the audience wishing to comment on the item and asked the City Attorney for his advice.

Michael Rankin, City Attorney, said the item was not scheduled for a public hearing, but the Chair had the discretion to allow persons to speak on the item.

Mayor Pro Tempore Fimbres called on the speaker.

Mikki Niemi voiced his concerns regarding the City's proposed FY 2012 budget and urged the Mayor and Council not to cut funding for City pools.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 5 to 1 (Council Member Kozachik dissenting and Mayor Walkup absent/excused), to pass and adopt Resolution 21730, with any adjustments that may be required as a result of the action taken on Consent Agenda Item i (Certificates of Participation).

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Pro Tempore Fimbres announced City Manager's communication number 184, dated May 10, 2011, 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 Scott, duly seconded, and carried by a voice vote of 6 to 0 (Mayor Walkup absent/excused), to approve the appointment of Roger Howlett to the Landscape Advisory Committee in the category of Urban Designer-Architect.

Mayor Pro Tempore Fimbres asked if there were any personal appointments to be made.

There were none.

12. ADJOURNMENT: 7:59 p.m.

Mayor Pro Tempore Fimbres announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 17, 2011, 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 10th day of May, 2011, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:sac:ds