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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on February 15, 2012.

Date of Meeting: August 9, 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 5:42 p.m., on Tuesday, August 9, 2011, 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
Paul Cunningham	Council Member Ward 2 (arrived at 5:51 p.m.)
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Vice Mayor, Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

None

Staff Members Present:

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

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

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

Presentations:

- a. Mayor Walkup proclaimed August 20, 2011, to be the “236<sup>th</sup> Anniversary of Tucson.” Kathy Nabours, Tucson-Pima County Historical Commission, accepted the proclamation.
- b. Mayor Walkup presented two awards from the Government Finance Officers Association of the United States and Canada to the City of Tucson Finance Department. The Certificate of Achievement of Excellence of Financial Reporting awarded to the City of Tucson was accepted by Kelly Gottschalk, Chief Financial Officer, and the Award for Financial Reporting Achievement was accepted by Shane Oman, Finance Manager.
- c. Mayor Walkup, assisted by Vice Mayor Fimbres, presented a Certificate Of Appreciation and Recognition to Pat Richter for work on the Tucson Police Department/29<sup>th</sup> Street Weed and Seed Coalition.

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

Mayor Walkup announced City Manager’s communication number 304, dated August 9, 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 public to the following events; Tucson Padres Baseball and one dollar hotdogs in support of the Tucson Parks and Recreation Foundation and KidCo; the Third Annual “Fedia de la Lectura” or “Book Fair” hosted by Ward 1 and “A Night at the Movies” at the Cactus Drive-In hosted by Mercado San Agustin.
- b. Council Member Cunningham thanked everyone who attended the “Hazards’ Waste Dump” and the “Convoy of Hope” event at Booth-Fickett Middle School. He reminded everyone about the City-Wide Furlough day and invited the public to the Third Annual Birthday Cake Bakeoff and a Business Round Table in Ward 2.
- c. Council Member Scott thanked everyone who participated and volunteered in the 11<sup>th</sup> Annual Back to School Bash in Ward 4. She also reported on her attendance of the dedication of the new Julian Wash Greenway Linier Park, a joint venture between the City of Tucson, Pima County, and the University of Arizona.

- d. Vice Mayor Fimbres reported on the following events: the International U.S.A. Volleyball High Performance Championship Tournament, the 72<sup>nd</sup> Annual Tekawitha Conference, the South West District of the Kiwana's Club; and the Southwest District of the National Association of Colored Women's Club (NACWC). He also invited the public to attend a late night adoption event of the Tucson Human Society.
- e. Council Member Kozachik invited the public participate and attend the "Second Saturday" event, the "Seventy-One Night" at the Rialto Theater, and the "Street Car Public Art Open House."
- f. Mayor Walkup announced Pima County opened the bike path connections between the Santa Cruz River Bike Path and the Rillito Bike Path. He also invited the public to venture through the bike paths to see the many new parks along the path.

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

Mayor Walkup announced City Manager's communication number 305, dated August 9, 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.

Michael Letcher, City Manager, recognized Richard Miranda, Deputy City Manager, Michael Rankin, City Attorney, and Fred Gray, Parks and Recreation Director, in their efforts in getting the University of Arizona to lease Hi-Corbett Field for Arizona Baseball.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 306, dated August 9, 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. BrushFire BBQ Co., Ward 3  
2745 N. Campbell Ave.  
Applicant: Benjamin Wayne Rine  
Series 12, City 36-11  
Action must be taken by: July 14, 2011

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

Public Opinion: Written Arguments Opposed/In Favor Filed

2. Giant #622, Ward 1  
1169 W. Irvington Rd.  
Applicant: Roger Kenneth Burton  
Series 10, City 41-11  
Action must be taken by: August 14, 2011

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

3. Giant #611, Ward 1  
2385 N. Silverbell Rd.  
Applicant: Roger Kenneth Burton  
Series 10, City 42-11  
Action must be taken by: August 13, 2011

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

4. Giant #613, Ward 2  
8845 E. Tanque Verde Rd.  
Applicant: Roger Kenneth Burton  
Series 10, City 43-11  
Action must be taken by: August 18, 2011

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

5. Giant #614, Ward 3  
3550 N. Campbell Ave.  
Applicant: Roger Kenneth Burton  
Series 10, City 44-11  
Action must be taken by: August 13, 2011

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

6. Giant #616, Ward 3  
4390 N. 1st Ave.  
Applicant: Roger Kenneth Burton  
Series 10, City 45-11  
Action must be taken by: August 13, 2011

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

7. Giant #618, Ward 4  
7910 E. Golf Links Rd.  
Applicant: Roger Kenneth Burton  
Series 10, City 46-11  
Action must be taken by: August 14, 2011

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

8. Giant #619, Ward 5  
1001 E. Benson Hwy.  
Applicant: Roger Kenneth Burton  
Series 10, City 47-11  
Action must be taken by: August 14, 2011

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

9. Giant #623, Ward 2  
7085 E. Broadway Blvd.  
Applicant: Roger Kenneth Burton  
Series 10, City 48-11  
Action must be taken by: August 13, 2011

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

10. Knock-Outs Round 1 Sports Bar and Grill, Ward 6  
1118-20 E. 6th St.  
Applicant: Nubia Guadalupe Lira Bernal  
Series 12, City 49-11  
Action must be taken by: August 21, 2011

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

11. Apache Shell, Ward 2  
8291 E. 22nd St.  
Applicant: Shahzad Rana  
Series 10, City 51-11  
Action must be taken by: August 26, 2011

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

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)

#### Person Transfer

12. Wildcat Drive Thru Liquors, Ward 3  
1202 N. Stone Ave.  
Applicant: Michael C. Montano  
Series 9, City 50-11  
Action must be taken by: August 22, 2011

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

Public Opinion: Written Arguments Opposed Filed

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

Person/Location Transfer

13. Playground, Ward 6  
278-282 E. Congress St.  
Applicant: Thomas Robert Aguilera  
Series 6, City 40-11  
Action must be taken by: August 1, 2011

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 person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Tucson Optimist Clubs, Ward 6  
900 S. Randolph Way  
Applicant: Esthermarie Hillman  
City T51-11  
Date of Event: September 29, 2011 - October 2, 2011  
(Fundraising)

Staff has indicated the applicant is in compliance with city requirements

2. St. Luke's in the Desert, Inc., dba St. Luke's Home, Ward 2  
3800 E. River Rd.  
Applicant: Larry E. Rush  
City T52-11  
Date of Event: November 13, 2011  
(Fundraising)

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

3. St. Demetrios Greek Orthodox Church, Ward 3  
1145 E. Fort Lowell Rd.  
Applicant: George A. Makris  
City T53-11  
Date of Event: September 22, 2011 - September 25, 2011  
(Fundraising)

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

4. Catalina Terrace Athletic Program, Ward 3  
2420 E. Hedrick Dr.  
Applicant: Amy Marcy Euler  
City T55-11  
Date of Event: September 10, 2011  
(Fundraising)

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

5. Linkages, Inc., Ward 5  
2500 E. Ajo Way  
Applicant: Ethan Robert Orr  
City T57-11  
Date of Event: September 10, 2011  
(Country Concert)

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

6. The University of Arizona, Arizona Athletics, Ward 6  
553 N. Vine Ave. Bldg 58.02  
Applicant: Roberta Angelica Quiroz  
City T65-11  
Date of Event: September 3, 2011  
(Sky Suite Ticket Holders Event)

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

d. Agent Change/Acquisition of Control

1. Atria Bell Court Gardens, Ward 2  
6653 E. Carondelet Dr.  
Applicant: Theresa June Morse  
Series 12, City AC10-11  
Action must be taken by: August 8, 2011

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

2. No Where II Bar, Ward 3  
1308 W. Glenn St.  
Applicant: Krisie Mae Wilkie  
Series 6, City AC11-11  
Action must be taken by: August 20, 2011

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

3. Walter's Market, Ward 5  
4425 S. 6th Ave.  
Applicant: Binh Le Quang  
Series 10, City AC12-11  
Action must be taken by: August 22, 2011

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

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2 through 5b11, 5b13, 5c1 through 5c5 and 5d1 through 5d3, to the Arizona State Liquor Board with a recommendation for approval.

## 5. LIQUOR LICENSE APPLICATIONS

- b. Liquor License Application(s)

New License(s)

1. BrushFire BBQ Co., Ward 3  
2745 N. Campbell Ave.  
Applicant: Benjamin Wayne Rine  
Series 12, City 36-11  
Action must be taken by: July 14, 2011

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

Public Opinion: Written Arguments Opposed/In Favor Filed

Roger W. Randolph, City Clerk, announced the first application to be considered separately was Item 5b1, BrushFire BBQ Co., located in Ward 3.

Council Member Uhlich asked if a representative from BrushFire BBQ was present. She also asked if there was anyone in the audience in support of or in opposition to the license.

Benjamin Rine, Applicant, commented on the letters of protest that were received. He said most of them were centered on the use of the dumpster. He explained his solution to the problem. He stated they were a small, family-oriented restaurant.

It was moved by Council Member Uhlich, duly seconded and carried by a voice vote of 7-0, to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for approval.

## 5. LIQUOR LICENSE APPLICATIONS

### b. Liquor License Application(s)

#### New License(s)

12. Wildcat Drive Thru Liquors, Ward 3  
1202 N. Stone Ave.  
Applicant: Michael C. Montano  
Series 9, City 50-11  
Action must be taken by: August 22, 2011

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

Public Opinion: Written Arguments Opposed Filed

Roger W. Randolph, City Clerk, announced the next application to be considered separately was Item 5b12, Wildcat Drive Thru Liquors, located in Ward 3.

Council Member Uhlich said she had a couple of people she wanted to hear from regarding the liquor license.

Sarah Harris, Feldman's Neighborhood Association President, stated they met with the owners of the establishment and were in support of the transfer of the license.

Council Member Uhlich clarified that the request was a Person Transfer request. She asked the City Attorney to stipulate what the parameters were in terms of approving or forwarding a recommendation on a Person Transfer.

Michael Rankin, City Attorney, stated the recommendation, under Title IV, Arizona Laws, on a Person Transfer, can only be made based on the capabilities, qualifications and reliability of the applicant. Any issues related to the suitability of the location or saturation of liquor licenses in the area was not germane to either the Council's recommendation or to the determination at the State level. He said the State only accepted arguments related to the qualifications of the applicant for the transfer.

Council Member Uhlich stated she thought the concerns were with the management of the establishment and clarified it was not a new license, but was the responsibility of the applicant. She asked the applicant to comment on their commitment to be responsive to the concerns expressed in the administration of the license.

Eddie Rodriguez, on behalf of the owner, Jesus Lugo, stated the establishment was given a complete facelift. He said they also met with the persons protesting the license, especially the merchants and talked about their concerns and provided solutions. One particular solution was to assist the merchants in patrolling the area for trash, which they had been doing on a daily basis. He said they also met with the Ward 3 office and

the Feldman's Neighborhood Association, and were going to do their part to ensure things go smoothly.

Council Member Uhlich thanked Mr. Rodriguez and expressed her appreciation to the Feldman's Neighborhood Association for the time they spent working together.

It was moved by Council Member Uhlich, duly seconded and carried by a voice vote of 7-0, to forward liquor license application 5b12 to the Arizona State Liquor Board with a recommendation for approval.

## **5. LIQUOR LICENSE APPLICATIONS**

### **c. Special Event(s)**

6. The University of Arizona, Arizona Athletics, Ward 6  
553 N. Vine Ave. Bldg 58.02  
Applicant: Roberta Angelica Quiroz  
City T65-11  
Date of Event: September 3, 2011  
(Sky Suite Ticket Holders Event)

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

Roger W. Randolph, City Clerk, announced the final application to be considered separately was Item 5c6, The University of Arizona, Arizona Athletics, located in Ward 6.

Michael Rankin, City Attorney, stated he asked that the item be considered separately because of the connection between Council Member Kozachik and the University of Arizona Athletics. He said he asked Council Member Kozachik to recuse himself from participating in the discussion.

It was moved by Vice Mayor Fimbres, duly seconded and carried by a voice vote of 6-0 (Council Member Kozachik recused), to forward liquor license application 5c6 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, and the call to the audience was scheduled to last thirty-minutes.

- a. Ken Johnson reported on events of the American Legion Post 7.
- b. Mikki Niemi spoke about the budget for ParkWise.

- c. Robert Reus spoke in opposition to the Photo Enforcement Program and his recent experience.

Council Member Uhlich asked staff to follow-up and ensure that information was transmitted to all of the Council Offices.

- d. Earl Wettstein, Tucson's Wild West Museum, spoke about tourism, stating it was an overlooked economic engine of the City.
- e. Tom Prezelski, Access Tucson Board Member, spoke about the renewal of the Cable Franchise Agreement.
- f. Kent Simpson, Tucson Hispanic Chamber of Commerce (THCC), started to read a letter regarding the THCC's process by which public policy decisions were made within the THCC.
- g. Tanya Gaxiola, Tucson Hispanic Chamber of Commerce, continued reading the letter regarding the THCC.
- h. Lea Marquez Peterson, Tucson Hispanic Chamber of Commerce President and CEO, spoke about three issues; THCC's public policy process, their legislative principles and historical stance on SB 1070, and federal immigration reform.
- i. Ed Verburg, Tucson Mountains Association President, spoke about their concerns regarding the amendment to the Tucson Water Service Area Policy.
- j. Leslie Epperson, Access Tucson Board Member, spoke about the proposed Cox Cable Communications renewal license.
- k. Robert Medler, Tucson Metropolitan Chamber of Commerce, Director of Government Affairs, expressed their support for the extension of the water assurance letters from one to two years.
- l. Stu Green, Sensible Tucson, spoke about the Medical Marijuana Ordinance and the small marijuana offenses.
- m. Richard DeBernardis, El Tour de Tucson President, spoke about funding for El Tour de Tucson.
- n. Anthony Marrs spoke about the Tucson Water Service Area Plan and the water assurance letters.
- o. David Godlewski, Southern Arizona Home Builders Association (SAHBA), spoke in support of the water assurance letters.
- p. Keith Van Heyningen, spoke about the City's debt and budget issues.

**7. CONSENT AGENDA – ITEMS A THROUGH S**

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. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT AGE FOR STEVE SMITH

1. Report from City Manager AUG09-11-308 CITY WIDE

b. WATER: AMENDMENT TO TUCSON WATER SERVICE AREA POLICY TO EXTEND THE VALID PERIOD OF WATER ASSURANCE LETTERS TO TWO YEARS

1. Report from City Manager AUG09-11-311 CITY WIDE AND OUTSIDE CITY

2. Resolution No. 21753 relating to water; amending the Tucson Water Service Area Policy by amending Resolution No. 21602, adopted August 4, 2010, Section 1.E. to extend the valid period of Water Assurance Letters from one (1) year to two (2) years; and declaring an emergency.

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

c. APPROVAL OF MINUTES

1. Report from City Manager AUG09-11-314 CITY WIDE

2. Mayor and Council Regular Meeting Minutes of April 5, 2011, April 26, 2011 and May 3, 2011.

d. TUCSON CODE: AMENDING (CHAPTER 7) RELATING TO AGE RESTRICTIONS FOR AN ADULT ENTERTAINMENT LICENSE APPLICANT

1. Report from City Manager AUG09-11-312 CITY WIDE

2. Ordinance No. 10910 relating to adult entertainment enterprises; repealing Ordinance No. 10866; decreasing the minimum age of adult entertainment license applicants; and declaring an emergency.

e. TUCSON CODE: AMENDING (CHAPTERS 10A AND 20) RELATING TO THE PARKWISE PROGRAM AND PARKING ENFORCEMENT

1. Report from City Manager AUG09-11-317 CITY WIDE

2. Ordinance No. 10918 relating to parking; amending Chapters 10A and 20 of the Tucson Code; removing the Parkwise Program and Parking Enforcement from the Department of Transportation; giving certain parking fee setting authority to the City Manager; and declaring an emergency.

f. ELECTIONS: DESIGNATING VOTING LOCATIONS AND APPOINTING ELECTION BOARDS FOR THE CITY ELECTIONS TO BE HELD AUGUST 30, AND NOVEMBER 8, 2011

1. Report from City Manager AUG09-11-320 CITY WIDE

2. Resolution No. 21754 relating to elections; designating the voting locations for the City of Tucson's August 30, 2011 Primary Election and November 8, 2011 General Election; and declaring an emergency.

3. Resolution No. 21755 relating to elections; appointing officials who will serve as members of election boards required for the City of Tucson's August 30, 2011 Primary Election and November 8, 2011 General Election; and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Fimbres.)

g. INTERGOVERNMENTAL AGREEMENT: WITH THE PIMA COUNTY RECORDER TO PROVIDE ELECTION RELATED SERVICES FOR THE 2011 CITY OF TUCSON PRIMARY AND GENERAL ELECTIONS

1. Report from City Manager AUG09-11-321 CITY WIDE

2. Resolution No. 21756 relating to elections; approving, and authorizing execution of, an Intergovernmental Agreement between the City of Tucson and Pima County relating to Support Services provided by Pima County Recorder for the 2011 City of Tucson Primary and General Elections; and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Fimbres.)

h. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY RELATING TO HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

1. Report from City Manager AUG09-11-319 CITY WIDE

2. Resolution No. 21758 relating to Housing and Community Development; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County to accept funding for the period of January 1, 2011 through December 31, 2013, under the Housing Opportunities for People with AIDS (HOPWA) Grant; and declaring an emergency.

- i. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE WEST UNIVERSITY NEIGHBORHOOD REINVESTMENT GRANT
  - 1. Report from City Manager AUG09-11-324 WARD 6
  - 2. Resolution No. 21760 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. One to the Intergovernmental Agreement between the City of Tucson and Pima County regarding the West University Neighborhood Reinvestment Project; and declaring an emergency.
  
- j. TUCSON CODE: AMENDING (CHAPTER 19) RELATING TO LIQUOR LICENSE APPLICATION FEES
  - 1. Report from City Manager AUG09-11-322 CITY WIDE
  - 2. Ordinance No. 10919 relating to liquor license applications; amending the Tucson Code, Chapter 19, Licenses and Privilege Taxes, Article I, Occupational License Tax, Division 4, Liquor and Vending Machine License Tax, Sec. 19-53, Applications, repealing Liquor Store Sampling Privilege application fee; and declaring an emergency.
  
- k. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH PERRY ARTS, INC. DBA OBSIDIAN GALLERY, FOR SPACE LOCATED IN THE HISTORIC DEPOT
  - 1. Report from City Manager AUG09-11-325 WARD 6
  - 2. Ordinance No. 10920 relating to Real Property; authorizing and approving the Lease Agreement with Perry Arts, Inc. dba Obsidian Gallery, for space located in the Historic Depot at 410 North Toole Avenue, Suite 120; and declaring an emergency.
  
- l. GRANT AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE FOR THE VICTIMS' RIGHTS PROGRAM
  - 1. Report from City Manager AUG09-11-328 CITY WIDE
  - 2. Resolution No. 21761 relating to Victims' Rights; approving and authorizing execution of an Award Agreement with the Arizona Attorney General's Office for the FY 2012 Victims' Rights Program (VRP); and declaring an emergency.
  
- m. REAL PROPERTY: APPROVING A LEASE AGREEMENT AMENDMENT WITH FOTOWATIO RENEWABLE VENTURES FOR A UTILITY SCALE SOLAR PROJECT ON CITY LAND IN AVRA VALLEY
  - 1. Report from City Manager AUG09-11-330 OUTSIDE CITY

2. Ordinance No. 10921 relating to Real Property; authorizing and approving the First Addendum to the Solar Energy Ground Lease Agreement between the City of Tucson and Fotowatio Renewable Ventures (FRV Tucson Solar, LLC), for a utility-scale solar project on city land in Avra Valley; and declaring an emergency.

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

n. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE INCARCERATION OF CITY PRISONERS

1. Report from City Manager AUG09-11-329 CITY WIDE
2. Resolution No. 21762 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the incarceration of City Prisoners for Fiscal Year 2012; and declaring an emergency.

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

o. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR DRUG CONTROL AND SYSTEM IMPROVEMENT

1. Report from City Manager AUG09-11-331 CITY WIDE
2. Resolution No. 21763 relating to grants; approving and authorizing execution of a Grant Agreement with the Arizona Criminal Justice Commission (ACJC) for Drug, Gang and Violent Crime Control for Fiscal Year 2012; and declaring an emergency.

p. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH NRG SOLAR LLC FOR A UTILITY SCALE SOLAR PROJECT ON CITY LAND IN AVRA VALLEY

1. Report from City Manager AUG09-11-332 OUTSIDE CITY
2. Ordinance No. 10922 relating to Real Property; authorizing and approving the Solar Energy Ground Lease Agreement between the City of Tucson and NRG Solar Avra Valley LLC for a utility-scale solar project on City land in Avra Valley, Arizona; and declaring an emergency.

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

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

1. Report from City Manager AUG09-11-327 CITY WIDE

2. Ordinance No. 10907 an ordinance relating to Finance; authorizing the City of Tucson, Arizona, to borrow up to \$16,000,000 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.

(This item was considered separately at the request of Vice Mayor Fimbres.)

r. **FINANCIAL PARTICIPATION AGREEMENT: WITH THE METROPOLITAN EDUCATION COMMISSION**

1. Report from City Manager AUG09-11-334 CITY WIDE
2. Resolution No. 21765 relating to Outside Agencies; authorizing and approving the Financial Participation Agreement between the City of Tucson and the Metropolitan Education Commission for Fiscal Year 2012; and declaring an emergency.

s. **PRE-ANNEXATION: APPROVAL OF AN ASSIGNMENT OF INTERESTS WITH THE ARIZONA BOARD OF REGENTS AND KB HOME TUCSON AT THE UA SCIENCE AND TECHNOLOGY PARK**

1. Report from City Manager AUG09-11-335(2) WARDS 4, 5 AND 6
2. Resolution No. 21782 relating to Annexations; authorizing and approving the execution of a Consent to Assignment between the City of Tucson, 5151 East, LLC, KB Home Tucson, Inc. and the Arizona Board of Regents on behalf of the University of Arizona; and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Fimbres.)

It was moved by Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – s, with the exception of Items b, f, g, m, n, p and s, which were considered separately, be passed and adopted and the proper action taken.

**7. CONSENT AGENDA – ITEMS B**

b. **WATER: AMENDMENT TO TUCSON WATER SERVICE AREA POLICY TO EXTEND THE VALID PERIOD OF WATER ASSURANCE LETTERS TO TWO YEARS**

1. Report from City Manager AUG09-11-311 CITY WIDE AND OUTSIDE CITY

2. Resolution No. 21753 relating to water; amending the Tucson Water Service Area Policy by amending Resolution No. 21602, adopted August 4, 2010, Section 1.E. to extend the valid period of Water Assurance Letters from one (1) year to two (2) years; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Consent Agenda Item b at the request of Council Member Scott.

Council Member Scott stated her office was looking into the process by which the City reviewed if Water staff made the right decision. She said she was troubled by the lack of transparency with the process. At present, the verification process did not allow the consultant for the builder to be present during the discussion. She said, unfortunately, the process, although intended to be objective, could be disconcerting to the applicant.

Council Member Scott said she did not doubt the intent by staff because they were attempting to follow Mayor and Council policy, but the process needed some review and, in addition to that, there needed to be an appeal process. She said the City needed to take a look at whether or not there was an opportunity to improve the process to include participation and a mechanism for an appeal. She stated perhaps staff could meet with stakeholders to see if an improved process could be designed that accomplished what the Mayor and Council wanted, but looked at the current process and criteria.

Council Member Scott asked if staff, in the meantime, could provide the Mayor and Council with a list of the number of applicants and the decisions reached related to each project.

It was moved by Council Member Scott, duly seconded and passed by a roll call vote of 7 to 0, to pass and adopt Consent Agenda Item b and the proper action taken with a directive to staff to review the concerns regarding the process and the inclusion of stakeholders.

Additional comments were made by Council Members Uhlich and Romero regarding the process and direction given in the motion.

## **7. CONSENT AGENDA – ITEMS F – G**

- f. ELECTIONS: DESIGNATING VOTING LOCATIONS AND APPOINTING ELECTION BOARDS FOR THE CITY ELECTIONS TO BE HELD AUGUST 30, AND NOVEMBER 8, 2011
  1. Report from City Manager AUG09-11-320 CITY WIDE
  2. Resolution No. 21754 relating to elections; designating the voting locations for the City of Tucson's August 30, 2011 Primary Election and November 8, 2011 General Election; and declaring an emergency.

3. Resolution No. 21755 relating to elections; appointing officials who will serve as members of election boards required for the City of Tucson's August 30, 2011 Primary Election and November 8, 2011 General Election; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Consent Agenda Item f at the request of Vice Mayor Fimbres.

Vice Mayor Fimbres stated he wanted to discuss Consent Agenda Items f and g together.

g. INTERGOVERNMENTAL AGREEMENT: WITH THE PIMA COUNTY RECORDER TO PROVIDE ELECTION RELATED SERVICES FOR THE 2011 CITY OF TUCSON PRIMARY AND GENERAL ELECTIONS

1. Report from City Manager AUG09-11-321 CITY WIDE
2. Resolution No. 21756 relating to elections; approving, and authorizing execution of, an Intergovernmental Agreement between the City of Tucson and Pima County relating to Support Services provided by Pima County Recorder for the 2011 City of Tucson Primary and General Elections; and declaring an emergency.

Vice Mayor Fimbres asked the City Clerk to confirm that the Council Offices were not being used as polling locations and to elaborate on the specific locations of the polling places.

Mr. Randolph stated Vice Mayor Fimbres was correct in that the Council Offices were not being used as polling places on Election Day. He said there were seven voting locations; Randolph Golf Course, Quincie Douglas Library, Clements Center, St. Demetrios Greek Orthodox Church, Udall Park Recreation Center, Valencia Branch Library and the City of Tucson Elections Center, that would be open on Election Day for the purpose of receiving a replacement ballot for the Vote-By-Mail Election.

Vice Mayor Fimbres asked Mr. Randolph to elaborate, on Item g, the services that the Pima County Recorder's Office was to provide.

Mr. Randolph responded that the Pima County Recorder had two roles for the City's election cycle. First was to provide the voter registration data to the City to ensure that all registered voters received a ballot. Second, once the ballots were returned in the sealed affidavit envelope, the affidavit envelopes would be sent to the Pima County Recorder's Office to verify signatures to ensure that they were signed by the proper voter.

It was moved by Vice Mayor Fimbres, duly seconded and passed by a roll call vote of 7 to 0, to pass and adopt Consent Agenda Items f and g and the proper action taken.

**7. CONSENT AGENDA – ITEMS M AND P**

**m. REAL PROPERTY: APPROVING A LEASE AGREEMENT AMENDMENT WITH FOTOWATIO RENEWABLE VENTURES FOR A UTILITY SCALE SOLAR PROJECT ON CITY LAND IN AVRA VALLEY**

1. Report from City Manager AUG09-11-330 OUTSIDE CITY
2. Ordinance No. 10921 relating to Real Property; authorizing and approving the First Addendum to the Solar Energy Ground Lease Agreement between the City of Tucson and Fotowatio Renewable Ventures (FRV Tucson Solar, LLC), for a utility-scale solar project on city land in Avra Valley; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Consent Agenda Item m at the request of Council Member Romero.

Council Member Romero wanted to discuss Consent Agenda Items m and p together and verify with staff the intent of the agreements.

**p. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH NRG SOLAR LLC FOR A UTILITY SCALE SOLAR PROJECT ON CITY LAND IN AVRA VALLEY**

1. Report from City Manager AUG09-11-332 OUTSIDE CITY
2. Ordinance No. 10922 relating to Real Property; authorizing and approving the Solar Energy Ground Lease Agreement between the City of Tucson and NRG Solar Avra Valley LLC for a utility-scale solar project on City land in Avra Valley, Arizona; and declaring an emergency.

Council Member Romero said she wanted to make sure there was a conservation easement on the preserved portions of the Avra Valley solar project, or at least make sure they were moving in that direction. She also wanted to know if lease payments for conservation were being utilized on Avra Valley parcels.

Andrew Quigley, Tucson Water Interim Director, stated that the intent of the lease agreement was in accordance with the City's letter to the County Administrator when the conditional use permit and conservation easements were being considered. He said both of the agreements were consistent with the letter, which was the City's commitment to assist the developer in ensuring the properties were appropriately preserved, as well as, making additional properties available, ensuring the City received credit for making the conservation easements available and completing the Conservation Plan which was currently in draft form to be submitted to the U.S. Fish and Wildlife Service.

Mr. Quigley stated that, with respect to the funds, it was Tucson Water's intent to use the lease payments received for preservation and conservation work on the properties. However, he said, it was not currently a part of the lease agreement; it was part of the

Mayor and Council's process of appropriations in setting aside the language. He said staff could identify those leases for the Mayor and Council in the budget process and the conservation efforts.

Additional comments were made by Council Member Romero. She thanked staff for working with the Conservation Department and Pima County for their work in a win/win situation with solar energy.

It was moved by Council Member Romero, duly seconded and passed by a roll call vote of 7 to 0, that Consent Agenda Items m and p be passed and adopted and the proper action taken.

Mr. Quigley acknowledged the presence of two excellent developers that worked on the project. He also acknowledged a member of his staff, Asia Philiben, who was a conservation advocate and hard working person on the projects.

**7. CONSENT AGENDA – ITEMS N**

**n. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE INCARCERATION OF CITY PRISONERS**

1. Report from City Manager AUG09-11-329 CITY WIDE
2. Resolution No. 21762 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the incarceration of City Prisoners for Fiscal Year 2012; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Consent Agenda Item n at the request of Council Member Kozachik.

Council Member Kozachik stated that several weeks ago, when the Mayor and Council discussed alternatives to incarcerations, part of the discussion was staff's idea of looking into the economic surrounding city-run built-in operated jail. He said he noticed that the jail board cost to Pima County was \$7.5 million. He said he wondered if there was any progress in looking at the economics.

Richard Miranda, Deputy City Manager, responded that the City had only looked at the idea and had not gone beyond that. He said, given the action by the Mayor and Council, staff would take a hard look at the concept and associated costs.

Council Member Kozachik asked if staff knew how Pima County came up with the costs for services and that the City was not being used to subsidize collecting debts from other areas.

Mr. Miranda responded that the specifics of the agreement were handled by the Chief of Police Roberto Villaseñor and Chris Hale, Court Administrator, both of which were present to answer any questions.

Roberto Villaseñor, Chief of Police, said the issue was something that was discussed each year to detail the costs which were broken down by medical costs, personnel staffing, electricity, etc. He said it was a difficult task because, no matter the answer, the following year it changed and the bill always came in some where around \$7 to \$7.5 million. He said they had tried a variety of methods to reduce the costs such as innovative programs to try and eliminate the number of bookings.

Chief Villaseñor stated they were in the process of embarking on a new program; the use of a video arraignment tactic at the Eastside substation. He said their hope was, with their eastside and midtown offices, instead of bring people to the jail, a video downlink would be set up so that arraignments at the Eastside substation could be held to minimize and cut down the number of first day bookings which were the most expensive. He said no matter how they tried to cut down costs, it seemed like the next year, the medical costs and overhead costs that the jail experienced went up as well.

It was moved by Council Member Kozachik, duly seconded to pass and adopt Consent Agenda Item n and the proper action taken.

Mayor Walkup asked if there was any discussion.

Vice Mayor Fimbres asked staff for a rough estimate of the savings incurred with the alternative to jail programs.

Chris Hale, Court Administrator, stated the estimation was a gross amount of \$1.1 million with the alternative to jail program in FY 2011, less the fifty-eight thousand dollars for expenses to run the evening program.

Vice Mayor Fimbres asked if discussions had been held with Pima County on the escalating costs.

Chief Villaseñor stated those discussions had been held in the past, but not in the current year since the costs were no longer part of the police department budget. He said the costs usually focused around increased medical and insurance costs. He also commented that TPD could set up some meetings to try and get some cost breakdowns from the jail to report back to the Mayor and Council.

Council Member Romero asked staff if the City's budget could potentially be affected by the recent budgeting processes at the State level for turning over additional responsibilities to Pima County for state-related services such as jail time.

Mr. Miranda responded that in looking at it from a business model, if he were the sheriff, he would look at spreading his costs out; so the City could expect their costs to go up. He said there would be specifics that would have to be worked out.

Council Member Romero said she thought that conversation needed to happen with Pima County on what their plan was for the additional costs to other jurisdictions.

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

## **7. CONSENT AGENDA – ITEMS Q**

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

1. Report from City Manager AUG09-11-327 CITY WIDE
2. Ordinance No. 10907 an ordinance relating to Finance; authorizing the City of Tucson, Arizona, to borrow up to \$16,000,000 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.

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Consent Agenda Item q at the request of Vice Mayor Fimbres.

Vice Mayor Fimbres asked staff how the recent lowering of the U.S. Credit Rating affected the Water Infrastructure Finance Authority (WIFA) loans.

Kelly Gottschalk, Chief Financial Officer, said if the markets reacted rationally to that or if it was a typical downgrade, which it was not, the City's bonds would be in greater demand, therefore, the rates would go down. She stated this was an unprecedented situation and no one knew how that would impact the market. She did say that the rates were set from a percentage of the daily MMD rate, which was what the triple AAA bond rate trades at, which was something they always looked at and compared to the treasury rate. In short, Ms. Gottschalk said that she did not know, but believed the City would not see much of a change from what staff was anticipating at this point.

Vice Mayor Fimbres asked staff if there was breakdown of potential costs for the four-bay reservoir booster station and pipeline.

Andrew Quigley, Tucson Water Interim Director, said the breakdown was basically \$12 million for the four-bay reservoir and booster station and the interconnection from the CAVSARP transmission line.

Vice Mayor Fimbres asked what the definition of the term “net revenues” was that was listed in the Ordinance.

Ms. Gottschalk responded that net revenues was defined in this transaction as basically being all the money left over from transactions to pay for operations and maintenance. She said this meant money charged from fees, tap fees, interest, etc.; everything in the water system that was charged for and any reasonable costs associated with the Utility except for depreciation and senior lien debts.

It was moved by Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Item q be passed and adopted and the proper action taken.

**7. CONSENT AGENDA – ITEMS S**

**s. PRE-ANNEXATION: APPROVAL OF AN ASSIGNMENT OF INTERESTS WITH THE ARIZONA BOARD OF REGENTS AND KB HOME TUCSON AT THE UA SCIENCE AND TECHNOLOGY PARK**

1. Report from City Manager AUG09-11-335 WARDS 4, 5 AND 6
2. Resolution No. 21782 relating to Annexations; authorizing and approving the execution of a Consent to Assignment between the City of Tucson, 5151 East, LLC, KB Home Tucson, Inc. and the Arizona Board of Regents on behalf of the University of Arizona; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Consent Agenda Item s at the request of Vice Mayor Fimbres.

Vice Mayor Fimbres stated this was an opportunity for the University of Arizona to give an update on the project.

Bruce Wright, University of Arizona Science and Technology Park (UA Tech Park) and Arizona Bioscience Park (UA Bio Park) CEO, gave an update on the project. He said once the project was complete, it would be the largest multi-technology testing evaluation center for solar energy in the United States.

Byron Howard, Special Project Manager/Annexation, added his comments regarding the project. He said the relationship between KB Homes, the University of Arizona and the City of Tucson was a strong one, with a great vision and hope.

It was moved by Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Item s be passed and adopted and the proper action taken.

**8. PUBLIC HEARING: TUCSON CODE (CHAPTER 19) AMENDING THE MODEL CITY TAX CODE**

Mayor Walkup announced City Manager's communication number 313, dated August 9, 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 amendments to the Model City Tax Code. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Mayor Walkup asked if there was anyone wishing to speak on the item. There was no one.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10911 by number and title only.

Ordinance No. 10911 relating to taxation; adopting the 2011 tax amendments to the Model City Tax Code; relating to Transaction Privilege Taxes on medical marijuana, Deductions for solar energy device installation, commercial leases, business succession, and use taxes; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 10911.

Mayor Walkup asked if there was any further discussion.

Council Member Kozachik stated he had a couple of problems with the Ordinance. He asked staff to explain the two changes; 1) the incorporation of HB2510, which prohibits cities from taxing commercial rentals between two corporations and 2) reciprocal insurers and unincorporated aggregation of subscribers, and if the change was a way for corporations to form for the sole purpose of tax avoidance.

Kelly Gottschalk, Chief Financial Officer, stated there were many reasons corporations did this. She said she thought the issue was that sometimes there were legitimate reasons, for business purposes, they have different corporations that are split out since the City required that all businesses have a license and pay taxes. She said this all came about because it was really double taxation when you had eighty percent of the corporation owned by the same entity.

Council Member Kozachik said his other concern was the taxing of Medical Marijuana. He said he thought that the voters were pretty clear that the intent was to treat Medical Marijuana the same as any other drug, irrespective of the nuance of the language. He asked if this was a state tax or what was the implication.

Michael Rankin, City Attorney, responded he did not know that he agreed with the assessment in terms of what the drafters of the proposition or voters included. He said they included an exemption within the proposition from income tax, but did not include an exemption from business privilege or sales taxes. He said following the approval of the proposition, when he was formulating an opinion that he provided to the Mayor and Council, he felt it was taxable under the existing Model City Tax Code. He stated, in any event, it has now gone through the process to include the modification to the Model City Tax Code so that it was crystal clear that sales through dispensaries or otherwise, even pursuant to a certification by a doctor, would be subject to a sales tax.

Council Member Kozachik asked who Mr. Rankin reached out too to formulate his opinion.

Mr. Rankin said it was to the attorneys representing the folks that had contacted the City while going through the zoning ordinance and were very much connected to the drafters and advocates of Proposition 203.

Ordinance 19011 was passed and adopted by a roll call vote of 7 to 0.

**9. PUBLIC HEARING: ZONING (C9-86-66) STEWART TITLE - GRANT ROAD, R-1 TO R-4 (O-3) ZONING, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN AND ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 316, dated August 9, 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 change of conditions and preliminary development plan for property located on the west side of Wyatt Drive, north of Grant Road.

Mayor Walkup asked if there was anyone wishing to speak on the item. There was no one.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10912 by number and title only.

Ordinance No. 10912 relating to zoning: Ordinance amending zoning conditions for approval of the zoning district boundaries in the area located on the west side of Wyatt Drive, 940 feet north of Grant Road in case C9-86-66, Stewart Title - Grant Road R-1 to R-4 (O-3) zoning; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10912.

**10. ZONING: (C9-07-16) MANX INVESTMENT LLC – SPEEDWAY BOULEVARD, R-1 TO O-1 ZONING, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 310, dated August 9, 2011, was received into and made part of the record. He asked the City Clerk to read Ordinance 10909 by number and title only.

Ordinance No. 10909 relating to zoning: amending zoning district boundaries in the area south of Speedway Boulevard 1200 feet east of Wilmot Road in Case C9-07-16, Manx Investment LLC - Speedway Boulevard, R-1 to O-1 and setting an effective date.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10909.

**11. ZONING: (C9-01-29) TMM FAMILY SERVICES, INC – 22ND STREET, R-1 TO P ZONE, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 309, dated August 9, 2011, was received into and made part of the record. He asked the City Clerk to read Ordinance 10908 by number and title only.

Ordinance No. 10908 relating to zoning: amending zoning district boundaries in the area north of 23rd Street approximately 400 feet west of Country Club Road in Case C9-01-29 TMM Family Services, Inc. - 22nd Street, R-1 to P and setting an effective date.

It was moved by Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10908.

**12. ECONOMIC DEVELOPMENT: ADOPTION OF DEVELOPMENT AGREEMENT PROCEDURES**

Mayor Walkup announced City Manager's communication number 326, dated August 9, 2011, was received into and made part of the record. He asked the City Clerk to read Resolution 21759 by number and title only.

Resolution No. 21759 relating to economic development; approving guidelines and procedures for City of Tucson development agreements; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, to pass and adopt Resolution 21759.

Mayor Walkup asked if there was any discussion.

Council Member Uhlich asked staff when templates and information on a proposed agreement are brought forth to the Mayor and Council that the full extent of the outline be included. In other words, she said, under due diligence items, that every bulleted item corresponds with the outline.

Vice Mayor Fimbres asked if there was a review mechanism in place so that the item could be brought back to the Mayor and Council, in one year, to review and make any changes necessary.

Michael Rankin, City Attorney, responded that was something that could be accommodated.

Resolution 21759 was passed and adopted by a roll call vote of 7 to 0.

**13. ECONOMIC DEVELOPMENT: APPROVAL OF A PRIMARY JOBS INCENTIVE PROGRAM**

Mayor Walkup announced City Manager's communication number 333, dated August 9, 2011, was received into and made part of the record. He asked the City Clerk to read Resolution 21764 by number and title only.

Resolution No. 21764 relating to economic development; approving a Primary Jobs Incentive Program; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Resolution 21764, with any amendments offered by the City Attorney with regard to the Living Wage Ordinance.

Michael Rankin, City Attorney, said that based on discussions earlier during Study Session and how health care costs were defined in the context of the Living Wage Ordinance, a distinction was made in terms of what is required in living wage as measured by whether the employer in question covered fifty percent of the eligible employees health benefit premium. He stated, as was speculated in discussion, that it was tied to the premium as opposed to other potential health care costs.

Mr. Rankin, stated, absent other direction from the Mayor and Council, he thought that was how, to be consistent with other codes and guidance where there was a similar requirement, it would be measured in terms of the employee's health care premium.

Council Member Uhlich asked if seventy-five percent of the premium was acceptable and incorporated it into the motion.

Mr. Rankin said that was fine, that seventy-five percent was what was being recommended as part of the program; looking at the City's own living wage ordinance

was tied to fifty. He said if the Council wished to have a little more flexibility, staff would take that direction.

Council Member Uhlich said her concerns were mainly in defining costs versus premiums. She said, in this case, they were going for “good” jobs; living wages jobs meant they would lift people out of poverty.

Resolution 21764 was passed and adopted by a roll call vote of 7 to 0 with clarification that “health care costs” referred to the health care premiums.

#### **14. MAYOR AND COUNCIL: SELECTION OF VICE MAYOR**

Mayor Walkup announced City Manager's communication number 323, dated August 9, 2011, was received into and made part of the record. He asked the City Clerk to read Resolution 21757 by number and title only.

Resolution No. 21757 relating to the Vice-Mayor of the Mayor and Council; selecting a Vice-Mayor.

Council Member Scott explained the process used by the Mayor and Council to select a vice mayor which was done once every eight months and was passed along to the next council member in line. She stated when the vacancy occurred by the last Vice Mayor (Ward 2), she filled the position for the remainder of the time the Ward 2 Council Member was to be the vice mayor. At the end of that term, the next person in line was Ward 3, but Council Member Uhlich, at that time, stated she could not fulfill the duties due to other outside obligations.

Council Member Scott continued saying that Council Member Uhlich was then skipped and Council Member Fimbres was named the Vice Mayor. She stated that in order to be fair, and since Council Member Uhlich now had the time to give to the position, that the vice mayor position should be offered to Council Member Uhlich.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 21757, selection Council Member Karin Uhlich as Vice Mayor effective August 17, 2011.

Comments were made by Council Members Romero, Uhlich, Kozachik and Mayor Walkup.

Resolution 21757 was passed and adopted by a roll call vote of 7 to 0.

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

Mayor Walkup announced City Manager's communication number 307, dated August 9, 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 Kozachik, duly seconded, and carried by a roll call vote of 7 to 0, to approve the appointments of Eva Macias and Sandra Fimbres and reappointments of Margaret N. Bowman and Tina Cook to the Environmental Services Advisory Committee (ESAC).

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

Council Member Scott announced her personal appointment of Johnnie Rose to the Transit Taskforce.

Vice Mayor Fimbres announced his personal appointment of Gilbert Fimbres to the Parkwise Commission.

**16. ADJOURNMENT: 8:06 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, September 7, 2011, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West 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 9th day of August 2011, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:ccs:yl