



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 23, 2012.

Date of Meeting: February 28, 2012

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 5:36 p.m., on Tuesday, February 28, 2012, all members having been notified of the time and place thereof.

1. ROLL CALL

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

Present:

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

Absent/Excused:

None

Staff Members Present:

Richard Miranda	City Manager
Roger W. Randolph	City Clerk
Dave Deibel	Chief Deputy City Attorney

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Debra Counsellor, City Clerk's Office, after which the Pledge of Allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 78, dated February 28, 2012, 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.

Current event reports were provided by Council Members Romero, Cunningham, Scott, Fimbres, Kozachik, and Vice Mayor Uhlich. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

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

Mayor Rothschild announced City Manager's communication number 79 dated February 28, 2012, 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.

Current event report was provided by Richard Miranda, City Manager. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 87, dated February 28, 2012, 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)

NOTE: There are no application(s) for new licenses scheduled for this meeting

Person/Location Transfer

1. Wal-Mart Supercenter #5626, Ward 5
1260 E. Tucson Marketplace Blvd.
Applicant: Clare Hollie Abel
Series 9, City 6-12
Action must be taken by: March 18, 2012

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

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. North Fourth Avenue Merchants Association, Ward 6
4th Ave. between University Blvd. & 9th St.
Applicant: John A. Sedwick
City T2-12
Date of Event: March 23, 2012 - March 25, 2012
(Fundraising)

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

Public Opinion: Written Argument Opposed/Favored Filed

2. Santa Cruz Parish, Ward 5
1220 S. 6th Ave.
Applicant: Rebecca Marie Lujan
City T8-12
Date of Event: April 27, 2012 - April 29, 2012
(57th Annual Fiesta de la Familia)

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

3. University of Arizona Libraries/U of A Foundation, Ward 6
1303 E. University Blvd.
Applicant: Laura J. Bender
City T10-12
Date of Event: March 16, 2012
(Fundraiser)

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

4. Downtown Tucson Partnership, Ward 6
141 S. Stone Ave.
Applicant: Brandi Renee Haga
City T13-12
Date of Event: March 17, 2012
(Premier Cycling Event-Old Pueblo Grand Prix)

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

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 Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 and 5c2 through 5c4 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event(s)

1. North Fourth Avenue Merchants Association, Ward 6
4th Ave. between University Blvd. & 9th St.
Applicant: John A. Sedwick
City T2-12
Date of Event: March 23, 2012 - March 25, 2012
(Fundraising)

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

Public Opinion: Written Argument Opposed/Favored Filed

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5c1, North Fourth Avenue Merchants Association, located in Ward 6.

Council Member Kozachik said he spoke with the director of the Fourth Avenue Merchants Association, as well as, individuals involved in the protest and all issues had been resolved.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5c1 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Rothschild 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 Rothschild 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”.

Comments were made by:

Keith Van Heyningen
Kristen Metzger
Gus Uhlich

Mikki Niemi
Enrique Vega

Jessica Shuman
John Burr

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

7. CONSENT AGENDA – ITEMS A THROUGH C

Mayor Rothschild 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. WARD REDISTRICTING: CREATION OF THE 2012 REDISTRICTING ADVISORY COMMITTEE

1. Report from City Manager FEB28-12-81 CITY WIDE
2. Resolution No. 21863 relating to the Redistricting of Wards; creating the Redistricting Advisory Committee, pursuant to Tucson Charter Chapter XVI, Section 8.1 and Tucson Code Section 12-9; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the following appointments to the 2012 Redistricting Advisory Committee: representing the Mayor's office, Lawrence Lucero, representing Ward 1, Andrea Altamirano, representing Ward 2, Ted Prezelski, representing Ward 3, Patricia Wiedhopf, representing Ward 4, Georgia Brousseau, representing Ward 5, Vince Rabago, and representing Ward 6, Mark Crum.

b. FINANCE: SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012

1. Report from City Manager FEB28-12-83 CITY WIDE
2. Ordinance No. 10964 an Ordinance relating to Finance; authorizing the issuance and sale of City of Tucson, Arizona, General Obligation Refunding Bonds, Series 2012, in one or more series, as tax-exempt or taxable bonds, in a principal amount not to exceed \$50,000,000; providing for the levy and collection of *Ad Valorem* taxes for the payment of the principal and interest on the Series 2012 Refunding Bonds; providing for the sale thereof and the application of the proceeds therefrom to the Refunding of the Bonds to be refunded and for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2012 Refunding Bonds; authorizing the execution and delivery of a Depository Trust Agreement and appointing a depository trustee with respect to the bonds to be refunded; authorizing the execution and delivery of a Bond Purchase Agreement and a continuing disclosure undertaking with regard to the Series 2012 Refunding Bonds; appointing a bond registrar, transfer agent and paying agent for the Series 2012 Refunding Bonds; authorizing the preparation and delivery of an official statement with respect to the Series 2012 Refunding Bonds; and declaring an emergency.

c. FINANCE: AUTHORIZING THE SALE OF CERTIFICATES OF PARTICIPATION, SERIES 2012

1. Report from City Manager FEB28-12-84 CITY WIDE
2. Resolution No. 21860 relating to Real and Personal Property; authorizing the execution and delivery of 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 refunding certificates of participation in the lease-purchase agreements pursuant thereto; and declaring an emergency.

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

8. PUBLIC HEARING: PROPOSED ORDINANCE FOR ALARM RESPONSE COST RECOVERY

Mayor Rothschild announced City Manager's communication number 89, dated February 28, 2012, 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 proposed amendment to Chapter 7 of the Tucson Code relating to alarm response cost recovery. He said staff wanted to make a brief presentation before beginning the public hearing.

Roberto Villaseñor, Tucson Police Department Chief of Police, gave a brief history of process held on the proposed Ordinance.

Mayor Rothschild announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Mikki Niemi provided his opinion to the Mayor and Council about the Proposed Ordinance for Alarm Response Cost Recovery.

The following people spoke in support of the proposed ordinance: Jon Sargent, ADT Security Service; Maria Malice, Arizona Alarm Association President; Kevin Campbell, FDC Security Owner and President; Allyson Solomon, Tucson Metro Chamber of Commerce; Andy Billings, CCS Systems; Ken Martin, Bill Gaither, Accura Systems of Tucson.

The following people spoke in opposition to the proposed ordinance: Joe Osborne, Owner of Alarm Solutions; Eric Aultman, Advanced Protection Systems; Roger Score, Tucson Alarm; Nichole Lopez, and Katharine Kent, The Solar Store.

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

Mayor Rothschild asked the City Clerk to read Ordinance 10967 by number and title only.

Ordinance No. 10967 relating to Business Licensing; amending Chapter 7 of the Tucson Code by adding a new division providing for registration and fees for alarm users; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, to pass and adopt Ordinance 10967, with a caveat of reviewing it in one year.

Mayor Rothschild asked if there was any discussion.

Council Member Cunningham thanked the Arizona Alarm Association for their willingness to work with the Tucson Police Department (TPD) and commented on his reasons for his long standing opposition to the ordinance.

Vice Mayor Uhlich commented that there seemed to be two parts to the Ordinance; an industry market and a customer market. She said, recently, the alarm association industry in Goodyear, Arizona, supported, wholeheartedly, the opposite of what the City of Tucson was proposing; there was no registration, no fees and police would not respond to an alarm unless it had been verified.

Vice Mayor Uhlich said her intent of the Ordinance was that if you had an alarm contract that specified the alarm company responded to the alarm and contact TPD upon verification of the alarm, then the registration provision would not apply unless a false alarm occurred, at which point the alarm user would be required to register.

Dave Deibel, Chief Deputy City Attorney, responded that the Ordinance provided for alarm users to opt out of the registration if they chose to and forego police response. He said that if the user already had a verified alarm, the response from TPD would be based on the prior history.

Vice Mayor Uhlich asked the City Attorney to clarify the provisions of the Ordinance relating to the customer's right to accept response by the alarm company in lieu of police response during a false alarm.

Mr. Deibel stated that the following language was included in Section 7-466(I) of the Ordinance provided for adoption, "To notify the Alarm User that the User may choose not to register and forego a police response except for a fire, holdup, robbery, panic, or duress alarm activation".

Vice Mayor Uhlich made additional comments regarding consumer registration for alarm responses by the company as opposed to TPD.

Mr. Deibel stated that a user who opted to forego police response may still receive the services; however they would be placed into the unregistered category at which point they would have to attend a class.

Council Members Kozachik and Romero also expressed their concerns and comments regarding the proposed ordinance.

Mayor Rothschild asked if there was any further discussion.

Council Member Scott expressed her support for the proposed ordinance and stated she wanted to give either the Chief of Police or Assistant Police Chief her time to address the Mayor and Council.

Chief Villaseñor thanked the Mayor and Council for their work on the Ordinance and addressed the issue of cost recovery and reiterated the process used to get to this point.

Council Member Fimbres asked Chief Villaseñor about TPD functions that required a database containing personal information to enforce laws.

Chief Villaseñor explained that TPD continually collected information during various tasks. He said it was TPD's intent to find a responsible party to respond to the false. He stated the reciprocal agreement contract which took place throughout the State of Arizona was worded in the fashion that it was worded. He said if changes were proposed, it would force false alarm companies to change their individual contracts with each jurisdiction which was not fair. TPD's purpose was to gather information from the responsible party just like they had done in a number of other situations when they came in contact with the public on a daily basis.

Mr. Deibel stated that the language in the Ordinance regarding the exchange of information already existed in the current Alarm Licensing Ordinance.

Council Member Fimbres reconfirmed that this was another cost recovery measure that the Mayor and Council directed the City Manager to continue to come up with to keep the City afloat and provide needed services to the community

Vice Mayor Uhlich commented regarding the responsibility of TPD and the alarm company to respond to verified alarms. She stated that TPD always responded in cases of fire, hold-up robberies and crimes in progress.

Ordinance 10967 was declared passed and adopted by a roll call vote of 5 to 2 (Council Members Cunningham and Kozachik dissenting).

RECESS: 7:12 p.m.

RECONVENE: 7:19 p.m.

Roger W. Randolph, City Clerk, requested that the Mayor and Council return to Item 8 to allow for a second vote on the emergency clause for Ordinance 10967.

Mayor Rothschild asked if there was any discussion.

The emergency clause for Ordinance 10967 was passed and adopted by a vote of 6 to 1 (Council Member Cunningham dissenting).

9. PUBLIC HEARING: ZONING (C9-12-01) MAIN GATE DISTRICT, OPTIONAL URBAN OVERLAY DISTRICT, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 90, dated February 28, 2012, 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 to rezone properties within the West University Neighborhood Plan's Transition Area that are bounded by Speedway Boulevard to the north, Park Avenue on the east, Sixth Street on the south, and Euclid Avenue on the west. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Roger W. Randolph, City Clerk, announced that staff wanted to make a brief presentation before beginning the public hearing.

Ernie Duarte, Planning and Development Services Department Director, gave a brief presentation on the history of Urban Overlay Districts and the West University Transition Area Plan.

Jim Mazzaco, Planning and Development Services Department Planning Administrator, gave a brief Power Point presentation on the Main Gate District Rezoning which included expediting the process, the height of buildings and architectural concerns.

Linus Kafka, Zoning Examiner, commented that his recommendation for approval dated February 23, 2012, was based on what he thought was plan compatibility based on plan amendments by the Mayor and Council on December 13, 2011. He stated that during the hearings he heard a lot of concern for historic preservation.

Mr. Kafka said that in addition to his recommendation for approval, he added two conditions. The condition he wanted to discuss was condition one which recommended that the Department of Interior Standards be applied to the design criteria to redevelopment of contributing properties in the overlay and any property in the Historic Preservation Zone (HPZ). He said that the Tucson-Pima County Historical Commission (TPCHC) submitted a letter that recommended that any of this type of redevelopment, under three stories, was subject to the existing HPZ development standards and above that, the Department of Interior Standards applied.

The following individuals spoke in support of the Main Gate District, Optional Urban Overlay District: Doug Rohe, Bill Viner, Bruce Burke, Marshall Foundation; Lynne Birkinbine, Tom Warne, Lucinda Smedley, Imagine Greater Tucson, Metropolitan Pima Alliance, Pima County Real Estate Research Council; Allyson Solomon, Tucson Metro Chamber of Commerce; Janice Cervelli, University of Arizona; Nick Crutchfield.

The following individuals spoke in opposition to the Main Gate District, Optional Urban Overlay District: Howard Baldwin, Diana Lett, Feldman's Neighborhood Association; Karen Greene, John Shomenta, Mindy Bernstein, Val Little, Demion Clinco, Tucson Historic Preservation Foundation; Ellen Wheeler.

Mikki Niemi offered comments to the Mayor and Council about the Main Gate District, Optional Urban Overlay District.

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 Rothschild requested that the City Clerk read Ordinance 10968 by number and title only.

Ordinance No. 10968 relating to Zoning: amending Zoning District boundaries in the area bounded by Speedway Boulevard on the north, Park Avenue on the east, Sixth Street on the south and Euclid Avenue on the west in Case C9-12-01 Main Gate District Optional Urban Overlay District; and setting an effective date.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Ordinance 10968.

Council Member Kozachik stated that the protection of the Historical Preservation Zone (HPZ) demolition process would increase with the Ordinance. He commented about the various discussions held in terms of protecting surrounding neighborhoods of the Urban Overlay District (UOD). He stated his concern, after reviewing the information received, was that the City's design professional would initially review and approve all projects until the Design Review Committee was in place. He asked why the Committee was not in place before the City started to approve the projects.

Mr. Mazzocco replied that was possible. He said that statement was included in the materials because, as the process went forward, there was a possibility that the Committee would not be formed.

Council Member Kozachik amended his motion to ensure that the Design Review Committee was engaged in any projects that were reviewed and approved.

Vice Mayor Uhlich made comments about the overlay process. She said she was distraught with the number of citizens who shared common values, cared about the University of Arizona, cared about the City's history, loved their neighborhoods, and came to the Mayor and Council divided. She said to her, this indicated a bad process.

She stated it was incumbent on the Mayor and Council to try and get better alignment on the processes.

Vice Mayor Uhlich asked staff to comment on permitted parking for any future developments within the West University Neighborhood area. She said she was concerned about the impact and the surrounding areas and where people might be allowed to park if there was not a designated area.

Dave Deibel, Chief Deputy City Attorney, clarified that the permitted parking was for on-street parking and would not factor into parking calculations for future developments. He further stated that if there were available City parking facilities, agreements could be made with ParkWise for those facilities. He said that was different from the on-street parking which was basically designed to keep parking local.

Mayor Rothschild stated he thought there was an Ordinance that stated if you lived in a protected neighborhood or a neighborhood that adopted a parking ordinance, nobody could park there except the property owner and one other car.

Vice Mayor Uhlich asked staff to address the possibility of bungalows, at the southeast corner of Speedway and Euclid, being located next to a 14-story highrise.

Mr. Mazzaco, responded affirmatively and gave a brief explanation of conditions for properties in that situation.

Vice Mayor Uhlich, referring to Subsection C of the ordinance, asked if the 14 story building included tiering even though it was not alongside the bungalows.

Mr. Mazzaco defined the term 'adjacent' as used by the Planning and Development Services Department and clarified that the bungalows were adjacent to the 14-story building.

Vice Mayor Uhlich commented on sustainable development and the plan presented by the WUNA. She stated she liked WUNA's substitute plan, but felt that as though Subsection C of the ordinance was the transition block and it required further review.

Mr. Duarte said that Subsection C could be remanded back to the Zoning Examiner for further consideration by a vote of the Mayor and Council.

A substitute motion was made by Vice Mayor Uhlich to approve Ordinance 10968, except that Subsection C be remanded back to the Zoning Examiner for a public hearing within 30 days.

The substitute motion died for lack of a second.

Council Member Scott made comments on the makeup of the neighborhood and asked staff to address resident participation in the planning process and if staff felt that there was any form or consensus of agreement more closely aligned with where the UOD was headed.

Mr. Mazzaco responded that meetings had been held between the City and the WUNA Planning Subcommittee and officers of WUNA. He said it was difficult to characterize on the consensus, other than there were meetings where it seemed everyone was on the same page. He added when they spoke at the Zoning Examiner's hearings, they were against the project.

Ordinance 10968 was passed and adopted by a roll call vote of 6 to 1 (Vice Mayor Uhlich dissenting).

10. PUBLIC HEARING: ZONING (C9-06-26) SECOND HOUSTON ENTERPRISE – WILMOT ROAD, SH TO C-2, REACTIVATION, FIVE-YEAR TIME EXTENSION, CHANGE OF CONDITIONS

Mayor Rothschild announced City Manager's communication number 82, dated February 28, 2012, was received into and part part of the record. He also announced this was the reactivation, time extension, and a change of conditions for property located on the west side of Wilmot Road, south of Interstate 10.

Mayor Rothschild asked if the applicant or representative was present and wanted to make any comments prior to the public hearing.

Keri Silvyn, representing Second Houston, introduced her client Adam Hatch. She stated that the applicant had recently removed the billboard as required in the original conditions and that they were comfortable with the recommended conditions.

Mayor Rothschild announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone wishing to speak on the item.

There was no one.

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

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to approve the requested five-year time extension and change of conditions as recommended by staff.

11. ZONING: (C9-09-06) TEMPERATURE CONTROL, INC. - WEST LESTER STREET, C-1 TO C-2 ZONE, REACTIVATION, TWO-YEAR TIME EXTENSION

Mayor Rothschild announced City Manager's communication number 80, dated February 28, 2012, was received into and made part of the record. He stated that this was a request for a two- year time extension for the completion of the rezoning conditions for property located on the south side of Lester Street, west of Tenth Avenue. He asked if the applicant or representative was present and was agreeable to the proposed requirements.

Vance MacLeod, Applicant, stated he was in agreement to the proposed requirements. He stated the fees for the extension were fifteen hundred dollars and asked the Mayor and Council if it was possible to receive a waiver for the fees and requirements due to financial hardship.

Richard Miranda, City Manager, suggested the applicant write a letter to the City Attorney requesting a waiver.

Mayor Rothschild asked the City Attorney if at the evenings' meeting the extension was passed, did the applicant have time to request a waiver.

Dave Deibel, Chief Deputy City Attorney, responded it was a little more difficult after the extension was adopted. He said he believed the extension had already expired.

Vice Mayor Uhlich asked if the extension was consistent with the initial rezoning, had it been layered on additional conditions or was it extending conditions attached to the rezoning of two years ago.

Mr. Duarte explained that the City was merely extending the conditions that were originally created when the rezoning case was heard and approved by the Mayor and Council.

Vice Mayor Uhlich stated to the Applicant, that her office would be happy to meet with him to discuss this further, but in terms of the rezoning sought two years ago, was the cost the Applicant was talking about in order to fulfill those conditions. She said typically, when a rezoning is offered, the Mayor and Council ask if the conditions are acceptable to the applicant for the rezoning. She asked the Applicant if, at that time, they were acceptable.

Mr. MacLeod responded he did not feel, at that time, that he had a choice other than to say "yes", but with the business conditions being so deplorable, he did not see where he could possibly come up with the money.

Mr. Duarte suggested that, if agreeable with the Mayor and Council, a continuance of the item be granted so that staff could meet with the Applicant to explain

the actions before the Mayor and Council and better understand the conditions and fees associated with the extension.

Vice Mayor Uhlich asked the Applicant if it was acceptable to him that the item be continued to have the opportunity for him to get together with staff on his options.

Mr. MacLeod asked if the extension was granted during the two-year period, did he have the opportunity to possibly have some of the requirements reduced or eliminated.

Mr. Duarte explained that the conditions were adopted and approved by the Zoning Examiner and the Mayor and Council. He said any changes to those conditions had to come back to the Mayor and Council for further consideration, as well as the Zoning Examiner.

Mayor Rothschild asked, since the Council was not scheduled for a meeting the following week, if anyone had a prejudice to continue the item for three weeks.

It was moved by Vice Mayor Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to continue the item for three weeks.

12. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE DOWNTOWN/UNIVERSITY HIGH-CAPACITY TRANSIT (STREETCAR)

Mayor Rothschild announced City Manager's communication number 91, dated February 28, 2012, was received into and made part of the record. He asked the City Clerk to read to read Resolution 21865.

Resolution No. 21865 relating to Transportation; approving and authorizing the Execution of Amendment No. 1 to the Intergovernmental Agreement (IGA) between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson for Preliminary Design, Final Design, and Construction of the Downtown/University High Capacity Transit (Streetcar); and declaring an emergency.

Council Member Kozachik expressed his concerns with the conditions placed on progress payments for construction by the RTA,

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution 21865.

Vice Mayor Uhlich and Council Members Romero and Cunningham expressed their concerns with the amendment to the intergovernmental agreement by the RTA.

Resolution 21865 was declared passed and adopted by a roll call vote of 4 to 3 (Council Members Romero, Kozachik and Vice Mayor Uhlich dissenting).

Roger W. Randolph, City Clerk, requested a second vote on Resolution 21865 be taken for the purpose of the emergency clause.

The emergency clause for Resolution 21865 was declared passed by a roll call vote of 7 to 0.

13. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE SILVERBELL ROAD-GRANT ROAD TO INA ROAD PROJECT

Mayor Rothschild announced City Manager's communication number 92, dated February 28, 2012, was received into and made part of the record. He asked the City Clerk to read to read Resolution 21866 by number and title only.

Resolution No. 21866 relating to Intergovernmental Agreements; authorizing and approving the Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson for the Silverbell Road - Grant Road to Ina Road Project; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, to pass and adopt Resolution 21866.

Mayor Rothschild asked if there was any discussion.

Comments in support of and in opposition to the Resolution were expressed by Vice Mayor Uhlich and Council Member Kozachik.

Resolution 21866 was declared passed and adopted by a vote of 6 to 1 (Council Member Kozachik dissenting).

14. WATER: ADOPTING TUCSON WATER'S FINANCIAL PLAN FOR FISCAL YEARS 2012 THROUGH 2017

Mayor Rothschild announced City Manager's communication number 85, dated February 28, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21864 by number and title only.

Resolution No. 21864 relating to Tucson Water; authorizing and adopting the Tucson Water Financial Plan for the period from Fiscal Year 2012 to Fiscal Year 2017; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21864.

15. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager’s communication number 86, dated February 28, 2012, 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 Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of John Rio to the Veterans’ Affairs Committee (VAC).

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

Council Member Scott announced her personal appointment of Mark Jones to the Board of Adjustment (BAJ).

Council Member Kozachik announced his personal appointment of Sheldon Fishman to the Small, Minority, and Women-Owned Business Commission (SMWBC).

16. ADJOURNMENT: 9:17 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 6, 2012, 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 28th day of February, 2012, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:kt:wf