Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 5, 2013.

Date of Meeting: June 19, 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 5:32 p.m., on Tuesday, June 19, 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	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Vice Mayor, Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Father Jim Hobert, Sacred Heart Parish, 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 252, dated June 19, 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 and Fimbres. 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 253, dated June 19, 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 given 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 260, dated June 19, 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 Transfer

1. Mint, Ward 6
   3540 E. Grant Rd.
   Applicant: Kevin Arnold Kramber
   Series 6, City 34-12
   Action must be taken by: July 2, 2012
   Staff has indicated the applicant is in compliance with city requirements.

   Public Opinion: Written Arguments Opposed/Favor 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)

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.

Roger W. Randolph, City Clerk, announced that although only there was only one request for a person transfer because a written argument in opposition had been filed, the item needed to be considered separately.

Vice Mayor Kozachik the asked applicants if they wished to make any comments on their behalf.

Ricardo Garcia, Applicant, provided a brief background on their business experience, Title 4 liquor training and meetings with the Palo Verde Neighborhood Association.

Chris Smith, Applicant, added that City departments, including the Tucson Police Department (TPD) had examined their backgrounds and indicated they were in compliance with City requirements.

Vice Mayor Kozachik asked questions regarding items that were brought up by the neighborhood association, such as security cameras and lighting, parking and a wall for noise mitigation.

Mr. Smith replied most of the items in question had already been taken care of. He added that extra parking was being negotiated with the business next door and a wall was being planned for the smoking patio.

Vice Mayor Kozachik said the applicants indicated they would keep The Mint the way it was in its current operation and keeping the previous employees, but then things started to change with the addition of shows on Friday and/or Saturday nights.

Mr. Garcia stated they would only have entertainment a few hours a week. He said, even if they brought in bands or the Wild Boys, The Mint would still remain its own entity with its own traditions. He reminded the Mayor and Council that in the 1990s it was established that the Wild Boys were not considered strippers and were not considered adult entertainment, they were entertainers.

Vice Mayor Kozachik then asked why the applicants had also been looking at properties that were all zoned for adult special entertainment.

Mr. Garcia said they were looking for a location where they could own the business and the building; they were not looking at that specific zoning. He said they put in offers, but nothing had worked out.

Vice Mayor Kozachik said he spoke to a couple of the partners' former employees and was told fights often broke out among the dancers. He asked how that would be handled.

Mr. Smith said the shows would be two hour choreographed shows like one would see in Las Vegas. The dancers would not be working eight hours shifts, so there would not be any free for alls. He said if a dispute broke out, they would handle it within the law, because first and foremost, they wanted to be in compliance with running the bar.

Mr. Garcia stated the women in Tucson had helped them support Multiple Sclerosis, Muscular Dystrophy Association (MDA), the Homeless Coalition and other fundraisers. He said in the thirty years he had been in the business, he never had a 9-1-1 call.

Vice Mayor Kozachik asked them to describe the show.

Mr. Garcia explained the shows would be choreographed liked something one might see on Dancing with the Stars or other shows on TV. He said their motto was "Tastefully Fun, Professionally Done."

Vice Mayor Kozachik read from an online review, detailing incidences that happened in the past week at a show held at The Maverick, "…all but tried to hump the girl right on stage. Flipped the girl upside down, shoved his head up her skirt…" He said one of the women in attendance described her experience as humiliating, and the descriptions were not the kind of thing one would see on TV. He expressed concerns with proximity to nearby schools and churches and about City codes in place for special adult uses.

Vice Mayor Kozachik asked the applicant to address the issue of their advertisements appearing on strip club listings.

Mr. Garcia replied that the company does not knowingly advertise on these lists.

Vice Mayor Kozachik commented on potential zoning issues relating to Wild Boys shows.

Michael Rankin, City Attorney, explained there was a Board of Adjustment (BAJ) case in 1993 that determined that type of activity did not fall under the *Land Use Code (LUC)* definition of adult use restricted activities. He stated that was a zoning issue.

Mr. Rankin reminded the Mayor and Council that they needed to focus on the person-to-person transfer based on the capabilities, qualifications and reliability of the applicants, and not with respect to the compatibility of the location. He said that would include the truthfulness and the representation that the applicants made to the Council and others with respect to their application.

Vice Mayor Kozachik referred to a memo from TPD regarding a background check on the applicants that included Mr. Garcia was a part owner of Club Envy. He listed the criminal activities that took place at that location. He also stated that investigators found Mr. Garcia had additional criminal arrests not documented on the explanation of his arrest history.

Mr. Garcia stated TPD's investigation found he was not an owner of Club Envy.

Vice Mayor Kozachik said that was not what the memo stated. He then asked the City Attorney if everything he said into the record, as well as neighborhood concerns, would be reviewed by the State Liquor Board.

Mr. Rankin stated in any instance there was a recommendation for disapproval by Mayor and Council there would be a hearing in front of the Liquor Board. He said with a person-to-person transfer, the Liquor Board only considered the issues related to capability, qualification, and reliability of the applicant. He confirmed that issues with respect to any Title 4 violation history, criminal history, hidden ownership issues, and the capability to operate the liquor license establishment responsibly would be things within the purview of the State Liquor Board.

Mr. Rankin said the Board would hear from the applicants and the applicants' representatives. The City Attorney's Office would be at the hearing to represent the position of the Mayor and Council. He said the Board would hear testimony from any relevant witnesses and make the determination.

Vice Mayor Kozachik asked if the meeting material was part of the record.

Mr. Rankin stated the material was part of the record.

Vice Mayor Kozachik asked two representatives of the neighborhood, one representing the neighborhood association and one who witnessed the show at The Maverick, to come forward.

Ronnie Kotwica, Palo Verde Neighborhood Association President, said she was speaking for her neighbors and on behalf of Dodge Flower, Garden District and Oak Flower Neighborhoods, which were all stake holders in the Alvernon/Grant Initiative.

She indicated the residents and taxpayers of those neighborhoods objected to the transfer of the Series 6 Bar License. She referenced Mr. Garcia's interest in Club Envy and the criminal history there. She confirmed the applicants told neighbors that The Mint would stay the same neighborhood bar, and then later said they would be having bands and male revues on Fridays and Saturdays.

Ms. Kotwica stated the members of the initiative had worked hard to address the issues of criminal activity, drug use and prostitution in their neighborhoods and had seen progress. She said changing The Mint from a neighborhood bar to a strip club was not in the best interest of the neighborhoods and undermined their hard work to combat the crime and slow decay of the four neighborhoods. She urged the Mayor and Council to reject the applicant's request for the transfer of the Series 6 license.

Andrea Webb, neighborhood resident, spoke about her experience attending a Wild Boys Show at The Maverick. She described the noise of the crowd; the humiliation of the women pulled up on stage to participate, and said on a whole, the show was raunchy, trashy and was no more than a group of four men simulating rough sexual acts. She also told of rude remarks made by Mr. Garcia regarding neighborhood residents and in particular, the Palo Verde Neighborhood Association President.

Ms. Webb compared the venues saying that The Mint did not have sufficient parking spaces, lighting, security or noise abatement for the crowds anticipated. She said the new owners of The Mint were less than forthcoming with the truth in regards to their plans for the venue. She stated they were openly rude and slanderous of the neighbors, showing lack of respect and making it clear they did not care about those affected. She commented that she thought it was in the best interest of the neighbors to band together and do all they could to keep them out of their neighborhood; away from their children and their homes.

Vice Mayor Kozachik said based on the descriptions, the activity clearly fell into the restricted adult use group and did not belong next to Doolen Junior High School. He also said that based on the personal characteristics that were demonstrated in the disingenuous presentation of the license and the way it evolved, he would make a motion for denial.

It was moved by Vice Mayor Kozachik, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for denial.

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 could 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 could not discuss or take legal action on matters raised during "call to the audience."

Comments were made by:

Ken Johnson	Yolanda Herrera	Robert Reus
Danielle Kubicki	Keith Van Heyningen	Judy Boehm

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 J

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. APPROVAL OF MINUTES

1. Report from City Manager JUN19-12-257 CITY WIDE

2. Mayor and Council Regular Meeting Minutes of January 4, 2012

b. FINANCIAL PARTICIPATION AGREEMENT: WITH THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF TUCSON

1. Report from City Manager JUN19-12-255 CITY WIDE

2. Resolution No. 21917 relating to Housing and Community Development; authorizing and approving the Financial Participation Agreement between the City of Tucson and the Industrial Development Authority of the City of Tucson to provide services for the Section 108 Loan Guarantee Program; and declaring an emergency.

Michael Rankin, City Attorney, read a correction into the record. He said Section 10 on page 9 of the Agreement had a blank for the end date, for the termination, which should read June 30, 2015.

c. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO TUCSON CITY COURT

1. Report from City Manager JUN19-12-251 CITY WIDE

2. Resolution No. 21916 relating to Intergovernmental Agreements; approving and authorizing the execution of the Intergovernmental Agreement between the Pima County Superior Court and the Tucson City Court for providing jurors to the Tucson City Court; and declaring an emergency.

d. TUCSON CODE: AMENDING (CHAPTER 8) ALLOWING TUCSON CITY COURT CONFLICT CASES TO BE SET BEFORE PIMA COUNTY JUSTICES OF THE PEACE

1. Report from City Manager JUN19-12-256 CITY WIDE

2. Ordinance No. 10996 relating to City Court; amending the Tucson Code Chapter 8, City Court, Article I In General by amending Section 8-2.5, Justices of the Peace, Weekend Arraignments, Initial Appearances and Conflict Cases; setting an effective date; and declaring an emergency.

e. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR PUBLIC HEALTH PREPAREDNESS PLANNING DISTRIBUTION OF STRATEGIC NATIONAL STOCKPILE ASSETS

1. Report from City Manager JUN19-12-265 CITY WIDE

2. Resolution No. 21919 relating to Fire; approving the City of Tucson and Pima County Intergovernmental Agreement for Public Health Preparedness Planning Distribution of Strategic National Stockpile Assets; and declaring an emergency.

f. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT AGE FOR PETER A. TRUSKO

1. Report from City Manager JUN19-12-250 CITY WIDE

g. WATER: SECOND AMENDMENT TO RESIDENTIAL WATER SERVICE PURCHASE AGREEMENT IN THE 49ER COUNTY CLUB ESTATES (OUTSIDE CITY)

1. Report from City Manager JUN19-12-261 OUTSIDE CITY

2. Resolution No. 21920 relating to Water; authorizing adoption of the Second Amendment to Agreement for Purchase of Certain Assets of 49er Water Company, Inc.; and declaring an emergency

h. TUCSON CODE: AMENDING (CHAPTER 27) RELATING TO TUCSON WATER BILLING ADJUSTMENT POLICY

1. Report from City Manager JUN19-12-262 CITY WIDE AND OUTSIDE CITY

2. Ordinance No. 10999 relating to Water; amending the Tucson Code, Chapter 27, Water, Article II, Rates and Charges by adding a new section 27-52, Customer Relief and Courtesy Adjustment; and declaring an emergency.

i. MAYOR AND COUNCIL: AMENDING THE 2012 MAYOR AND COUNCIL MEETING SCHEDULE

1. Report from City Manager JUN19-12-259 CITY WIDE

2. Ordinance No. 10998 relating to Administration; amending Section 1 of Ordinance No. 10935, which approved a schedule of Mayor and Council regular meeting dates for 2012, to add a meeting date of July 10, 2012; and declaring an emergency.

J. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH METROPOLITAN EDUCATION COMMISSION FOR SPACE LOCATED AT 930 EAST BROADWAY BOULEVARD

1. Report from City Manager JUN19-12-258 WARD 5

2. Ordinance No. 10997 relating to Real Property; authorizing and approving the Lease Agreement with the Metropolitan Education Commission for space located at 930 East Broadway Boulevard (former Broadway Volvo Building); and declaring an emergency.

Michael Rankin, City Attorney, read a correction into the record. He stated Section 16; the anti-discrimination provision of the Agreement would be amended to add sexual orientation to the classes of protected individuals.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – j, with the amendments read into the record, be passed and adopted and the proper action taken.

9. PARKS AND RECREATION: NAMING THE ATHLETIC FIELD AT BRISTOL PARK THE "MIKE DAWSON FIELD"

(NOTE: This item was taken out of order)

Mayor Rothschild announced City Manager's communication number 264, dated June 19, 2012 was received into and made part of the record. He requested the City Clerk to read Resolution 21918 by number and title only.

Resolution No. 21918 relating to Parks and Recreation; authorizing and approving the naming of an athletic field at Bristol Park the "Mike Dawson Field"; and declaring an emergency.

Council Member Fimbres provided a history of Mike Dawson's athletic achievements. He introduced the individuals responsible for obtaining signatures and getting the ground work done for the naming of the facilities.

Evo Ortiz, Barrio Centro Neighborhood Association President, said it was a privilege to honor Mike Dawson, a resident of Tucson and Barrio Centro Neighborhood. He stated the name barrio often had bad connotations, but doctors, lawyers, politicians and even All Americans come out of the barrios. He said showed the barrio youth they could come out and make a mark in the profession they chose.

Will Kreamer, Tucson High School Assistant Principal for Activities and Athletics, said it was an honor to speak on behalf of the Resolution. He commented on the impact Mr. Dawson had on the Tucson High School community and said when he came back to Tucson after his NFL career he coached high school football. He then expressed his support for the Resolution.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21918.

8. PUBLIC HEARING: PLACING A GENERAL OBLIGATION BOND QUESTION ON THE 2012 BALLOT

Mayor Rothschild announced City Manager's communication number 263, dated June 19, 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 placing a General Obligation Bond question regarding the resurfacing of City streets on the November 2012 Ballot.. He said staff wanted to make a brief presentation before beginning the public hearing.

Andrew Quigley, Assistant City Manager, gave a brief presentation on the general bond which would be for the resurfacing of City streets. He said there were two proposals, one at $200 million over a ten year period and one at $100 million for a five year period each costing the average homeowner eighteen dollars a year. He stated, should the Mayor and Council move forward with a bond issue, they would be asking our residents to make a significant investment into the City's streets and routes. He also provided information about a four hundred resident survey regarding the potential bond issue.

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

James Kuliesh Alliance of Construction Trades President, spoke in support of the bond. He said he recommened public education and an oversight committee.

Steve Mills, spoke in opposition of the bond. He said there were enough taxes.

Samuel Newsome spoke in support of the bond. He said streets were important to bring in new businesses.

Paul Polito, Tucson Asphalt, spoke in support of the bond.

Robert Reus spoke in support of one hundred million dollars in bonds strickly for road surfaces.

Ramon Gaanderse, Tuscon Utility Contractors Association, spoke in support of the bond if it included language regarding how much would be spent on each project, the time frame for completing the projects, a fair procurement process, and an oversight committee.

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

Mayor Rothschild asked for clarification from staff regarding the deadline for language approval.

Kelly Gottschalk, Assistant City Manager, replied approval was needed to be by June 26, 2012.

Mayor Rothschild said the language he wanted to see before making a decision was what the projects were or at least what projects the money would cover roadwise. He said he agreed with the comments that they needed strict oversight and probably an independent committee built into it. He said the funds needed to be segragated from any other City business so voters knew the money was specifically being spent for the projects stated. He said he thought they should go curb-to-curb and that there might be other opportunities through Pima Association of Governments (PAG) for other things.

It was moved by Council Member Uhlich, duly seconded, to offer a motion pursuant to the Mayor's comments.

Council Member Scott said she wanted to know if medians would be included, as she did not know if those were in the survey. She stated she knew many people were concerned with the medians and the height of the weeds that kept coming up. She asked if they did curb-to-curb and medians and nothing else, would that flavor it.

Richard Miranda, City Manager, said that the maintenance and repair of the medians was included in the budget. He said it was his intent in next year's budget to include that expenditure so they could continue with the cleanliness and operation of City medians.

Council Member Romero said she had reviewed the survey findings and compared them to the statements made during the public hearing. She noted that she also observed that voters would favor improvements to drainage, neighborhood streets, and major arterials. She commented on her advocacy for 'complete streets' and expressed her concerns with foregoing projects that would save the City money in the future.

Council Member Romero also said she would like to see language that gave them flexibility to deal with the types of issues that were not expensive, and curb-to-curb should not exclude cyclists. She stated she would like to see best practices for low impact development that would help with long-term issues they had in the City of Tucson.

Council Member Romero stated that of the failing major streets in Ward 1, Grant Road between Silverbell Road and Greasewood Road, and did not have curbs. She said she did not want to miss the opportunity to fix the street, add curbs and other low impact, low cost mitigation to deal with flood control issues. She said she wanted to see some language that gave the City flexibility to deal with those types of inexpensive issues.

Council Member Uhlich said she appreciated Council Member Romero's sentiments but stated her constituents were concerned with curb-to-curb repaving. She said it was not that the other things did not matter, but curb-to-curb would take care of bike lanes, make bicyclists safer, auto travel better, and was the key and fundamental priority. She said she thought they needed to identify existing budget resources as they had for the maintenance of medians, for some of the other types of items that were being discussed through the PAG or elsewhere. She stated right now voters wanted the Mayor and Council to take care of the basics and make sure they did it well and as far as they could. She stated she preferred not to amend the motion and have the language focus on curb-to-curb.

Vice Mayor Kozachik said he agreed with Council Member Uhlich that the langauge needed to be clear and precise to the extent there were constructiblity issues that were incorporated in the way the roads were built. He said he would also support the idea of a public-private oversight committee so the public had absolute confidence the money was going exactly where the Mayor and Council said it was going. He stated there was an issue of trust they needed to acknowledge and do everything they could to let the public know, if they were going to touch their property taxes, every penny would be going exactly where they said it would.

Council Member Fimbres echo the comments made by other Council members about being clear and concise. He said he heard numerous times how bond packages had gone out and then what was voted on had not been done. He stated the oversight was

another must, as was a clear time frame to see action was being taken. He said they had invested twenty million dollars, coming in to 2013, on street repair. He said he also wanted to see where that money was going, what part of the City it was going to and how it fit into the plan. He said he thought it was going to be very difficult to get the bond voted through and commented on Propositions 400 and 401 during the 2010 City of Tucson Election.

Council Member Cunningham stated he wanted to be sure, as they moved forward with the bond referral, they were very cautious with the City's bond capacity. He said they were finally getting some debt retired and they wanted to be as fiscally responsible as possible. He also wanted to make sure they had the forsight to see that failing roads were important, but if they did not brush seal, slurry seal, and maintain, there would be more failing roads later.

Council Member Cunningham said there was some preventative and deferred maintenance that needed to be included in the package. He said if all the City was going to do was to put quick patches on the failed roads and allow the fair-rated roads to continue to dilapidate, then nothing would be accomplished oand no ground would be gained.

Council Member Scott said she thought it was very important to coordinate with other projects that were being funded with other resources. She stated that if they could coordinate together with PAG and the Regional Transportation Authority (RTA) on some projects, to make it work best for the community, it would be a smart move.

Council Member Romero expressed her aggreement with Council Member Scott's comments. She said, although she wanted 'complete streets', she understood the sentiments of her colleagues and the community in that they wanted to see curb-to-curb. She stated they should give themselves the flexibilty, if there were drainage problems, to cut curbs, which cost about a hundred dollars, so they could harvest the rain and help with flood control. She agreed with the need for bond language to be clear and concise as possible, resurfacing needed to be curb-to-curb, fill as many potholes and clear as many streets as possible; but they also needed to be able to deal with other issues. She reaffirmed that she wanted to see the flexibilty, if there were drainage issues, that they could use very simple, inexpensive ways to deal with those issues. She said she would like to see that option in the language.

Council Member Romero also expressed her support for the creation of a oversight committee. She said it was very important that they deal with the trust issues several residents had brought up.

Mayor Rothschild said they had a motion, a second, and a sense of the Mayor and Council in preparing the language for the following week.

The motion, to return the following week with bond language for a $100 million bond issue on road maintenance that included; 1) information on specific projects;

2) projects be curb-to-curb; 3) monies segregated from other City monies and 4) creation of an independent oversight committee, was passed by a voicevote of 7 to 0.

10. FINANCE: FIXING AND LEVYING THE PRIMARY AND SECONDARY PROPERTY TAXES FOR FISCAL YEAR 2013

Mayor Rothschild announced City manager's communication number 249, dated June 19, 2012, was received into and made part of the record.

It was moved by Council Member Romero, and duly seconded, to pass and adopt Ordinance 10995.

Council Member Fimbres asked if the Mayor and Council approved the ordinance, where would Tucson's tax rate rank amongst cities across Arizona.

Joyce Garland, Budget and Internal Audit Deputy Director, said they looked at other Arizona cities for Fiscal Year 2013. She said for the combined rate, Chandler, was at 1.27, Phoenix at 1.8 and Tempe 2.1. She said Tucson was lowest with a combined rate of 1.26.

Council Member Fimbres asked if the Mayor and Council approved a General Obligation Bond proposal for the November 2012 Election and it was approved by voters, would the primary and secondary property tax rate have to be reset.

Ms. Garland answered the City would not go through the process again for Fiscal Year 2013, but if a General Obligation Bond passed there would be debt service and that would change the secondary tax rate.

Council Member Fimbres asked if Home Rule played a part in any of the tax rates.

Ms. Garland stated it did in the primary tax rate, because the primary tax was considered local revenue. She said as the City spends that revenue, those expenditures were against the City's limitation. She explained that with the secondary tax, because the City was collecting revenue to pay debt service, it was excluded from the expenditure limitation.

Council Member Uhlich said she would support the measure, but wanted to make it clear before next year she would like to hear why transit was not covered and how they could remedy that situation. She said it was the only city function not currently contemplated for inclusion in the primary property tax for the tort liability claim coverage. She said she thought that needed to be taken care of by next year to cover the whole of City function in the same and fair manner.

Ordinance No. 10995 relating to Taxation; fixing, levying and assessing primary and secondary property taxes for the City of Tucson upon the assessed valuation of the property within the City of Tucson subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required in the annual budget, less the amounts estimated to be received from other sources of revenue and unencumbered balances from the previous fiscal year; providing funds for various purposes, all for the fiscal year ending June 30, 2013; and declaring an emergency.

Ordinance 10995 was declared passed and adopted by a roll call vote of 7 to 0.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 254, dated June 19, 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 Vice Mayor Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Ygnacio Arturo Coppola to the Sign Code Advisory and Appeals Board (SCAAB).

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

There were none.

12. ADJOURNMENT: 7:29 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, June 26, 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 19th day of June 2012, and do hereby certify that it is an accurate transcription.

_____

DEPUTY CITY CLERK

RWR:jlr:kt