



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on April 9, 2013

Date of Meeting: August 7, 2012

The Mayor and Council of the City of Tucson met in regular session at the Tucson Convention Center, 260 South Church Avenue, Tucson, Arizona, at 5:49 p.m., on Tuesday, August 7, 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:

Michael Rankin	City Attorney
Roger W. Randolph	City Clerk
Liz Miller	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Larry Munguia, The S.O.B.E.R. Project, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed August as “Drowning Impact Awareness Month.” Tracy Koslowski, Drexel Heights Fire Department accepted the proclamation.
- b. Mayor Rothschild presented a proclamation to commemorate “Tucson’s 237th Birthday.” Kathleen Nabours and Sharon Chadwick, Tucson-Pima County Historical Commission Members, accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 299, dated August 7, 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, and Vice Mayor Kozachik. 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 300, dated August 7, 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.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager’s communication number 324, dated August 7, 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)

1. Amigos, Burgers & Beer, Ward 1
6372 S. Nogales Hwy.
Applicant: Ramiro Salazar Flores Jr.
Series 12, City 48-12
Action must be taken by: July 22, 2012

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

2. Hibachi Super Buffet, Ward 6
4629 E. Speedway Blvd.
Applicant: Lian Liang
Series 12, City 50-12
Action must be taken by: July 30, 2012

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

3. Arco AM-PM, Ward 5
2450 E. Valencia Rd.
Applicant: Amar Jyot Singh Kohli
Series 10, City 51-12
Action must be taken by: August 3, 2012

Tucson Police Department and Planning & Development Services have indicated the applicant is in compliance with city requirements.

Revenue Investigations has indicated the applicant is not in compliance with city requirements.

4. Bushi Sushi, Ward 6
4689 E. Speedway Blvd.
Applicant: Yoon Jong Lee
Series 12, City 52-12
Action must be taken by: August 6, 2012

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

5. Great Village Restaurant, Ward 2
1000 S. Harrison Rd.
Applicant: Su Lui Zhang
Series 12, City 54-12
Action must be taken by: August 10, 2012

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

6. The Fix, Ward 6
943 E. University Blvd. #115
Applicant: Amanda Jane Rickel
Series 12, City 55-12
Action must be taken by: August 11, 2012

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

7. Z Market, Ward 3
2795 N. 1st Ave.
Applicant: Jerry Andrew Lazur
Series 10, City 57-12
Action must be taken by: August 12, 2012

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

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

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(s)

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

c. Special Event(s)

1. St. Luke's in the Desert, Inc. dba St. Luke's Home, Ward 2
3800 E. River Rd.
Applicant: Larry E. Rush
City T53-12
Date of Event: November 4, 2012
(Fundraiser)

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

2. Los Gatos Optimist Club, Ward 6
900 S. Randolph Way
Applicant: Thomas F. Hogan
City T54-12
Date of Event: September 27, 2012 - September 30, 2012
(Fundraiser)

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

d. Agent Change/Acquisition of Control

1. Sinbad's Restaurant, Ward 6
810 E. University Blvd.
Applicant: Kevin Arnold Kramber
Series 12, City AC7-12
Action must be taken by: July 30, 2012

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

2. Kingfisher Bar and Grill, Ward 3
2564 E. Grant Rd.
Applicant: James Brady Murphy
Series 12, City AC8-12
Action must be taken by: August 4, 2012

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

3. Vaqueros Mexican and Seafood, Ward 5
24 W. Irvington Rd.
Applicant: Nidia Carolina Badillo
Series 12, City AC9-12
Action must be taken by: August 3, 2012

Tucson Police Department has indicated the applicant is in compliance with city requirements.

Revenue Investigations has indicated the applicant is not in compliance with city requirements.

This item was considered separately.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b6, 5c1 through 5c2, and 5d1 through 5d2 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

- b. Liquor License Application(s)

New License(s)

7. Z Market, Ward 3
2795 N. 1st Ave.
Applicant: Jerry Andrew Lazur
Series 10, City 57-12
Action must be taken by: August 12, 2012

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

Public Opinion: Written Arguments Opposed Filed

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b7, Z Market, located in Ward 3.

Council Member Uhlich announced that a representative from the Z Market was present along with two representatives from the Keeling Neighborhood Association.

Jane Evans, Keeling Neighborhood Association, commented on her opposition to the proposed liquor license. She expressed her concerns with the number of liquor licenses in the Keeling Neighborhood, the crime level in the neighborhood, and the cost of Tucson Fire Department response to aid drunken individuals.

Nancy Reid, Keeling Neighborhood Association, provided a brief history of the anti-crime initiatives that had taken place in the neighborhood, and expressed her concerns with the proximity of the license to Keeling Elementary.

Council Member Uhlich asked if the applicant was present and wanted to speak.

Jerry Andrew Lazur, Applicant, stated that the establishment was a convenience store, not just a liquor store and detailed his interactions with Ms. Evans.

Council Member Uhlich asked the applicant if he owned the property. Mr. Lazur, responded he was currently leasing the property.

Council Member Uhlich commented on the history of the property and saturation of liquor licenses in the area.

It was moved by Council Member Uhlich, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license application 5b7 to the Arizona State Liquor Board with a recommendation for denial.

5. LIQUOR LICENSE APPLICATIONS

- d. Agent Change/Acquisition of Control

3. Vaqueros Mexican and Seafood, Ward 5
24 W. Irvington Rd.
Applicant: Nidia Carolina Badillo
Series 12, City AC9-12
Action must be taken by: August 3, 2012

Tucson Police Department has indicated the applicant is in compliance with city requirements.

Revenue Investigations has indicated the applicant is not in compliance with city requirements.

It was moved by Council Member Fimbres, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license application 5d3 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 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:

Allen McTee	Guy Shoaf	Stephen Moore
Marjorie King	Arthur H. Buske	Lupe Barrios
Betts Putnam-Hidalgo	Mark Spear	Molly McKasson
Enrique Vega		

Council Member Romero requested that the City Manager follow-up with Mr. McTee on his concerns.

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 M

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 AUG07-12-307 CITY WIDE
 - 2. Mayor and Council Regular Meeting Minutes of February 22, 2012
- b. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR DRUG CONTROL AND SYSTEM IMPROVEMENT
 - 1. Report from City Manager AUG07-12-302 CITY WIDE
 - 2. Resolution No. 21931 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 2013; and declaring an emergency.
- c. FINAL PLAT: (S12-013) AMIGOS DE ALPERT, LOTS 1 AND 2
 - 1. Report from City Manager AUG07-12-303 WARD 3
 - 2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- d. AGREEMENT: WITH THE UNITED STATES GEOLOGICAL SURVEY TO MONITOR STREAM FLOWS AND SUBSIDENCE AND CHANGE IN AQUIFER STORAGE
 - 1. Report from City Manager AUG07-12-311 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 21934 relating to Water; authorizing a five year continuation of an Agreement between the United States Geological Survey (USGS) and the City of Tucson to monitor stream flows and subsidence and change in aquifer storage in the Tucson area; and declaring an emergency.
- e. FINANCIAL PARTICIPATION AGREEMENTS: WITH THE PIMA ASSOCIATION OF GOVERNMENTS, TUCSON COMMUNITY CABLE CORPORATION, TUCSON-PIMA ARTS COUNCIL, METROPOLITAN EDUCATION COMMISSION AND TUCSON CLEAN AND BEAUTIFUL
 - 1. Report from City Manager AUG07-12-314 CITY WIDE

2. Resolution No. 21936 relating to outside agency activities; authorizing and approving the Financial Participation Agreements between the City of Tucson and various outside agencies for Fiscal Year 2013; and declaring an emergency.

Michael Rankin, City Attorney, read into the record the following added performance measure to Exhibit B, the Tucson Community Cable Corporation agreement, "Pursue goal of securing \$30,000 in funding or revenues from sources other than the City."

f. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE 22ND STREET/LAKESHORE LANE HAWK PROJECT TO INCLUDE A HAWK SIGNAL AT LA CHOLLA BOULEVARD AND OCELOT WAY

1. Report from City Manager AUG07-12-310 WARDS 1, 5 AND 6
2. Resolution No. 21933 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. 1 to Intergovernmental Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson regarding the 22nd Street/Lakeshore Lane HAWK Project; and declaring an emergency.

g. WATER: APPROVING AN ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY WAIVER FOR CITY PROPERTY ADJACENT TO THE PIMA COUNTY ROGER ROAD WATER CAMPUS

1. Report from City Manager AUG07-12-313 WARD 1
2. Resolution No. 21935 relating to Water; authorizing and approving the execution of an Arizona Department of Environmental Quality Waiver for the Pima County Roger Road Water Campus; and declaring an emergency.

h. BOARDS, COMMITTEES, AND COMMISSIONS: EXTENDING THE SUNSET DATE OF THE ECONOMIC AND WORKFORCE DEVELOPMENT SELECTION COMMITTEE

1. Report from City Manager AUG07-12-315 CITY WIDE
2. Resolution No. 21937 relating to Boards and Commissions; amending Resolution No. 21605 (adopted August 4, 2010, and previously amended by Resolution No. 21802 on September 20, 2011) to extend the Economic and Workforce Development Selection Committee's term to September 1, 2013; and declaring an emergency.

i. TRANSPORTATION: AUTHORIZING AND APPROVING COUNTY HIGHWAY ESTABLISHMENT PETITIONS FOR CONSTRUCTION OF THE JULIAN WASH AND HARRISON GREENWAYS MULTI-USE PATH PROJECT

1. Report from City Manager AUG07-12-326 WARD 5
2. Resolution No. 21941 relating to Transportation; authorizing and approving County Highway Establishment Petition for Ajo Way, Park Avenue to Second Avenue, for construction of the Julian Wash and Harrison Greenways Multi-Use Path Project; and declaring an emergency.

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

1. Report from City Manager AUG07-12-320 CITY WIDE
2. Resolution No. 21938 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for payment for the incarceration of City Prisoners for Fiscal Year 2013; and declaring an emergency.

Michael Rankin, City Attorney, announced that he was making a change to the Agreement as he inadvertently left off the statement regarding “sexual orientation” in the non-discrimination clause that the Mayor and Council previously directed staff to include.

k. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR ELECTION SERVICES FOR THE NOVEMBER 6, 2012 BOND SPECIAL ELECTION

1. Report from City Manager AUG07-12-321 CITY WIDE
2. Resolution No. 21939 relating to Elections; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for election services to be provided by the Pima County Elections Department for the City's November 6, 2012 Bond Special Election; and declaring an emergency.

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

1. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR MUTUAL ACCESS TO GEOGRAPHIC INFORMATION SYSTEM LIBRARY

1. Report from City Manager AUG07-12-318 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 21940 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for maintaining mutual access to geospatial data within the central Geographic Information System (GIS) Library program; and declaring an emergency.

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

m. LICENSE AGREEMENT: WITH ZAYO GROUP, LLC FOR TELECOMMUNICATIONS SERVICES

1. Report from City Manager AUG07-12-333 CITY WIDE
2. Resolution No. 21946 relating to Information Technology; authorizing and approving the Telecommunications Services Non-exclusive License Agreement between the City of Tucson and Zayo Group, LLC; and declaring an emergency.

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

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 – m, with the amendment to item e, and the exception of Items k – m, which were considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM K

k. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR ELECTION SERVICES FOR THE NOVEMBER 6, 2012 BOND SPECIAL ELECTION

1. Report from City Manager AUG07-12-321 CITY WIDE
2. Resolution No. 21939 relating to Elections; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for election services to be provided by the Pima County Elections Department for the City's November 6, 2012 Bond Special Election; and declaring an emergency.

Council Member Fimbres requested a roll call vote on the item. He said that when the Mayor and Council adopted the language for the ballot measure known as Proposition 401, the materials presented for consideration noted the cost of the election as \$350,000. He stated that before the Mayor and Council was a proposed Intergovernmental Agreement (IGA) to place the measure on the November 12, 2012, ballot at a cost of \$206,000. He said it stated that additional funds would be needed to pay the Pima County Recorder and to cover other City of Tucson costs.

Council Member Fimbres asked how much was needed for services from the Pima County Recorder and if an additional IGA was needed.

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

Mayor Rothschild asked if there was any discussion.

Vice Mayor Kozachik asked the City Clerk to address what election services were accounted for in the hard costs of the election.

Roger W. Randolph, City Clerk, stated that Pima County elections costs were established by the Pima County Board of Supervisors. He stated that the figure initially presented to the Mayor and Council of \$350,000 included \$206,000 for services provided by the Pima County Department of Elections, approximately \$10,000 for services provided by the Pima County Recorder, and \$125,000 - \$150,000 for the City Clerk's Office for production of the publicity pamphlet and legal advertising.

Vice Mayor Kozachik expressed his concerns regarding the Bond ballot issue.

Consent Agenda Item k was passed and adopted and the proper action taken by a roll call vote of 5 to 2 (Council Member Fimbres and Vice Mayor Kozachik dissenting).

7. CONSENT AGENDA – ITEM L

1. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR MUTUAL ACCESS TO GEOGRAPHIC INFORMATION SYSTEM LIBRARY
 1. Report from City Manager AUG07-12-318 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 21940 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for maintaining mutual access to geospatial data within the central Geographic Information System (GIS) Library program; and declaring an emergency.

Council Member Romero inquired as to the responsible department, the necessity of the Intergovernmental Agreement (IGA), and would any City resources be used for the maintenance.

Bob Czaja, Information Technology Department, stated the IGA before the Mayor and Council was a renewal to an expired agreement. He stated it was a formality for existing cooperation between the City and Pima County for creating and sharing GIS information. He clarified that the agreement did not pose any new costs to the City.

Council Member Romero asked if this was a continuation of a previous agreement and if there were any major changes to the IGA.

Mr. Czaja responded affirmatively, saying the only change was that the parties to the previous IGA were Pima County and the City of Tucson Department of Transportation. The current IGA was not tied to a particular department within the City. He stated that along with the change in parties, there were only minor changes to account for new technology.

Council Member Romero asked if the IGA tied the City to anything that was outside of the City's mission statement.

Mr. Czaja stated it did not.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Item 1 be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM M

m. LICENSE AGREEMENT: WITH ZAYO GROUP, LLC FOR TELECOMMUNICATIONS SERVICES

1. Report from City Manager AUG07-12-333 CITY WIDE
2. Resolution No. 21946 relating to Information Technology; authorizing and approving the Telecommunications Services Non-exclusive License Agreement between the City of Tucson and Zayo Group, LLC; and declaring an emergency.

Council Member Fimbres asked staff to provide more information about the Zayo Group and to elaborate on discussions held between Zayo Group and the City. He asked that the terms 'bandwidth' and 'infrastructure' within the context of the agenda item be defined and explain what the Zayo Group offered as its product.

DJ Parslow, Information Technology Interim Director, stated Zayo Group was requesting a license to offer bandwidth and fiber optic services to the City. He defined 'bandwidth' as the amount of data that could be exchanged in and out.

Council Member Fimbres asked Mr. Parslow to explain the potential economic benefits for the City.

Mr. Parslow stated the applicant had already submitted check for \$7,500 and a bond for \$450,000. He said they were to place \$50,000 in an interest bearing account for any damage issues. He said that the City had the option to charge fees equal to 7.5% of the company's gross.

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

Mayor Rothschild announced he was taking Items 18 and 19 out of order.

18. RESOLUTION: RELATING TO SENATE BILL 1070; COMMITTING TO COMMUNITY WIDE DIALOGUE TO CONSIDER PROCLAIMING TUCSON AN "IMMIGRANT WELCOMING CITY"

(NOTE: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 331, dated August 7, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21944 by number and title only.

Resolution No. 21944 relating to Senate Bill 1070; committing to community wide dialogue to consider proclaiming Tucson an "Immigrant Welcoming City;" and declaring an emergency.

Council Member Romero commented on the history of Mayor and Council's stance and her own longstanding opposition to Senate Bill (SB) 1070. She also commented on law enforcement issues created by the provisions of SB 1070.

Father Ron Oakham, Pastor, St. Cyril Roman Catholic Church, summarized the effects of immigration legislation, as it related to the religious community. He provided his support for the resolution before the Mayor and Council.

Mohyeddin Abdulaziz, Tucson American-Arab Anti-Discrimination Committee President, commented on his experiences with discrimination, his opposition to Section 2(B) of SB 1070, and asked for support of the resolution.

Council Member Romero read from Section 6 of the resolution, "The Mayor and Council commit to facilitating a community-wide dialogue within and among all the interested sectors of the city to consider proclaiming Tucson an 'Immigrant Welcoming City' on the model of cities like Dayton, Ohio. This conversation will include, but not be limited to, business and economic development, local government, immigrant communities, law enforcement, social and health services, faith communities, and the

justice system.” She stated this section provided for the continuation of dialogue, support of law enforcement, and the protection of individual constitutional rights.

It was moved by Council Member Romero, duly seconded, to pass and adopt Resolution 21944.

Council Members Cunningham, Fimbres, and Uhlich commented on their support of the Resolution.

Vice Mayor Kozachik voiced his support for the Resolution and long standing opposition of SB 1070. He stated he believed that Section 6 of the Resolution was too broad, and tied the City to the Dayton, Ohio model. He provided several examples from the “Dayton Model” and his concerns.

Council Member Romero replied she had read the language of Section 6 into the record to begin the community wide conversation, as Dayton, Ohio had done to create their model. She stated she believed the City of Tucson could do the same, but was not tied to the “Dayton Model.”

Mayor Rothschild stated it was his understanding that Section 6 provided for the City to conduct the community-wide dialogue, but did not commit the City to the Dayton Model.

Michael Rankin, City Attorney, stated Section 6 committed the City to engage in community-wide dialogue, and the reference to Dayton, Ohio was just an example of a city that had proclaimed itself as an “Immigrant Welcoming City.” He stated that the City could not adopt the actual Dayton Model because certain portions were precluded by state law and the City had to come back with their own model.

Vice Mayor Kozachik offered his support to the City’s plan, with the differences from the Dayton Model.

Resolution 21944 was passed and adopted by a roll call vote of 6 to 1 (Vice Mayor Kozachik dissenting).

19. MEMORIAL: DECLARING SUPPORT FOR THE FIX GUN CHECKS ACT AND OTHER MEASURES TO REDUCE GUN VIOLENCE

(NOTE: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 332, dated August 7, 2012, was received into and made part of the record. He asked the City Clerk to read the memorial by title only.

A Memorial relating to gun violence; declaring support for the Fix Gun Checks Act and other measures to reduce gun violence.

Council Member Uhlich thanked the Mayor for his support of the memorial and commented on her personal connection to the memorial subject. Several survivors of the January 8, 2011, shooting recounted their experiences and provided their support of the memorial.

Chris Kocher, Mayors against Illegal Guns, explained the Fix Gun Checks Act and his efforts, along with January 8, 2011, survivors to reduce gun violence.

It was moved by Council Member Uhlich, duly seconded, and to pass and adopt the Memorial.

Vice Mayor Kozachik commented on several provisions in the Fix Gun Checks Act that he felt needed to be reviewed and requested a friendly amendment to remove the word "alleged" from the second line of page 2 of the Memorial.

The friendly amendment was accepted by motion maker.

Council Members Romero and Cunningham, expressed their support for the Memorial

The Memorial, as amended, was passed by a roll call vote of 7 to 0.

8. PUBLIC HEARING: ZONING (C9-12-01) MAIN GATE DISTRICT, URBAN OVERLAY DISTRICT, AMENDMENTS TO THE DEVELOPMENT DOCUMENT FOR AREA 1

Mayor Rothschild announced City Manager's communication number 328, dated August 7, 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 for the Main Gate District Development Document for Area 1. He stated amendments included changes to the building heights, design criteria use of the Main Gate District flexible zoning option, and role of the Design Review Committee. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

RECESS : 8:03 p.m.

RECONVENE : 8:17 p.m.

All members were present as they were at the start of the meeting.

Mayor Rothschild announced that the Council would be considering Item 14 prior to returning to Item 8.

14. APPEAL: (T12SA00132) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION - ST. MARY'S HOSPITAL AND HEALTH CENTER, 1601 WEST ST. MARY'S ROAD

(NOTE: This item was taken out of order)

Mayor Rothschild announced City Manager's communication number 312, dated August 7, 2012, was received into and made part of the record. He stated this was an appeal of the decision of the Sign Code Advisory and Appeals Board (SCAAB).

Roger W. Randolph, City Clerk, announced the City Attorney would summarize the procedural question presented in the case and the nature of the action.

Michael Rankin, City Attorney, stated this was an appeal of a decision of the SCAAB, denying a request for a special permit as an integrated architectural feature for a sign located at 1601 West St. Mary's Road, St. Mary's Hospital. He stated the Mayor and Council had the option to affirm, reverse, or modify the board's decision. He stated the procedures allowed the appellant to present their side of the case and any one in opposition may present to the Mayor and Council, followed by appropriate rebuttal. He said each side was given ten minutes, and the Mayor and Council were limited to facts presented in the record and may consider arguments offered during the hearing.

Mr. Randolph said the order of appeal would begin with the appellant, Mike Addis, Addis Inc, on behalf of the property owner St. Mary's Hospital and Health Center, 1601 West St. Mary's Road. He stated Mr. Addis had ten minutes to address the Mayor and Council directly or in rebuttal to any opposing testimony.

Mike Addis, appellant, stated that the case presented to SCAAB was for an integrated architectural feature, specifically a cross, located at St. Mary's Hospital. He explained the history of St. Mary's Hospital in Tucson, and the hospital's desire to place the cross on the hospital. He stated he believed that the SCAAB had been confused with the plans and that confusion had resulted in denial of the permit.

Mr. Addis requested that the Mayor and Council review the photo presented before SCAAB and look at the cross as an architecturally integrated feature. He stated the basis of the appeal was that the cross offered identification to the hospital.

Mayor Rothschild asked if there was anyone wishing to speak in opposition to the appeal. Hearing none, he asked the Council's pleasure.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to continue to the item to the Mayor and Council Meeting of September 18, 2012, and direct staff to provide public notice, in the interim, accurately describing the proposed sign, so that the Mayor and Council may consider modifying the SCAAB decision by granting the variance subject to the conditions that the cross not be higher than seven feet above the roof line and shall be constructed as proposed.

8. PUBLIC HEARING: ZONING (C9-12-01) MAIN GATE DISTRICT, URBAN OVERLAY DISTRICT, AMENDMENTS TO THE DEVELOPMENT DOCUMENT FOR AREA 1

(NOTE: This item was previously started before the break and is being returned to.)

The following people addressed their concerns with the proposed amendments: Albert Marsh; Janice Cervelli, University of Arizona College of Architecture and Landscape Architecture; Colby Henley, Rincon Heights Neighborhood Association; Bill Viner; Chris Gans, West University Neighborhood Association; Tom Warne, Marshall Foundation; Bill Ford, Feldman's Neighborhood Association; Steve Shenitzer; John Patterson; Demion Clinco, Tucson Historic Preservation Foundation; Diana Lett, Feldman's Neighborhood Association.

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 11015 by number and title only.

Ordinance No. 11015 relating to Zoning: repealing those portions of the Zoning Regulations of the Main Gate District Urban Overlay Zone adopted on February 28, 2012 as Ordinance 10968 limited to the provisions related to that area bounded by East Speedway Boulevard on the north, North Tyndall Avenue on the east, East First Street on the south and North Euclid Avenue on the west and replacing them with the Amended Zoning Regulations as provided herein, and amending the provisions of Ordinance 10969 to extend the effective date of the provisions related to that area bounded by East Speedway Boulevard on the north, North Tyndall Avenue on the west until such time as the repeal provided for herein becomes effective all in case C9-12-01, Main Gate District Urban Overlay District; and setting an effective date.

Vice Mayor Kozachik asked staff if the difference between Ordinance 11015 and the Ordinance passed on May 8, 2012 was Item 3c, which allows for the Design Review Committee (DRC) to consider heights over those approved.

Ernie Duarte, Planning and Development Services Director, responded affirmatively, stating that there were two differences in the recommendations from staff as well as the Zoning Examiner. He said the staff recommendation stated anything above the height approved at the May 8 meeting would be subject to the rezoning process. He then deferred to the Zoning Examiner to explain the difference in recommendation.

Linus Kafka, Zoning Examiner, stated there were a couple of slight differences between the May 8 recommendation and the recommendation before the Mayor and Council. He said one had to do with the height limits. The alternate recommendation was to the cap that the Mayor and Council proposed on May 8 that included or allowed for a proposal to go above the cap if it went to the DRC, which was his recommendation.

Mr. Kafka said that another difference was the treatment of the Speedway Subarea bungalows in terms of demolition. He stated there was a slight difference between the scrutiny level that was proposed and what the proposal before Mayor and Council contained. The new proposal added an analysis to the economic hardship section by a design professional that had experience in adaptive reuse. He said an economic hardship analysis would be based on all available uses under the Main Gate District (MGD) and not just the use of the underlying zone and a professional, with experience, in this type of historical preservation reuse would have to weight in on it.

It was moved by Vice Mayor Kozachik, to allow the May 8 proposal to stand.

Council Member Uhlich stated she was in absolute concurrence with regards to height. She said if staff wanted to change the specifics regarding heights, she thought it would need to be agendaized as “reconsideration of previous direction by Mayor and Council.” Mayor and Council voted very clearly to adopt height restrictions without any provisions to changes. She asked the City Attorney to explain the process required for reconsideration of heights.

Michael Rankin, City Attorney, stated the direction from the Mayor and Council was to bring back a proposed amendment with the adjusted height requirements as described in the Communication. He said he did not believe it would require reconsideration for the Mayor and Council to adopt something different for the following reason. He stated because the MGD Overlay District was adopted with the original heights and with direction to staff to return after the Zoning Examiner process, an amendment proposing an adjustment to the lower heights. He said the Mayor and Council were not bound to approve the amendment.

Mr. Rankin said the Mayor and Council could reject the amendment altogether in which instance the heights that were approved initially in February, would go into effect. He said the direction of the Mayor and Council would be complied with to bring back the recommended amendment for consideration. He said they did not and could not bind the Council to act in a particular way whether to adopt the amendment or not.

He said if no amendment was adopted as proposed, then what the Mayor and Council initially approved in February would go into affect.

Council Member Uhlich asked the City Attorney to address whether the Mayor and Council voted to limit the heights on May 8.

Mr. Rankin clarified that the Mayor and Council voted to bring back an amendment for consideration that would set the heights as described in the motion.

Council Member Uhlich stated that specific direction had been given on the heights, and allowed no provisions for changing that, specifically stating that they wanted recommendations that capped the heights with no provisions of exceeding those heights.

She commented that the public left that meeting with that understanding. She said she felt she was crystal clear in her comments in terms of public process.

Council Member Uhlich reiterated Vice Mayor Kozachik's motion and stated she seconded his motion.

Vice Mayor Kozachik asked for clarification stating that for the Euclid Subarea, Items A and B would remain and did not change from May 8. He said Item C was the only difference.

Mr. Kafka stated Items A and B remained the same and Item C was different. He said he sent a memo regarding a fragment property which should not confuse the issue, but was a parcel that had not development, but was included in the forty foot height limit.

Vice Mayor Kozachik withdrew his original motion.

It was moved by Vice Mayor Kozachik, duly seconded, to approve the recommendation as it stood with the exception of Item 3c, the alternative redevelopment.

Mr. Kafka provided a background to the alternate recommendation offered in item 3c. He stated it was his understanding to provide a general height recommendation. He pointed out that nothing prevented a property owner in the subarea or in the MGD Overlay from coming in for a separate rezoning proposing a height that were indicated in the *West University Neighborhood Plan* or fourteen stories and would be, on its face, consistent with the *West University Neighborhood Plan*.

A substitute motion was made by Council Member Scott, duly seconded, to pass Ordinance 11015 as presented, but to amend the MGD Development Document to set the height restriction at 130 feet for properties 5240 and 520A in the Tyndall Avenue Subarea.

Council Member Uhlich asked to see the minutes of any meeting, public hearing, or stakeholder group meeting, where 130 feet was discussed. She asked where that number came from and if it was not a backroom number, where did it come from. She said the process had implications not only for this section or block; it had implications for whether or not the City was going to be able, together as a community, plan infill. She stated nobody was guaranteed maximum height possible on every parcel they owned and wanted to develop or guaranteed that their corner of the community was not going to be touched by infill density, but the process could undermine any hope the City had of planning infill well and making progress in the future.

Council Member Uhlich and Vice Mayor Kozachik commented on public process and community trust in the Mayor and Council.

Council Member Cunningham requested staff to summarize the history of recommendations that had been brought before the Mayor and Council regarding height restrictions.

Mr. Kafka responded to Council Member Cunningham's questions.

Council Member Romero commented on her support for densification and community trust in the Mayor and Council.

Council Member Fimbres asked if a multi-story building, up to fourteen stories, could be constructed under the current *West University Neighborhood Plan*.

Mr. Kafka responded affirmatively, noting that the *West University Neighborhood Plan*, as amended in December 2011, indicates fourteen stories for the corner of Tyndall and First, located in the Tyndall Subarea; twelve stories for the middle section; and six stories for the Tyndall and Speedway corner. He stated that he used multiple resources, including the *West University Neighborhood Plan*, to develop his recommendation.

Council Member Fimbres inquired as to who approved the *West University Plan*.

Mr. Kafka stated that the *West University Neighborhood Plan* was approved by both the Mayor and Council and Planning Commission, with input from the West University Neighborhood Association (WUNA).

Council Member Cunningham expressed his concerns with putting off a vote on the item, noting his support for staff's recommendation for the DRC to have the ability to grant heights over ninety feet.

Council Member Scott stated that the property owners work with the DRC during the development process.

Vice Mayor Kozachik expressed his concerns with how the 130-foot compromise had been reached by the property owner.

Council Member Uhlich asked the City Attorney to confirm that a vote for reconsideration of previous direction did not need to be agendized.

Mr. Rankin responded affirmatively.

Mayor Rothschild commented and explained his vote on the motion.

The substitute motion to pass and adopted Ordinance 11015, as presented, but to amend the Main Gate District Development Document to set the height restriction at 130-feet for properties 5240 and 520A in the Tyndall Subarea, passed by a roll call vote of 4 to 3 (Council Members Romero, Uhlich, and Vice Mayor Kozachik dissenting).

9. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 16) THE NEIGHBORHOOD PRESERVATION ORDINANCE, RED TAG VIOLATION INCREASES

Mayor Rothschild announced City Manager's communication number 319, dated August 7, 2012, was received into and part part of the record. He also announced this was the time and place legally advertised for a public hearing on proposed amendments to the Neighborhood Preservation Ordinance (NPO). He announced staff would make a brief presentation.

Michael Rankin, City Attorney, stated the Ordinance, as previous directed by the Mayor and Council, proposes amendments to the NPO, specifically increasing penalties for first offense unruly gatherings from one hundred to five hundred dollars and the second offense from five hundred to seven hundred fifty dollars to include second offenses committed by individuals at different locations and not just the same location.

Mr. Rankin continued that in response to previous study session discussion, the ordinance, proposed an amendment to expressly callout that enforcement, through the Tucson Police Department (TPD), would use the officer's sound discretion and evaluation of the totality of the circumstances including the use of the subject property.

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

J. Lisa Jones, Jefferson Park Neighborhood Association, expressed her support for the proposed amendments to the NPO.

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 11014 by number and title only.

Ordinance No. 11014 relating to Neighborhood Preservation; amending Chapter 16 of the Tucson Code, the "Neighborhood Preservation Ordinance"; amending regulation of unruly gatherings to increase penalties; by amending Section 16-32 of the Tucson Code; and declaring an emergency.

Council Member Uhlich stated given the infill projects in progress, she believed that the ordinance should be further refined over the upcoming six months.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 5 to 2 (Council Members Romero and Fimbres dissenting.), to pass and adopt Ordinance 11014.

10. ANNEXATION: HVF WEST ANNEXATION DISTRICT, ORDINANCE ADOPTION

(Council Member Cunningham departed at 9:55 p.m.)

Mayor Rothschild announced City Manager's communication number 304, dated August 7, 2012, was received into and made part of the record. He asked the City Clerk to read Ordinance 11011 by number and title only.

Ordinance No. 11011 relating to Annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by Annexing thereto the HVF West Annexation District Property in the vicinity of Drexel Road and S. Mann Avenue, more particularly described in the body of this ordinance; and establishing original City zoning classifications for the annexation area.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Cunningham absent/excused), to pass and adopt Ordinance 11011.

11. ZONING: (C15-12-03) HVF WEST ANNEXATION DISTRICT, COUNTY CI-2 TO CITY I-2 WITH A SPECIAL EXCEPTION LAND USE FOR SALVAGE AND RECYCLING, AND EXTENSION OF THE AIRPORT ENVIRONS OVERLAY ZONE, CITY MANAGER REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 309, dated August 7, 2012, was received into and made part of the record. He also announced that this was a request for Original City Zoning for property located on the north side of East Drexel Road at South Mann Avenue. He stated the Zoning Examiner and staff recommend authorization of the rezoning with a Special Exception Land Use for salvaging and recycling, and extension of the Airport Environs Zoning subject to certain conditions.

Mayor Rothschild asked the City Clerk to read Ordinance 11012 by number and title only.

Ordinance No. 11012 relating to Zoning: establishing original City zoning in the area located on the north side of East Drexel Road at South Mann Avenue in case C15-12-03, HVF West Annexation District, translating County CI-2 zoning to City I-2 zoning with a special exception land use, extending overlay zones; and setting an effective date.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Cunningham absent/excused), to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11012.

12. ZONING: (C9-11-11) COUSTON – SPEEDWAY BOULEVARD, R-2 TO O-2, CITY MANAGER'S REPORT

(Council Member Cunningham returned at 9:59 p.m.)

Mayor Rothschild announced City Manager's communication number 305, dated August 7, 2012, was received into and made part of the record. He also announced this was a request to rezone property located at the southwest corner of West Speedway Boulevard and North 10th Avenue. He stated the Zoning Examiner and staff recommended authorization of the rezoning subject to certain conditions.

Mayor Rothschild asked if the applicant was present and agreeable to the proposed requirements.

George Couston, applicant, responded affirmatively.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, to authorize the request for rezoning as recommended by the Zoning Examiner.

13. ZONING: (C15-12-01) VALENCIA CROSSING ANNEXATION DISTRICT SUPPLEMENTAL, COUNTY CR-3 AND CI-1 TO CITY R-1 AND I-1, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION AND EXTENDING THE OVERLAY ZONES

Mayor Rothschild announced City Manager's communication number 306, dated August 7, 2012, was received into and made part of the record. He also announced that this was a request to establish Original City Zoning for a portion of the annexation district located south of Valencia Road and extend overlay zones. He stated the Zoning Examiner and staff recommended authorization of the rezoning and extension of the overlay zones.

Mayor Rothschild asked the City Clerk to read Ordinance 11013 by number and title only

Ordinance No. 11013 relating to Zoning; establishing original City Zoning for approximately 61.4 acres generally located at the southeast corner of Valencia Road and Littletown Road, which was annexed to the City of Tucson by Ordinance No. 10988, adopted on May 22, 2012; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11013 and approve the request as recommended by the Zoning Examiner.

14. APPEAL: (T12SA00132) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION - ST. MARY'S HOSPITAL AND HEALTH CENTER, 1601 WEST ST. MARY'S ROAD

(This item was taken out of order and discussed after the start of Item 8.)

15. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH THE PROPERTY OWNERS OF THE RATTLESNAKE TRAIL PARCELS

Mayor Rothschild announced City Manager's communication number 327, dated August 7, 2012, was received into and made part of the record. He also announced this was a Pre-Annexation and Development Agreement with property owners within the Rattlesnake Trail Parcels.

Mayor Rothschild asked the City Clerk to read Resolution 21942 by number and title only.

Resolution No. 21942 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of the Pre-Annexation and Development Agreements between the City of Tucson and the owners of the Rattlesnake Trail Parcels; 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 Resolution 21942.

16. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH THE PROPERTY OWNER IN THE UPPER TANQUE VERDE VALLEY

Mayor Rothschild announced City Manager's communication number 301, dated August 7, 2012, was received into and made part of the record. He also announced this was a Pre-Annexation and Development Agreement with Property owners within the Upper Tanque Verde Valley.

Mayor Rothschild asked the City Clerk to read Resolution 21932 by number and title only.

Resolution No. 21932 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Robert Raynor, owner of Properties located outside the City of Tucson; 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 Resolution 21932.

17. BOND OVERSIGHT: TRUTH IN BONDING POLICY AND ESTABLISHING A BOND OVERSIGHT COMMISSION

Mayor Rothschild announced City Manager's communication number 330, dated August 7, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21945 by number and title only.

Resolution No. 21945 relating to Finance; adopting a Truth-In-Bonding policy with respect to the use of bond monies in the event of voter authorization of the 2012 General Obligation Bonds for street improvements at the November 6, 2012 bond special election; creating the 2012 Bond Oversight Commission; repealing Resolutions Nos. 16251 and 16520 and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, to pass and adopt Resolution 21945.

Michael Rankin, City Attorney, stated that based on the direction received during Study Session, he was reading the following language into the record; on page 4, Subsection 1 relating to appointment, "The Mayor and each Council member shall appoint one Commission member. The City Manager will select and appoint four Commission members. Members will be selected through an application process. Any interested resident of the City of Tucson is invited to apply. Applications will be screened based on qualifications, leadership role in the community, and stakeholder group and geographic area representation."

Council Member Uhlich asked if a "no" vote on the item meant that they did not want the rules to apply and a "yes" vote meant this was what was going to happen if the voters approved the bonds.

Mr. Rankin responded affirmatively. He said the Commission would only come to be if in fact the voters approved the 2012 Bond Program.

Resolution 21945 was passed and adopted by a roll call vote of 5 to 2 (Council Member Fimbres and Vice Mayor Kozachik dissenting)

18. RESOLUTION: RELATING TO SENATE BILL 1070; COMMITTING TO COMMUNITY WIDE DIALOGUE TO CONSIDER PROCLAIMING TUCSON AN "IMMIGRANT WELCOMING CITY"

(NOTE: This item was taken out of order and discussed after Item #7.)

19. MEMORIAL: DECLARING SUPPORT FOR THE FIX GUN CHECKS ACT AND OTHER MEASURES TO REDUCE GUN VIOLENCE

(NOTE: This item was taken out of order and discussed after Item #18.)

20. BOARDS, COMMITTEES, AND COMMISSIONS: TERMINATING THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE AND THE BOND PROJECT OVERSIGHT COMMITTEE

Mayor Rothschild announced City Manager's communication number 329, dated August 7, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21943 by number and title only.

Resolution No. 21943 relating to Boards and Commissions; terminating the Community Development Advisory Committee (CDAC) and the Bond Project Oversight Committee; and declaring an emergency

It was moved by Vice Mayor Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21943.

21. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 322, dated August 7, 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 Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Jean McClain to the Citizen's Water Advisory Committee (CWAC), as an At-Large member.

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

Council Member Romero announced her personal appointment of Barbara Richards to the Citizen's Police Advisory Review Board (CPARB).

22. ADJOURNMENT: 10:09 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, September 5, 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 7th day of August 2012, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:kt:ry