



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on August 6, 2013

Date of Meeting: January 8, 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 5:34 p.m., on Tuesday, January 8, 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
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

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

Absent/Excused:

Shirley C. Scott

Council Member Ward 4

Staff Members Present:

Richard Miranda
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Rothschild asked citizens to remember where they were two years ago when they heard the news that forever changed our community. He said as he was ringing the bell at the fire station, he remembered the emotion of that morning and remembered again the terrible loss. He rang the bell nineteen times; six for those who were killed, and thirteen for those who were injured. He stated it took longer to ring the bell in remembrance then it did for those lives to be lost and those people to be injured.

Mayor Rothschild stated that following the shooting, Tucsonans were united in thinking that “This was not who we were and we would not let this one hideous act of violence define us”. He said today we had a new message, “Never again”. With the thought of January 8, 2011, in mind; he asked the audience to bow their heads and take thirty seconds to meditate in a moment of silence.

The invocation was given by Chaplain Steve Martinez, Pima County Adult Detention Center, 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 1, dated January 8, 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 Member 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 2, dated January 8, 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.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager’s communication number 5, dated January 8, 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)

1. Plaza Bonita, Ward 4
8270 S. Houghton Rd. #140
Applicant: Paul Adolph Allen Sr.
Series 12, City 108-12
Action must be taken by: January 11, 2013

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

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person/Location Transfer(s)

2. Wal-Mart Market #3049, Ward 4
2550 S. Kolb Rd.
Applicant: Clare Hollie Abel
Series 9, City 107-12
Action must be taken by: January 12, 2013

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

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

c. Special Event(s)

1. St. Augustine Catholic High School, Ward 2
8800 E. 22nd St.
Applicant: Sarah Doreen Alderete
City T110-12
Date of Event: February 16, 2013
(Fundraiser)

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

2. Tucson Kiwanis Club, Ward 2
2959 N. Swan Rd.
Applicant: Lon Thomas Wirtz
City T111-12
Date of Event: January 13, 2013
(Fundraiser)

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

3. The Drawing Studio, Inc., Ward 6
33 S. 6th Ave.
Applicant: Lynn M. Fleischman
City T112-12
Date of Event: January 25, 2013
(Annual Benefit)

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

4. Live Theatre Workshop, Ward 6
5317 E. Speedway Blvd.
Applicant: Michael Andrew Martinez
City T113-12
Date of Event: February 1, 2013 - February 2, 2013
(Fundraiser)

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 Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to forward liquor license applications 5b1 through 5b2 and 5c1 through 5c4 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:

Bianca Lucrecia
Ken Rineer

Keith Van Heyningan

Ken Johnson

Council Member Cunningham directed the City Manager to ensure Ms. Lucrecia received the information requested.

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 JAN08-13-3 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of April 24, 2012
3. Mayor and Council Study Session Legal Action Report and Minutes of April 24, 2012

b. INTERGOVERNMENTAL AGREEMENT: WITH THE TOWN OF MARANA FOR COOPERATIVE DESIGN AND CONSTRUCTION OF WATER AND ROADWAY IMPROVEMENTS

1. Report from City Manager JAN08-13-14 OUTSIDE CITY
2. Resolution No. 21986 relating to Water; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Town of Marana for cooperative design and construction of water and roadway improvements; and declaring an emergency.

c. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE MASTER AGREEMENT FOR JOINT USE OF FACILITY SPACE

1. Report from City Manager JAN08-13-19 CITY WIDE
2. Resolution No. 21994 relating to Intergovernmental Agreements; approving and authorizing the execution of amendments to site specific agreements associated with the Intergovernmental Agreement - Master Agreement for Joint Use of Facility Space between Pima County and the City of Tucson in support of the Pima County Wireless Integrated Network (PCWIN); and declaring an emergency.

d. BOARDS, COMMITTEES AND COMMISSIONS: AMENDING RESOLUTION 14730 TO REDEFINE THE PURPOSE OF THE TUCSON PARKS AND RECREATION COMMISSION

1. Report from City Manager JAN08-13-16 CITY WIDE

2. Resolution No. 21984 relating to Parks and Recreation; amending Section 2 of Resolution No. 14731 (The creating resolution of the Tucson Parks and Recreation Commission, adopted December 19, 1988) to redefine the purpose of the Commission so as to reflect current actions and activities; and declaring an emergency.
- e. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE ALVERNON HEIGHTS NEIGHBORHOOD ASSOCIATION SOLAR STREET LIGHTS IMPROVEMENT PROJECT AND PETITION FOR ESTABLISHMENT OF A COUNTY HIGHWAY
1. Report from City Manager JAN08-13-4 WARD 5
 2. Resolution No. 21982 relating to Intergovernmental Agreements (IGA); authorizing and approving the Intergovernmental Agreement between Pima County and the City of Tucson for the Alvernon Heights Neighborhood Association/solar street lights project and Petition for Establishment of a County Highway; and declaring an emergency.
- (This item was considered separately at the request of Council Member Fimbres.)
- f. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE PROVISION OF FIXED ROUTE TRANSIT SERVICE FOR DESIGNATED AREAS OF THE TOWN OF MARANA
1. Report from City Manager JAN08-13-12 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 21989 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the City of Tucson and Regional Transportation Authority of Pima County (RTA) for the Provision of Fixed Route Transit Service (Sun Tran) for Designated Areas of Marana for Fiscal Years 2012 through 2013, and declaring an emergency.
- (This item was considered separately at the request of Council Member Uhlich.)
- g. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR P-48 NEIGHBORHOOD CIRCULATOR BUS SYSTEM
1. Report from City Manager JAN08-13-6 CITY WIDE AND OUTSIDE CITY

2. Resolution No. 21985 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Regional Transit Service Improvements: P-48 Neighborhood Circulator Bus System (RTA-funded Sun Shuttle and Sun Shuttle Dial-A-Ride marketing, customer service support, and electronic fare collection) for Fiscal Years 2013 through 2014, and declaring an emergency.
- h. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH REGENTS OF THE UNIVERSITY OF NEW MEXICO REGARDING EMERGENCY MEDICAL SERVICES PARAMEDIC FIELD INTERNSHIPS
1. Report from City Manager JAN08-13-13 CITY WIDE
 2. Resolution No. 21991 relating to Intergovernmental Agreements; approving Amendment Number 1 to the Intergovernmental Agreement between the City of Tucson and the Regents of the University of New Mexico regarding emergency medical services paramedic field internships (originally approved by Resolution No. 21463 on January 5, 2010), which amendment will extend the term of the agreement to January 4, 2014 and leave all other terms and conditions in full force and effect; authorizing and directing the Fire Chief to execute Amendment Number 1 on behalf of the City of Tucson, and the City Clerk to attest the same; and declaring an emergency.
- i. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE ARROYO CHICO GREENWAY PROJECT
1. Report from City Manager JAN08-13-7 WARD 6
 2. Resolution No. 21983 relating to Intergovernmental Agreements (IGA); authorizing and approving the Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Arroyo Chico Greenway Project; and declaring an emergency.
- j. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE COPPER STREET BIKE BOULEVARD PROJECT
1. Report from City Manager JAN08-13-11 WARDS 3 AND 6
 2. Resolution No. 21992 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Copper Street Bike Boulevard Project; and declaring an emergency.

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

k. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE FISCAL YEAR 2014 HAWKS PROJECT

1. Report from City Manager JAN08-13-10 WARDS 2, 4, AND 6
2. Resolution No. 21990 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement for Transportation funding between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Fiscal Year 2014 HAWKS Project; and declaring an emergency.

l. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE FIFTH STREET BIKE BOULEVARD PROJECT

1. Report from City Manager JAN08-13-8 WARD 6
2. Resolution No. 21988 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Fifth Street Bike Boulevard Project; and declaring an emergency.

m. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE TREAT AVENUE BIKE BOULEVARD PROJECT

1. Report from City Manager JAN08-13-9 WARDS 3, 5, and 6
2. Resolution No. 21987 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Treat Avenue Bike Boulevard Project; and declaring an emergency.

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

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), that Consent Agenda Items a – m, with the exception of Items e, f, j and m, which were considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM E

e. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE ALVERNON HEIGHTS NEIGHBORHOOD ASSOCIATION SOLAR STREET LIGHTS IMPROVEMENT PROJECT AND PETITION FOR ESTABLISHMENT OF A COUNTY HIGHWAY

1. Report from City Manager JAN08-13-4 WARD 5
2. Resolution No. 21982 relating to Intergovernmental Agreements (IGA); authorizing and approving the Intergovernmental Agreement between Pima County and the City of Tucson for the Alvernon Heights Neighborhood Association/solar street lights project and Petition for Establishment of a County Highway; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Item e at the request of Council Member Fimbres.

Council Member Fimbres asked if there was a representative present and asked if the benefits of the proposal could be explained in further detail.

Andrew McGovern, Department of Transportation Engineering Manager, stated that the project consisted of Pima County Bond monies that would install street lighting to five or six streets in the Alvernon Heights Neighborhood, which would also help with house protection, traffic and pedestrian safety. It was the second project that the Department of Transportation had taken that installed solar street lighting.

Council Member Fimbres asked what the effects were in declaring the roads in the neighborhood association a county highway in terms for the Department of Transportation and for road maintenance repairs.

Mr. McGovern stated that he was informed by Pima County and State law, that in order to expend bond funds in the incorporated areas, they needed to take over the roadways as county highways, which would allow them to construct the improvements and after those improvements were built, they would revert from county highways to city rights of way.

Council Member Fimbres asked if the proposed Intergovernmental Agreement was similar to what was done for the Barrio Centro Neighborhood Association.

Mr. McGovern stated it was, but with a small exception. He said Pima County had agreed to fund the designed portion of the project which the City would complete in-house.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), that Consent Agenda Item e, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM F

f. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE PROVISION OF FIXED ROUTE TRANSIT SERVICE FOR DESIGNATED AREAS OF THE TOWN OF MARANA

1. Report from City Manager JAN08-13-12 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 21989 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the City of Tucson and Regional Transportation Authority of Pima County (RTA) for the Provision of Fixed Route Transit Service (Sun Tran) for Designated Areas of Marana for Fiscal Years 2012 through 2013, and declaring an emergency.

Council Member Uhlich stated that after reviewing the terms in the contract, she had some questions in the recital sections. She said she was pleased see that there was a reservation of rights section in the contract, which stipulated the assets, equipment and those things within the transit system that would not be moved from the City to the Regional Transportation Authority (RTA). Her main concern under the recitals was where State Statutes were quoted. The recitals in the contract read “the RTA is authorized to adopt rules that are proper and necessary to regulate the use operation and maintenance of public transportation systems and related transportation facilities.”

Council Member Uhlich said that the State Statutes read exactly the same, except that it stated it could adopt rules that were proper and necessary for the use operation and maintenance of “its” property and facilities and “its” public transportation systems. She did not want there to be a lack of clarity about who controlled the systems and that RTA would not have the authority over systems owned and operated by the City. She asked Michael Rankin, City Attorney, if the terms “its” could be inserted if it was the correct language from the State Statutes.

Michael Rankin, City Attorney, stated that it was appropriate to have the language in the agreement track the exact statutory language and they could ask the other bodies to recognize the same changes.

Council Member Uhlich stated she was pleased with the work of the City Attorney.

Council Member Fimbres asked if the RTA would cover the entire financial projected loss as listed in Exhibit B.

Carlos De Leon, Department of Transportation Deputy Director, stated that one hundred percent of the cost would be reimbursed through the RTA for providing services to the town of Marana.

Mayor Rothschild asked for a motion on Item f with the proposed amendments in the recital from Council Member Uhlich.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), that Consent Agenda Item f be passed and adopted as discussed and the proper action taken.

7. CONSENT AGENDA – ITEM J and M

j. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE COPPER STREET BIKE BOULEVARD PROJECT

1. Report from City Manager JAN08-13-11 WARDS 3 AND 6
2. Resolution No. 21992 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Copper Street Bike Boulevard Project; and declaring an emergency.

m. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE TREAT AVENUE BIKE BOULEVARD PROJECT

1. Report from City Manager JAN08-13-9 WARDS 3, 5, and 6
2. Resolution No. 21987 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Treat Avenue Bike Boulevard Project; and declaring an emergency.

(These items were considered separately at the request of Council Member Uhlich.)

Council Member Uhlich stated that her questions for items j and m were almost identical as she read through the materials. She said two of the primary bike boulevard elements in the entire Regional Transportation Authority (RTA) package, which consisted of six miles on Copper Street and comparable linage on Treat Avenue. She said some of the cornerstone elements were only allocating half a million dollars for each project, and asked if that was the entire allocations that were being anticipated from the RTA for those two projects.

Andrew McGovern, Department of Transportation Engineer Manager, stated it was not. In the case of Treat Avenue, they had expended quite a bit of money along the whole Treat corridor over the years, mostly in terms of major intersections where there was a hawk signal at Treat Avenue and Speedway Boulevard and another at 22nd and Treat Avenue. He said they would have a pedestrian signal at Broadway Boulevard/Grant Road corridors. He said those monies allowed them to go into the neighborhoods and make traffic calming, traffic mitigation improvements like speed humps, chicanes and also landscaping elements which would calm the internal traffic and they had already built the infrastructure to safely get people across the major streets. He said in the case of Copper Street, they did not have the infrastructures in place, but with the Grant Road corridor, they would be able to make those infrastructures at the major streets.

Council Member Uhlich asked if the Grant Road Corridor monies used be used in conjunction with the project of those intersections.

Mr. McGovern stated it could be used to leverage other monies, mostly Pima Association of Governments (PAG) funds.

Council Member Uhlich said she was happy to see Copper Street and Treat Avenue improved in creating bike boulevards, but her concern was that they had half a million dollars for each project and the Intergovernmental Agreement (IGA) stipulated that if there was not enough to complete the projects, it would fall on the City of Tucson. She said she was unsure of how wise it would be to approve an agreement unless they were certain that they had all of the funding, or if there was a stop gap if they ran out of money or if more money was needed. She stated her other question was that out of sixty million dollars, how did they arrive with the half a million dollar number for the two major bike boulevards.

Mayor Rothschild stated it was part of a \$7.6 million package that was approved at the last RTA meeting over the County's objection for bike boulevards in the City. He said his understanding was that when the boulevards were completed, the monies would be there and he was not sure if that was a tranche of the monies. He asked Mr. De Leon if he could elaborate.

Mr. De Leon stated it was correct and that it was part of the agreement to allocate resources for the bike elements, specifically for that upcoming fiscal year. He said the intent was to design the projects so it would stay within the budget and they would not have to come back for additional monies that were designed for the treatments along the corridor.

Mayor Rothschild asked Council Member Uhlich if she would want to continue those items.

Council Member Uhlich stated she did not want to delay or continue the items, but she was trying to think of a motion that would state for them to proceed with the projects, but she also wanted to make sure that it would not close the doors in seeking additional funds from the RTA, or if they needed to go back to the County. She said there were a lot of people who cared about those projects and there should be no reason why two of the major elements were getting one hundred and twentieth of that line item of the RTA. She wanted to make it clear that moving the two items forward, with the understanding that if there was not enough money, she did not want the City to pay for the rest and she did not feel that half a million dollars would be enough.

Michael Rankin, City Attorney stated that Council Member Uhlich was correct. He said that type of language had been seen before in other IGA's with the RTA, where the leading agency, which was the City Of Tucson, would be responsible for project costs in excess of the RTA funds contributed to the projects. He said the language did not foreclose them in seeking other funds, but to the extent that such funds were not secured, then they would remain responsible for any costs, assuming the costs would not go beyond what was budgeted.

Council Member Uhlich asked for assistance in what she was trying to convey in the RTA voter approved package. She said it delineated projects that would be completed with that line item which was sixty million dollars, which were two major projects. She stated it seemed to her that the voters would anticipate a lot more investments on the two bike boulevards for what they were getting out of the sixty million dollars.

Mr. McGovern stated the sixty million dollars of RTA categorical funds were broken down into three sub-categories, of which were broken down even further. The monies that they were using was for pedestrian, bicycle, greenway and pathways monies, so those monies of the twenty million dollars were to be further spread out among projects throughout the whole region. He said it was not fair to compare that allocation to the full amount, plus in the case of Treat Avenue, it had received other RTA monies.

Mr. McGovern stated they had just completed the Fourth Avenue/Fontana bike boulevard, which was two and a half miles and the cost for non-traffic signal work was about seventy-five thousand dollars, so when they were in the neighborhoods, the monies went a long way. He stated as Mr. De Leon mentioned, they would design the projects to meet the budget, and ensure that they would not go over budget and were confident they would not be down scoping.

Council Member Uhlich stated she would take his word and continue to work with the Bicycle Advisory Committee and staff. She said those were two integral projects running through Ward 3 and other Wards. She asked that they keep her office informed on the progress.

It was moved by Council Member Uhlich, duly seconded, that Consent Agenda Items j and m be passed and adopted as discussed and the proper action taken

Council Member Kozachik asked what would they anticipate the total budget for each of those two projects to be and why would they not be asking for the authorization for the full budget now for each of the projects.

Mr. McGovern stated in the case of Treat Avenue, they had just about everything else and in the case of Copper Street, they had to make sure that the project amounts they had applied for during last years calls for projects was the amount that would be appealing to the selection panel. He said if they had asked for a full million or \$1.5 million dollars, it would not have been as appealing to the committee as a lesser amount, so they thought by asking for half a million, it would get them quite a bit of work.

Council Member Kozachik stated it was not as appealing to ask for half a million dollars and then have the City pick up the balance.

Mr. McGovern said looking at the projects in phases was how they would be able to identify that particular budget would be maintained, and what they were looking at on the Copper Street alignment, was a couple of upgraded or new traffic signals that needed to be installed to allow for safe crossings. He said those monies for traffic signals was about two hundred-fifty thousand dollars, and if they could get interior elements built, that would lay the ground work for future requests to the RTA to fund the traffic signals.

Council Member Kozachik stated that would be great if the material they had referenced these projects in segments, but it referenced the entire projects all the way to Swan Road.

Mayor Rothschild stated that his understanding was that the whole thing would be paid for and he did not appreciate being told now, that it may not be. He also did not appreciate Mr. Cole not being present whom he was dealing with, and had he known, he would have had Mr. McAdam present. He asked if the projects would be covered or not.

Mr. McGovern stated that he could not say for Copper Street, but he said it would for Treat Avenue.

Council Member Uhlich stated she had just asked that question and was told Copper Street and Treat Avenue would be covered. She said she thought that Mr. McGovern had stated that they would not scope back, but now it was being stated that it was enough for about a third. She said she was aware they were in a tough position and they were trying to move forward with a project, but she did not want a project moved forward if it would be scaled back because they did not want to upset County colleagues. She said the project should be done the way it was intended, and if they needed to help in persuading the County and colleagues on the RTA board, then they could focus on that together, and she hoped they would be alerted when those dynamics emerged.

Mayor Rothschild asked Council Member Uhlich if she was in favor of the one project, they could approve that one and continue the motion and he would call for a meeting with Mr. Cole and Mr. McAdams to review the IGA. He asked Mr. McGovern if they had the full monies for Treat Avenue, but not for Copper Street.

Mr. McGovern stated that was correct.

Council Member Kozachik stated as long as the Mayor and Council had the assurance that they would not be funding any dealings that existed from what they were reviewing and that the completion of the project without value engineering out some of the important elements of it would be fine, if that was what they were voting on.

Mr. McGovern stated the categorical funds and those projects were not scoped as closely and tightly as the corridor projects. He said they were given flexibility to have the scope meet the budget and in fact, the reason for last fall's call for projects, and the reason that the RTA made money available, was because the City brought many projects under budget totaling \$1.3 million dollars. He said other jurisdictions contributed, but because of our project delivery, they were able to have this call for projects.

Council Member Uhlich stated that she would like to continue both items for the next Mayor and Council meeting after the Mayor, Ward 6, Ward 3 and Mr. McGovern have met for further review.

Council Member Uhlich withdrew her motion and it was decided by consensus of the Mayor and Council to continue Consent Agenda Items j and m to the meeting of January 15, 2013.

Council Member Kozachik stated he agreed and with the understanding that they would be voting on Treat Avenue from the Rialto River to Aviation Parkway as it was designed without deviating out of the critical elements.

8. PUBLIC HEARING: SUBSTANTIAL PLAN AMENDMENT FOR NEIGHBORHOOD STABILIZATION PROGRAM 3 FUNDING

Mayor Rothschild announced City Manager's communication number 15, dated January 8, 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 a substantial plan amendment for Neighborhood Stabilization Program 3 funding. He stated that staff would make a brief presentation.

Andrea Ibanez, Housing and Community Development Department Interim Director, stated the item was a substantial plan amendment to the 2013 annual action plan that they had already submitted to Department of Housing and Urban Development (HUD) and had been approved. She said the Neighborhood Stabilization Program (NSP) was an American Recovery Act Funded Program, and had received almost \$2.1 million dollars in the NSP3 program and as part of accepting the grant, they were required to outline a particular map that was included in the materials to the Mayor and Council, which the map outlined Miracle Mile towards the north, St. Mary's Road in the south, Silverbell Road on the west and Stone Avenue on the left.

Ms. Ibanez stated that HUD had been using Geographic Information Systems (GIS) capabilities for the past years which had assisted them. She said they had submitted that particular geographic area, which was scored and HUD had decided it was a favorable one because of the foreclosure rate, along with the poverty level. She stated they received listings of real estate owned properties each week and further stated that they did not purchase foreclosed homes or bailed out individuals from their mortgage issues, but obtained properties from real estate owned entities. She said they were looking to extend the areas to the south, which included Palo Verde Road, Benson Highway and Mission Road, which did not have to be contiguous with the original areas. She said it also abuts the NSP2 area, which was a County competitive grant in which they participated. She said they had seen more foreclosure homes in the south, which were new developments opposed to the older neighborhoods.

Ms. Ibanez said they were asking the Mayor and Council to approve the extension of the maps so that they could continue to expend the funding from the federal government. She stated that had received 13.6 million dollars through NSP1, NSP2 and NSP3, which had been a very successful program, and in reselling those homes they received program income and they were able to purchase more homes from them and had been able to populate the assets of the Pima County Community Land Trust, which had been able to sell homes to people and had been a very successful program. She said they had a 30 day public comment period and they had not received any positive or negative comments.

Council Member Fimbres asked what was the criteria for the City purchasing a foreclosed home under NSP.

Ms. Ibanez stated the procedure was to work through the first look program, which gave them first access to foreclosed homes. They then would put forth a bid to obtain the home and staff would make sure that the home was resellable. She said a resellable home would typically be a two bedroom, two bathrooms and they would try to maintain the rehabilitation costs down to a minimum. She said they had some homes that needed very little rehabilitation and others that needed extensive rehabilitation, but that the rehabilitation costs were about thirty thousand dollars, top to bottom, which usually included all new kitchen, flooring, bathrooms and roofs.

Council Member Fimbres asked if Ms. Ibanez could explain how an eligible buyer of a home through NSP was determined.

Ms. Ibanez stated that NSP buyers actually came through the Land Trust and the Land Trust had contracts with housing counseling agencies, so eligible buyers would go to the housing counseling agencies and would have to complete certain number of hours to make certain they understood the obligations of being a first time home owners and moving from being a tenant to home owners, which sometimes was a very different proposition for individuals, and they also made sure they had a stable income. She stated there was a very strict betting process, but they only had to bring fifteen hundred dollars into the process to purchase the homes. She said they had very good luck with individuals coming in, which has kept the foreclosure rate at zero.

Council Member Fimbres asked what would the next step be if the Mayor and Council approved that agenda item.

Ms. Ibanez stated they had already scouted the areas and some homes became available to the NSP2 program, which would be closing in about six weeks. She said they would probably acquire those homes, rehabilitate them and they would be given to the Land Trust through the Mayor and Council direction. She said the Land Trust actually rehabilitates the homes, sells them to the individuals and creates a ground lease, so people purchase the homes rather than the home and the land, which made it more affordable for them.

Mayor Rothschild asked if there was anyone else wishing to be heard on this matter, hearing none, he asked for a motion to close the public hearing.

It was moved by Council Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to close the public hearing.

Mayor Rothschild asked the City Clerk to read Resolution 21993 by number and title only.

Resolution No. 21993 relating to Housing and Community Development; approving an amendment to the 2013 Annual Action Plan to include use of Neighborhood Stabilization Program 3 (NSP3) Funds; authorizing and directing submittal of the amendment to the United States Department of Housing and Urban Development (HUD); and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Resolution 21993.

9. MEMORIAL: ASKING THE ARIZONA LEGISLATURE TO REPEAL ITS PREEMPTION OF LOCAL REGULATION OF FIREARMS ON CITY PROPERTY

Mayor Rothschild announced City Manager's communication number 18, dated January 8, 2013, 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 state preemption in the regulation of firearms on city property; asking the Arizona State Legislature to repeal its preemption of local regulation of firearms as relating to city property.

Council Member Kozachik thanked Michael Rankin, City Attorney, for his assistance in drafting the language and stated that as a Charter City they were not formed by the State Legislature. He said use of firearms on City owned property was clearly a matter of local concerns and not a State matter. He stated A.R.S. §13-3108 preempts their abilities to enact ordinances consistent with what they heard from their constituents and the same thing would apply all over the state and local jurisdictions.

Mayor Rothschild asked if there was any further discussion. Hearing none, he asked for a roll call vote.

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

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 17, dated January 8, 2013, was received into and made part of the record. He asked if there were any personal appointment to be made.

There were none.

11. ADJOURNMENT: 6:23 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, January 15, 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 8th day of January 2013, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:agj:ds