



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 22, 2014

Date of Meeting: May 21, 2013

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 5:33 p.m., on Tuesday, May 21, 2013, 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
Paul Cunningham
Karin Uhlich
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

Vice Mayor, Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda
Michael Rankin
Suzanne Mesich

City Manager
City Attorney
Assistant City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor David Stertzbach, Bethel Baptist Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild presented “The Ray Davies Student Service Awards” to Rubina Adhikari, Elaina Espinosa, Susanna Studwell, Jamie Vail, Melinda Stewart, and Halie Blauser.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 179, dated May 21, 2013, 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 Vice Mayor Romero and Council Members Cunningham, Scott, 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 180, dated May 21, 2013, 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 Kelly Gottschalk, Assistant City Manager/Chief Financial Officer. 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 184, dated May 21, 2013, 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(s)

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

c. Special Event(s)

1. Solar Culture Gallery Incorporated, Ward 1
140 N. Main Ave.
Applicant: Steven Ressler
City T68-13
Date of Event: June 1, 2013
(Theater Production)

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

2. Museum of Contemporary Art, Ward 6
265 S. Church Ave.
Applicant: Dan Scott Martin
City T69-13
Date of Event: May 25, 2013
(Opening for New Exhibition)

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

3. Museum of Contemporary Art, Ward 6
265 S. Church Ave.
Applicant: Dan Scott Martin
City T70-13
Date of Event: June 8, 2013
(Lecture on Edible Baja Arizona)

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 Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5c1-5c3 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:

Miguel Ortega	Ted Haworth	Scott Egan
Lillian Lopez-Grant	Keith Van Heyningen	Billy Lolos
Federico Acedo	Jesus Bonillas	Haylee Argumedo
Robert Clark	Edward Lewenetz	Hannah Hafter
Ronnie Peacock		

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 MAY21-13-182 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of October 16, 2012
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of October 16, 2012

b. TUCSON CODE: AMENDING (CHAPTER 10) FISCAL YEAR 2014 COMPENSATION PLAN SCHEDULES

1. Report from City Manager MAY21-13-197 CITY WIDE

2. Ordinance No. 11075 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service--Human Resources, Article II, Compensation Plan, Section 10-31, Adopting salary schedules for Fiscal Year 2014; implementing Section 10-31; ratifying, reaffirming and reenacting sections 10-31(7), Providing percentages for calculation of compensation from salary schedules for employees in specified assignment positions; Section 10-31(8), Payment for uniform maintenance; Section 10-33, Language communication compensation; Section 10-33.1, Proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish; Section 10-34, Incentive pay for fire prevention inspectors; Section 10-34.1, Assignment and incentive pay for maintaining paramedic certification and working as paramedics; Section 10-35, Fire battalion chief call back shift pay; Section 10-48, Supplement to military pay; Section 10-49, Holiday and BOI pay for commissioned officers of the Tucson police department for the position of lieutenant and assignment positions of captain and assistant chief; Section 10-52 Longevity compensation plan; Section 10-53, Pipeline protection program; compensation; Section 10-53.1, Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance; Section 10-53.2, Maintenance management program, assignment and incentive pay compensation; Section 10-53.3, Career enhancement program (CEP) incentive pay for commissioned police personnel through rank of captain; Section 10-53.4, Additional compensation for certain public safety command staff; and Section 10-53.5, Honor guard assignment pay for fire commissioned personnel; all as part of implementation of the Annual Compensation Plan for Fiscal Year 2014; and declaring an emergency.

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

- c. TUCSON CODE: AMENDING (CHAPTER 22) ARTICLE V, LEAVE BENEFIT PLAN
 1. Report from City Manager MAY21-13-185 CITY WIDE
 2. Ordinance No. 11071 relating to leave and other benefits: the Tucson Code, Chapter 22, Pensions, Retirement, Group Insurance, Leave Benefits and other Insurance Benefits, Article V, Leave Benefit Plan, Section 22-95 Sick leave incentive program providing for incentive payment and personal leave days; amending Section 22-95 subsections (a) through (e), and declaring an emergency.

- d. REAL PROPERTY: ACQUISITION OF A WATER EASEMENT FOR THE INSTALLATION OF A NEW WATER DISTRIBUTION MAIN NEAR CRAYCROFT ROAD AND LOS REALES ROAD
 - 1. Report from City Manager MAY21-13-189 OUTSIDE CITY
 - 2. Resolution No. 22051 relating to Water and Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn, if necessary, a water easement for the installation of a new water distribution main near Craycroft Road and Los Reales Road; and declaring an emergency.
- e. REAL PROPERTY: VACATION AND SALE OF GOLF LINKS ROAD RIGHT OF WAY
 - 1. Report from City Manager MAY21-13-192 WARD 2
 - 2. Ordinance No. 11074 relating to Real Property; vacating and declaring a 30-foot strip of east Golf Links Road Right of Way near south Avenida Regulo to be surplus property; authorizing the sale thereof to the adjacent owner, Amerco Real Estate Company; and declaring an emergency.
- f. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE REGIONAL TRAFFIC SIGNAL OPERATIONS PROGRAM
 - 1. Report from City Manager MAY21-13-194 CITY WIDE
 - 2. Resolution No. 22054 relating to Intergovernmental Agreements; approving the Intergovernmental Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson for Transportation Funding for the Regional Traffic Signal Operations Program; and declaring an emergency.
- g. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE DESIGN AND CONSTRUCTION COSTS RELATED TO THE DOWNTOWN LINKS ROADWAY IMPROVEMENTS
 - 1. Report from City Manager MAY21-13-195 WARD 1
 - 2. Resolution No. 22053 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for Design and Construction Costs Associated with the Downtown Links – St. Mary's Road at I-10 to Church Avenue – Roadway Improvement Public Sewer Relocation and Replacement Modifications; and declaring an emergency.

- h. BOARDS, COMMITTEES, AND COMMISSIONS: EXTENDING THE TERM OF SERVICE FOR THE GRANT ROAD CORRIDOR PLANNING TASK FORCE
 - 1. Report from City Manager MAY21-13-196 WARDS 2, 3, AND 6
 - 2. Resolution No. 22055 relating to Boards and Commissions; amending Section 5 of Resolution No. 20632 (adopted April 10, 2007, and previously amended by Resolution No. 21713 on April 12, 2011 and by Resolution No. 21872 on April 3, 2012) to extend the term of the Grant Road Corridor Planning Task Force to April 10, 2015; and declaring an emergency.

- i. BOARDS, COMMITTEES, AND COMMISSIONS: EXTENDING THE TERM OF SERVICE FOR THE TRANSIT TASK FORCE
 - 1. Report from City Manager MAY21-13-193 CITY WIDE
 - 2. Resolution No. 22052 relating to Boards and Commissions; amending Resolution No. 21023 to extend the terms of the Transit Task Force and its members to June 2, 2015; and declaring an emergency.

- j. ASSURANCE AGREEMENT AND FINAL PLAT: (S13-007) HACIENDAS AT WRIGHTSTOWN, LOTS 1 TO 12 AND COMMON AREA "A"
 - 1. Report from City Manager MAY21-13-181 WARD 2
 - 2. Resolution No. 22050 relating to Planning: authorizing the Mayor to execute an Assurance Agreement securing the subdivision of vacant property for 12 lots on 4.563 acres located on the southwest corner of Brown Avenue and Wrightstown Road; approving a final plat in Case No. S13-007 Haciendas at Wrightstown; and declaring an emergency.
 - 3. Staff recommends that the Mayor and Council approve the assurance agreement and 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 the actual application.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – j, with the exception of Item b, which was considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM B

b. TUCSON CODE: AMENDING (CHAPTER 10) FISCAL YEAR 2014 COMPENSATION PLAN SCHEDULES

1. Report from City Manager MAY21-13-197 CITY WIDE
2. Ordinance No. 11075 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service--Human Resources, Article II, Compensation Plan, Section 10-31, Adopting salary schedules for Fiscal Year 2014; implementing Section 10-31; ratifying, reaffirming and reenacting sections 10-31(7), Providing percentages for calculation of compensation from salary schedules for employees in specified assignment positions; Section 10-31(8), Payment for uniform maintenance; Section 10-33, Language communication compensation; Section 10-33.1, Proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish; Section 10-34, Incentive pay for fire prevention inspectors; Section 10-34.1, Assignment and incentive pay for maintaining paramedic certification and working as paramedics; Section 10-35, Fire battalion chief call back shift pay; Section 10-48, Supplement to military pay; Section 10-49, Holiday and BOI pay for commissioned officers of the Tucson police department for the position of lieutenant and assignment positions of captain and assistant chief; Section 10-52 Longevity compensation plan; Section 10-53, Pipeline protection program; compensation; Section 10-53.1, Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance; Section 10-53.2, Maintenance management program, assignment and incentive pay compensation; Section 10-53.3, Career enhancement program (CEP) incentive pay for commissioned police personnel through rank of captain; Section 10-53.4, Additional compensation for certain public safety command staff; and Section 10-53.5, Honor guard assignment pay for fire commissioned personnel; all as part of implementation of the Annual Compensation Plan for Fiscal Year 2014; and declaring an emergency.

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

Council Member Cunningham said, as he stated when Council voted on the item, one of the things brought up was identifying whether the City would be in a cash position later in the year to be able to afford the raises. He stated he did not think there was anyone at the dais who did not want a pay increase package that was good for all employees. He asked if there was anything in the Ordinance stating Council could discuss this matter again in October.

Michael Rankin, City Attorney, answered affirmatively. He said it was the prior direction of the Mayor and Council that staff return later in the year with respect to the reports requested.

Council Member Cunningham asked if the dispirit impact study, to be preformed by an outside consultant, would also look at the City's cash position.

Mr. Rankin stated the study would only be on the dispirit impact potential of the Compensation Plan.

Council Member Cunningham said he thought they would identify some actual cash threshold they could project and that would make the package pass. He restated there was no wording for that in the actual Ordinance. He said there were parts of the package he thought were necessary, but his concern was if the package passed they could be looking at furloughs and layoffs again next year. He added he would like to make a stipulation that Council plan a study session for October and make it part of the language.

Mayor Rothschild stated if a Council person and a second requested a study session they would have it, and he too thought it was part of the prior direction.

Mr. Rankin acknowledged it was part of the direction from the study session.

Council Member Uhlich stated she remembered they had asked for first quarter figures as soon as they became available. She said obviously they would be tracking the City's revenues and expenses closely. She indicated there were many issues that would come into play and she appreciated Council Member Cunningham's concerns.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Ordinance 11075.

Mayor Rothschild stated they would continue the item after the Public Hearings.

(NOTE: This item was continued after Item 9.)

8. PUBLIC HEARING: TRUTH IN TAXATION HEARING FOR THE PRIMARY PROPERTY TAX, NOTICE OF PRIMARY PROPERTY TAX INCREASE

Mayor Rothschild announced City Manager's communication number 188, dated May 21, 2013, was received into and made part of the record. He also announced this was the time and place legally advertised for a Truth in Property Taxation public hearing. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Mayor Rothschild asked if there was anyone present that wished to speak on the matter. Hearing none, he asked for a motion 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 close the public hearing.

Kelly Gottschalk, Assistant City Manager/Chief Financial Officer, gave a brief overview of the Primary and Secondary Tax rates.

Suzanne Mesich, Assistant City Clerk, stated the Ordinance would come back to Mayor and Council for adoption on June 11, 2013.

9. PUBLIC HEARING: 2014 BUDGET AS TENTATIVELY ADOPTED ON MAY 7, 2013

Mayor Rothschild announced City Manager's communication number 190, dated May 21, 2013, 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 the budget as tentatively adopted on May 7. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

The following City of Tucson employees spoke in favor of across the board raises and in opposition of disproportional raises.

Luis Rodriquez	Edward DeBaca	Rocco DePaolo
John Wills	Jerry Gebell	Luis Cordova
Mike Wisniesk	Mike Pike	Frank Schaur
Cheryl Bard	John Rosenboom	James King
Michael Katz	Lalo Macias	

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

Mayor Rothschild announced the Council would stand adjourned and convene a special meeting for the adoption of the budget.

RECESS: 7:21 p.m.

RECONVENE: 7:33 p.m.

(Note: See minutes of the Special Mayor and Council Meeting of May 21, 2013 regarding the Final Budget Adoption for Fiscal Year 2014.)

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

Present:

Regina Romero	Vice Mayor, 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	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda	City Manager
Michael Rankin	City Attorney
Suzanne Mesich	Assistant City Clerk

7. CONSENT AGENDA – ITEM B

(NOTE: This item was continued after the Special Meeting.)

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.

- b. TUCSON CODE: AMENDING (CHAPTER 10) FISCAL YEAR 2014 COMPENSATION PLAN SCHEDULES
 1. Report from City Manager MAY21-13-197 CITY WIDE
 2. Ordinance No. 11075 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service--Human Resources, Article II, Compensation Plan, Section 10-31, Adopting salary schedules for Fiscal Year 2014; implementing Section 10-31; ratifying, reaffirming and reenacting sections 10-31(7), Providing percentages for calculation of compensation from salary schedules for employees in specified assignment positions; Section 10-31(8), Payment for uniform maintenance; Section 10-33, Language communication compensation; Section 10-33.1, Proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish; Section 10-34, Incentive pay for fire prevention inspectors; Section 10-34.1, Assignment and incentive pay for maintaining paramedic certification and working as paramedics; Section 10-35, Fire battalion chief call back shift pay; Section 10-48, Supplement

to military pay; Section 10-49, Holiday and BOI pay for commissioned officers of the Tucson police department for the position of lieutenant and assignment positions of captain and assistant chief; Section 10-52 Longevity compensation plan; Section 10-53, Pipeline protection program; compensation; Section 10-53.1, Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance; Section 10-53.2, Maintenance management program, assignment and incentive pay compensation; Section 10-53.3, Career enhancement program (CEP) incentive pay for commissioned police personnel through rank of captain; Section 10-53.4, Additional compensation for certain public safety command staff; and Section 10-53.5, Honor guard assignment pay for fire commissioned personnel; all as part of implementation of the Annual Compensation Plan for Fiscal Year 2014; and declaring an emergency.

Council Member Uhlich expressed appreciation to the labor unions and employees who partnered with the Council to help get the City through the bad times. The burden of the bad news was shared. She commented on the inequity and compression issues that were problematic. She believed what was represented in dealing with the inequities issue was what Council had been asking for, which was not just a straight percentage as that put fewer dollars in the pockets of those earning an average wage. Looking at the non-exempt employee category, the fifty-five cent raise would be a five percent increase to an employee making twenty-five thousand dollars a year. In comparison it would equate to a one percent increase to someone making one hundred thousand dollars per year. In Tucson Fire the top salaries would receive a two and a half percent increase and those in Tucson Police would receive the fifty-five cents.

Council Member Uhlich stated that she thought the plan as presented achieved the goal much better than the one in 2012 and that was why she had advocated so strongly for it. She wanted to make it clear that the Council was concerned about the equity issue.

Liz Miller, Assistant City Manager, said she wanted to affirm the fifty five cents for all employees did what Council Member Uhlich described. It was something the City's Human Resources Director worked out and presented to everyone. The fifty five cents per hour provided a greater impact for the lower earning employees and a lesser impact for the higher earning employees, which was what Mayor and Council had requested.

Council Member Uhlich asked Ms. Miller if she accurately described what would apply to the Police and Fire Departments.

Ms. Miller responded, in general, what Ms. Uhlich described was correct and it was all explained in the Communication. She stated it was listed by classification. She also mentioned that in page 2.F.4 of the Communication they did speak of returning after the end of the first quarter financials in October 2013 to review where the City was in terms of expenditures, forecasts for revenues, actual revenues in comparison to budget

figures, and make a determination then whether the Compensation package would go forward or not. She said the second part stated that another piece needing to be looked at was whether there was dispirit impact. The City was going to have an external entity look at that portion and advise Mayor and Council, at an open study session, as to the results of both the financial review and the dispirit impact review. She said whether the plan takes place the first of the calendar year depended on both of those issues.

Ms. Miller continued saying there were many things that needed to be reviewed, assessed, and redone in the Compensation Plan. She stated, in the Communication under future considerations, beginning July 2013, following the direction given by Mayor and Council, there would be strategic planning including all the labor groups, department directors, employee organizations, and unrepresented employees not only for assessment and review of a merit system or pay for performance system, but also compression in all areas. She said there needed to be a starting point; they were not able to do everything at once. She concluded saying Mayor and Council had given direction and staff had affirmed that work would begin as of July 2013.

Council Member Uhlich asked for confirmation that July 1, 2013 was the effective date for the dispatch adjustment with all others scheduled to go into effect January 1, 2014.

Ms. Miller affirmed the dates.

Council Member Uhlich explained the compensation package was modest, and she was concerned if they did not initiate it now it allowed for the opportunity to bring in other expenses and not to make the necessary cuts needed to structurally balance the budget.

Vice Mayor Romero commented on the compensation issues faced by employees during the past several years. She further commented on the Tucson Supplemental Retirement System (TSRS), the 911 Communication workers, and Police and Fire Department employees. She stated she did not think some of the changes were communicated to the labor organizations as clearly as they could have been. She said the compensation plan had stipulations and in October they would consider any necessary changes.

Council Member Fimbres said there was a light at the end of the tunnel, with less deficit, no furlough days and a one percent raise. He stated Council valued employees and the City was losing many good people due to compression issues, so they needed to address those quickly. He assured employees that compensation would improve for all in time.

Council Member Cunningham explained his thoughts on the Police and Fire compensation and the 911 Communication workers issues. He expressed concerns that the City might not be able to afford the Compensation Plan and that was why Council would revisit the issue in October.

Council Member Kozachik expressed concerns about the plan and his thoughts about the possibilities of having future layoffs and furloughs. He stated the plan would only exacerbate an existing problem in a structurally imbalanced budget and he did not want to go there.

Council Member Scott stated the Council had done what could be done in a bad economy. She said they valued all City employees and would continue to do as much as possible, but the plan was not a guarantee. She explained priorities needed to be balanced based upon what the citizens of the community deserved, which are the best city and services at the highest level with the best people; however, circumstances such as extraordinary claims against the City and economic downturns had made it extremely difficult to maintain those levels. She said she felt the proposal was not perfect, but it was the best that could be presented at that time. She asked to move the motion.

The motion to pass and adopt Ordinance 11075 was passed by a roll call vote of 6 to 1 (Council Member Kozachik dissenting).

10. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 27) RELATING TO AN INCREASE IN WATER RATES

Mayor Rothschild announced City Manager's communication number 187, dated May 21, 2013, 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 the proposed increase in water rates. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Alan Forrest, Director of Tucson Water, made a brief presentation.

Chuck Freitas, Citizens' Water Advisory Committee (CWAC), gave an explanation of the Committee's recommendations.

Jack Fitzgerald, resident and senior citizen, spoke against a rate increase.

Mark Day expressed ongoing concerns with conservation and rates. He also gave suggestions regarding blocks of service and indoor and outdoor water use.

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 11073 by number and title only.

Ordinance No. 11073 relating to Water; amending certain portions of the Tucson Code, Chapter 27, Water, Article II, Rates and Charges; Section 27.32.1, Monthly reclaimed water service charges; Section 27-33, Monthly potable water service charges; Section 27-34, Charges for fire protection service; and setting an effective date.

Council Member Uhlich commented on the concerns of the speakers. She spoke about the challenges of a water department in the desert and how despite these, Tucson Water is constructing a 10 million dollar Water Treatment Plant due to the dioxane issue in order to protect water quality and was also drawing its full allocation from the Colorado River to reserve it in case of a crisis. She asked how Tucson Water rates would compare to other Water Companies in the valley if Council adopted Option C.

Mr. Forrest stated Tucson Water rates were below the average of all the companies in the Tucson area, and even those in the state of Arizona.

Council Member Uhlich confirmed Tucson Water was doing everything possible to maintain quality, provide stewardship, maintain an assured water supply and keep rates low.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Ordinance 11073, Option C.

Council Member Kozachik asked if all three options preserved or expanded budget capacity for low income access.

Mr. Forrest answered affirmatively.

Council Member Cunningham expressed concerns over unintentional consequences of disproportionate rates for high use customers.

Council Member Fimbres asked how the rate increases would affect duplex and triplex residential users.

Mr. Forrest stated the increase would be similar to single family increases.

Council Member Fimbres inquired about how other cities in the State compare with the increase.

Mr. Forrest declared, even with the increases, Tucson would be below the average of other cities in the State of Arizona. He explained how the comparisons were figured.

Council Member Fimbres asked if there were special programs for senior citizens on fixed incomes.

Mr. Forrest stated for those qualifying as low income, there was a thirty percent reduction. He said with the new rate proposal it would be a forty percent reduction.

Council Member Fimbres asked if low income individuals just needed to contact Tucson Water for information about enrollment in the program.

Mr. Forrest answered affirmatively. The Tucson Water Department would put the customer in touch with the Pima County Partnership and one application would also qualify them for discounts with Environmental Services and Pima County Wastewater.

Ordinance 11073 passed by a roll call vote of 7 to 0.

11. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 27) RELATING TO CHANGES IN MISCELLANEOUS WATER FEES

Mayor Rothschild announced City Manager's communication number 186, dated May 21, 2013, 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 proposed changes in Tucson Water Miscellaneous Fees. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Mayor Rothschild asked if anyone wished to speak on the item. Hearing none he requested a motion 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 close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance 11072 by number and title only.

Ordinance No. 11072 relating to Water; amending certain portions of the Tucson Code, Chapter 27, Water, Article I, In General, Section 27-16, Interfering with, tampering with water facilities; removing water; violation declared a civil infraction, Section 27-16.2, Permit for construction water,; Article II, Rates and Charges, Section 27-30, Service charge, Section 27-35, Charges for installation of water service connections, Section 27-37, Agreements for construction of water facilities authorized, Section 27-41, Accommodation and standby water service, Section 27-43, Charge when meter not registering properly, Section 27-48, Liability for charges where one service pipe serves multiple premises, Section 27-50, Discontinuing service for non-payment of water bill; customer right to dispute account balance, Section 27-51, Resuming service after discontinued for nonpayment or violations; Article V, Backflow Prevention and Cross-Connection Control, Section 27-86, Fees; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance No. 11072.

Council Member Kozachik inquired as to why the oversized pipeline fees were increasing so significantly.

Alan Forrest, Tucson Water Director, stated the reason the fees were increasing was because they were based mainly on materials costs and over the past two years Tucson Water had found those costs had increased dramatically.

Council Member Kozachik asked if this was specific to the sixteen inch pipeline.

Mr. Forrest confirmed the larger pipes contained more metals and therefore the costs were higher.

Council Member Kozachik wondered if there had been questions regarding the pipeline inspection fee. He said the flat rate inspection fee for the two hundred foot inspection cost was three hundred seventeen dollars, but an additional foot raised the cost to over fourteen hundred dollars.

Mr. Forrest said they took a different approach and were charging a per foot price for the inspections based on their hourly costs. He said Tucson Water used to charge a flat fee regardless of whether the project was large or small. He stated they received stakeholder feedback, and he believed stakeholders preferred the per foot inspection fee.

Council Member Kozachik asked Mr. Forrest to double check the figures as what he was reading said projects of two hundred feet or less would be charged a flat three hundred seventeen dollar fee and then the per foot charge kicked in.

Mr. Forrest agreed to check the figures.

Council Member Kozachik said if a discrepancy was found, and an adjustment needed to be made, even after the vote, he asked it be brought forward.

Council Member Fimbres inquired how the fee compared to other governmental entities or water companies in Arizona that charged a fee to inspect a valve installed in pipelines.

Mr. Forrest stated it was a difficult question because all utilities approached it in a different way. The City approached it as a cost of service, so they considered each fee and determined the expense to provide the services and basically set the fee to recover out of pocket costs. He responded he was not familiar with how other utilities set their fees.

Ordinance 11072 passed by a roll call vote of 7 to 0.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manger's communication number 183, dated May 21, 2013, was received into and made part of the record. He asked for a motion to approve the appointment in the report.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Jackie Lyle to the Landscape Advisory Committee (LAC) as a neighborhood representative.

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

There were none.

11. ADJOURNMENT: 8:32 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, May 29, 2013, 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 21st day of May 2013, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:jr:lo