



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on November 14, 2006

Date of Meeting: October 10, 2006

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 5:31 p.m. on Tuesday, October 10, 2006 all members having been notified of the time and place thereof.

1. ROLL CALL

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

Present:

José J. Ibarra
Carol W. West
Karin Uhlich
Shirley C. Scott
Steve Leal
Nina J. Trasoff
Robert E. Walkup

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

Staff Members Present:

Michael Rankin
Kathleen S. Detrick
Mike Letcher

City Attorney
City Clerk
Deputy City Manager

Kathleen S. Detrick, City Clerk, announced Gabriella Rojas would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Doctor Michael D. Berdine, *Dialogue ... pathways to human understanding*, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup presented an “Extraordinary Citizen” award to Lori Lippman, publisher of Fitness Plus Magazine.
- b. Mayor Walkup proclaimed October 2006 to be “Down Syndrome Awareness Month.” The proclamation was accepted by Frank and Caroline Ganz.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 540, dated October 10, 2006 would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Vice Mayor West announced that she would be having a town hall on October 11, 2006 at Eastside City Hall, regarding the Long Range Water Plan. There would be an opportunity for the public to taste the CAP water blends and provide input.
- b. Council Member Trasoff announced that on October 18, 2006 the Ward 6 office, would be holding a forum on the measures on the November ballot. The forum was sponsored by the League of Women Voters and would be a non-partisan and unbiased presentation of the measures.

Council Member Trasoff also announced some Youth Employment and Empowerment funding grants, which included; the Chamber Music Plus program for the Love of Words and Sounds; Voices, a program for teenagers, for photography equipment and supplies; and SharMoore Children’s Productions to co-sponsor two Stories that Soar, a program for storytelling at elementary schools.

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

Mayor Walkup announced City Manager’s communication number 541, dated October 10, 2006 would be received into and made a 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.

Mike Letcher, Deputy City Manager, reported:

- a. Dan Uthe, Deputy Chief for the Tucson Fire Department, had been named to a prestigious national committee for the National Fire Protection Administration. The national committee would write the standard for the professional qualifications for Fire Marshals across the United States and would also be authoring the test that would be used nationwide.
- b. The City Fleet Services Division had been conducting a Biodiesel (B-20) fuel pilot program at one of its fueling facilities, on a select number of diesel trucks, since July 17, 2006 with no reported vehicle performance or maintenance issues. The pilot program had been deemed a success and the City intended to convert the vast majority of its diesel vehicle fleet to B-20. A new fuel contract was awarded to Pro Fuels effective October 1, 2006. The benefits of B-20 included reduced dependence on foreign oil, lower vehicle emissions, improved fuel lubricity and lower cost.
- c. October 10, 2006 was the first day that users of the Joel Valdez Main Library once again received parking validation. Library staff reported that the first day was going well and that people were pleased and excited about the revived program. He acknowledged the leadership of Council Member Nina Trasoff and Supervisor Richard Elias in getting this back up and running, and he thanked the rest of the Mayor and Council for their support.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 543, dated October 10, 2006, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New License

1. Bamboo Club, Ward 6
5870 E. Broadway Blvd. #524
Applicant: Michael Garnreiter
Series 12, City 91-06
Action must be taken by: October 19, 2006
Staff has indicated the applicant is in compliance with city requirements.
2. Casa Blanca Mediterranean Cuisine, Ward 1
281 N. Stone Ave.
Applicant: Jeff YaCoub Wer
Series 12, City 92-06
Action must be taken by: October 20, 2006
Staff has indicated the applicant is in compliance with city requirements.

3. El Taco Tote Real Mexican Grill, Ward 1
1645 W. Valencia Rd. #111
Applicant: Martin Jeffers
Series 12, City 93-06
Action must be taken by: October 27, 2006
Staff has indicated the applicant is in compliance with city requirements.
4. Mercado Y Carniceria El Herradero, Ward 3
1020 W. Prince Rd.
Applicant: Ernesto Rascon
Series 10, City 94-06
Action must be taken by: October 26, 2006
Staff has indicated the applicant is in compliance with city requirements.

Person Transfer

5. Elbow Room, Ward 3
1145 W. Prince Rd.
Applicant: Danny James Preiser
Series 06, City 95-06
Action must be taken by: October 26, 2006
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

1. Tucson Firefighter's Assoc. Chili Cook-Off, Ward 1
160 W. Alameda St.
Applicant: Gerry R. Bowlin
City T56-06
Date of Event: November 17, 2006
Fundraiser
Staff has indicated the applicant is in compliance with city requirements.
2. Escaramuza Flor de Primavera, Ward 5
4823 S. 6th Ave.
Applicant: Francisco J. Celaya
City T60-06
Date of Event: October 22, 2006
Entertainment & Educate Mexican Culture
Staff has indicated the applicant is in compliance with city requirements.

3. Saints Peter and Paul Catholic School, Ward 6
1436 N. Campbell Avenue
Applicant: Paul V. Leonardi
City T62-06
Date of Event: October 28, 2006
School Fundraiser / Funds are Utilized to Enhance Facility and Grounds
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Written Argument Filed
Considered Separately

4. Borderlands Theater, Ward 6
40 W. Broadway
Applicant: Charles Barclay Goldsmith
City T63-06
Date of Event: October 27, 2006
Reception for Performer Danny Guerrero
Staff has indicated the applicant is in compliance with city requirements.

5. Vietnam Veterans of America, Inc. Tucson Chapter 106, Ward 1
3700 S. La Cholla Blvd.
Applicant: Juan Rodriguez
City T64-06
Date of Event: October 22, 2006
To Honor the Armed Forces and Its Veterans
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

1. Jason's, Ward 5
6261 E. Benson Hwy.
Applicant: Thomas Edmond Palmer
Series 07, City AC19-06
Action must be taken by: October 20, 2006
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b5, 5c1, 5c2, 5c4, 5c5 and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event

3. Saints Peter and Paul Catholic School, Ward 6
1436 N. Campbell Avenue
Applicant: Paul V. Leonardi
City T62-06
Date of Event: October 28, 2006
School Fundraiser / Funds are Utilized to Enhance Facility and Grounds
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Written Argument Filed

Kathleen S. Detrick, City Clerk, announced that liquor license special event application 5c3 Saint Peter and Paul Catholic School had a staff recommendation for approval, however, a protest had been filed so it would be considered separately, It was located in Ward 6.

Council Member Trasoff asked if the protester was present. No one came forward.

Council Member Trasoff said she had no objections with the request as the fundraising event had been going on for several years. She said the complainant offered a concern that was often heard with special events, which was a lot of trash in the area. She felt the City had done a very good job with security issues and she thought people were aware of that, but she was wondering if there was any sort of ordinance or provision in place requiring cleanup or extraordinary cleanup within a certain radius of the event.

Mike Rankin, City Attorney, said there was no ordinance specifically for special events or liquor involved events. There were general ordinances regarding responsibility not to allow accumulation of refuse or littering, etc. Mr. Rankin stated those would apply to the event as it would apply to other properties equally. He said they could communicate the concern to law enforcement so they were aware of the need to check the site, if it was the Council's desire.

Council Member Trasoff said it was not this specific event she was really concerned about, but felt it was a complaint heard often when there were special events. She said most of the events were really positive, good, fundraising events that everyone wanted to support. She asked if there was anything that was requested of applicants for providing adequate security, that they also have adequate trash monitoring.

Mr. Rankin said it was a consideration that could be used when deciding to recommend the special event approval. He said it could be incorporated into a larger set of guidelines that could be standardized with respect to the criteria they wished to review in determining whether to approve special event requests.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0, to recommend approval of Liquor License Item 5c3.

6. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Bishop Chicago spoke about the recent Club Crawl event and said he would like more events like these.
- b. Tim Vanderpool spoke about the ongoing issue with large trucks driving through the Armory Park neighborhood and the traffic problems they were causing. He requested City assistance to determine the correct way to address this issue, either through enforcement or traffic engineering, and to resolve the problem.
- c. Michael Toney spoke about the Rio Nuevo Western Cultural Campus and disagreed with charging an entry fee. He also complained about the lack of bicycle accommodations on Congress Street.
- d. James Kuliesh spoke about the Subcontractor List Ordinance. He thanked the Council for their actions, as he supported the removal of the requirement to list subcontractors and material suppliers on the bid materials.
- e. Ivy Schwartz spoke about Proposition 107. She said she felt there would be negative consequences that would hurt the health of our community and take away many rights of our citizens. She thanked the Council for reaffirming the City's policy to provide domestic partner benefits to City Employees and the Domestic Partner Registry.
- f. Pam Liberty thanked the City Council for the leadership they had shown on issues related to the GLBT community in the last thirty years and for reaffirming the City's policy to provide domestic partner benefits to City Employees. She also expressed her concern over the psychological effects on the GLBT community if Proposition 107 was passed.
- g. Carrie Fairchild, an employee of the City of Tucson, spoke about the City's reaffirmation of the policy to provide domestic partner benefits to City Employees, and thanked the Council for these benefits, which she relies on. She stated she was proud to work for the City of Tucson.
- h. Jeff Wer spoke about parking needs for a restaurant he was opening downtown. He also voiced his concerns about the Town West development and the safety of their residents.

7. CONSENT AGENDA – ITEMS A THROUGH G

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

A. FINANCIAL PARTICIPATION AGREEMENT: WITH TUCSON YOUTH DEVELOPMENT, INC. FOR SCHOOL PLUS JOBS PROGRAM

1. Report from City Manager OCT10-06-547 CITY-WIDE
2. Resolution No. 20469 relating to Financial Participation Agreements; authorizing and approving the FY 2007 Financial Participation Agreement with Tucson Youth Development, Inc. for School Plus Jobs Program; and declaring an emergency.

B. ASSURANCE AGREEMENT: (S05-077) FONTANA ESTATES, LOTS 1 TO 16, AND COMMON AREA “A”

1. Report from City Manager OCT10-06-544 WARD 1
2. Resolution No. 20471 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-077 of a final plat for the Fontana Estates Subdivision, Lots 1 to 16 and Common Area “A”; and declaring an emergency.

C. FINAL PLAT: (S05-077) FONTANA ESTATES, LOTS 1 TO 16, AND COMMON AREA “A”

1. Report from City Manager OCT10-06-545 WARD 1
2. City Manager recommends that, after approval of the assurance agreement, 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. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA GAME AND FISH COMMISSION FOR THE URBAN FISHING PROGRAM

1. Report from City Manager OCT10-06-546 CITY-WIDE
2. Resolution No. 20470 relating to parks and recreation; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Game and Fish Commission for the Urban Fishing Program; and declaring an emergency.

E. REAL ESTATE: AUTHORIZING THE FINANCING AND REDEVELOPMENT OF THE MARTIN LUTHER KING, JR. APARTMENTS MIXED-FINANCE REDEVELOPMENT PROJECT

1. Report from City Manager OCT10-06-548 WARDS 1 & 6
2. Resolution No. 20472 relating to real estate; authorizing and approving the financing and development of the Martin Luther King, Jr. Apartments mixed-finance redevelopment project and the execution of documents pertaining thereto; and declaring an emergency.

F. TUCSON CODE: AMENDING (CHAPTER 28), THE PROCUREMENT CODE, REMOVING THE REQUIREMENT FOR BIDDERS TO LIST SUB-SUBCONTRACTORS AND MATERIAL SUPPLIERS

1. Report from City Manager OCT10-06-539 CITY-WIDE
2. Ordinance No. 10328 relating to procurement; amending the requirement for the submission of subcontractor lists in competitive sealed bids by amending Article V, Section 28-48 of Chapter 28 of the Tucson Code; and declaring an emergency.

Item F was considered separately, as discussed in Study Session.

G. HUMAN RELATIONS: REAFFIRMING THE CITY'S POLICIES ON DOMESTIC PARTNER BENEFITS AND ANTI-DISCRIMINATION

1. Report from City Manager OCT10-06-550 CITY-WIDE
2. Resolution No. 20474 relating to medical and dental benefit coverage for same-sex domestic partners; Tucson City Code Chapter 17, Human Relations, Policy Declaration; and Tucson City Code Chapter 10 Discrimination Prohibited; and reaffirming the City's policies on domestic partner benefits and anti-discrimination; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through G, with the exception of Item F which would be considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;
Vice Mayor West and Mayor Walkup

Nay: None

Consent Agenda Items A through G, with the exception of Item F, were declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM F

(Note: This item was also considered after Item 8.)

F. TUCSON CODE: AMENDING (CHAPTER 28), THE PROCUREMENT CODE, REMOVING THE REQUIREMENT FOR BIDDERS TO LIST SUB-SUBCONTRACTORS AND MATERIAL SUPPLIERS

1. Report from City Manager OCT10-06-539 CITY-WIDE
2. Ordinance No. 10328 relating to procurement; amending the requirement for the submission of subcontractor lists in competitive sealed bids by amending Article V, Section 28-48 of Chapter 28 of the Tucson Code; and declaring an emergency.

Kathleen S. Detrick, City Clerk, said the City Attorney had a proposed amendment to the ordinance.

Mike Rankin, City Attorney, stated that consistent with the Council's direction during the study session discussion, if adopted, Ordinance 10328 would have a new second paragraph under Section 28-48 subparagraph 2 which would read as follows: "If failure to comply with this subsection would result in the rejection of the lowest responsive bid and the next lowest responsive bid is five percent higher or more than the lowest responsive bid, the director shall allow the lowest responsive bidder an additional two days from the time of bid opening to submit the required subcontractor list."

It was moved by Council Member Leal, duly seconded, to pass and adopt Consent Item F with the amendment.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;
Vice Mayor West and Mayor Walkup

Nay: None

Consent Agenda Item F as amended, was declared passed and adopted by a roll call vote of 7 to 0.

(Note: This item was amended after Item 8)

8. PUBLIC HEARING: ESTABLISHMENT OF A CITY OF TUCSON HOUSING TRUST FUND AND POTENTIAL FUNDING SOURCES

Mayor Walkup announced City Manager's communication number 549, dated October 10, 2006 would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing regarding a proposed City of Tucson Housing Trust Fund. He said the public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations.

Suzanne Gilstrap, representing the Arizona Multihousing Association, thanked the Mayor and Council for the opportunity to comment that evening. She wanted to state, for the record, the Arizona Multihousing Association strongly supported the creation of a local housing trust fund. They applauded the City for the effort in creating such a fund and the remaining question for the Association was how it was going to be funded. They supported the use of dedicated City funds from surplus assets of the City because in that way, in a sense, the general taxpayer was making a contribution to the fund. The Association had not taken a position on the rental conversion fee, and they wanted to ask the Mayor and Council to hold off on that part of the proposal. There would be a Government Affairs Committee meeting on Thursday, and they would be taking it up. Ms. Gilstrap said, as of that time, the Association had not taken a position "for" or "in opposition" to the tax. She said she had no idea which way it was going to go. She knew it was being considered in other cities and she thought the City of Scottsdale was looking at it as well. She said what happened in Tucson did have broader implications in terms of the directions other cities might go. Generally, the Association's philosophy on affordable housing was the general public should make a contribution, it should not be up to one portion of the public or one industry to make that contribution. She said she was aware the City was looking at spreading this across industry lines by talking with homebuilders, realtors and other groups. She said because they had not taken a position, she could not say the Association supported or opposed it, so she asked again that Council hold off on that portion of the proposal for a week. At that time they would be prepared to come back with a recommendation to City Council.

Yesenia Lopez asked why some of the funding was going to go to rental properties. The second question she had was, would some of the funding be used to assist populations, earning eighty percent of the area medium income, for down payments and would it be forgivable. She said it seemed to her the funds were only going to those earning fifty thousand and up and they had to pay the money back. She asked why they could not utilize some of the money to help some of that population that was eighty percent because, as Council knew, some funding was being cut. Ms. Lopez said there were not many programs out there that offered first time home buying assistance.

Michael Toney said the American Indians were never supposed to cut up their land or sell it. He said it was an excellent idea to put some kind of barrier to the free market phenomena, with people buying properties and building houses, then selling the house for more money, etc. Mr. Toney said that competitive profit motive was counterproductive to the people living here, even if they did come here and displace the American Indians. He said he was wondering where they were going to get the cash from. He said they would not get the cash from putting City funds like the three hundred seventy five thousand that went to the bio industries. He emphasized laser computers were Tucson's way to go with this and he said he agreed with the lady who suggested that this should be shared across the industry. He said putting any kind of public money into something that would lose money like a University of Arizona Science Center, and they always lose money, was taking public money and burning it. He thought the important thing was to realize where the Council's power was and put their energy into that so they could have the money in the general fund to do projects like this.

Mike Grassinger said it was a pleasure to be there not asking for approval on a rezoning. He was there as a member of the Tucson Metropolitan Housing Commission. He said he would like to be on the record to encourage Council to adopt the item as presented by the City Manager.

Michael McDonald, director of Habitat for Humanity and incoming Chair for the Tucson Metropolitan Housing Commission, said the Commission hoped Council would support the launching of this trust fund. He said the City needed to put some public dollars into the fund so they could leverage private sector dollars and as Council knew, they were talking to people in the housing and real estate industry and whose wealth and business was in that industry. The Commission would like to believe that by setting up the fund and using recycled dollars, primarily loans, that those sectors of the industry that would participate as investors would see that come back to them. He pointed out, that as we see rates of homeownership in the community, which was well below the national average, increase and the aging housing stock at almost fifty years in the core of the city, rehabbed, and home improvements made, peoples' lives would improve. He added the Commission believed major employers had recruitment and retention issues, not only related to income, but also to housing, quality of life, and economic development, as it was all tied together.

Mr. McDonald said in his role with Habitat for Humanity, he wanted to focus on the people and the families. He emphasized that was what made the quality of this community so marvelous. The community had hard working families and single heads of households, who were working two or three jobs. He said whether they were talking about a hospice care worker who was taking care of our mother, a school bus driver who would be driving children, or a firefighter who just graduated from the academy, they were talking about low wage earners, moderate wage earners, fifty percent medium incomes, a hundred and twenty percent medium incomes. He confirmed there was no help for these families or individuals to give them the opportunity to either rehab or repair the model now owned to a safe place to live, or to buy into the market and build wealth. He said the city needed to encourage this as a way of developing our community's economy and quality of life. Mr. McDonald explained these people would benefit and as they benefited and built their wealth, the rest of the community would also benefit. He said it did not matter whether it was an employer or the Tucson Association of Realtors, or lenders, or builders or developers, all would benefit in the long run by increased rates of homeownership and by having higher quality housing stock than today and than we would have in five years, if the City did not take charge of its destiny right now. He said Council knew where the public funding from the Department of Housing and Urban Development (HUD) was going and he felt it had to be done now. He said Tucson was already behind the curve, would continue to be behind the curve if Council did not pass this resolution and move forward. He stressed other investors and other parts of the industry would want to voluntarily contribute at some level even if the condo conversion fee did not pass now, because it made good business sense.

Priscilla Storm, representing Diamond Ventures, wanted to thank the Mayor and Council for the process that brought the Council to this decision and for including the private sector in the discussions and the dialogue. She said she had the opportunity to participate in meetings set up by both staff and Council subcommittees. She thought great ideas that came out of those meetings, and there was very productive dialogue. She said they actually had fun and there was public, private and non-profit sector represented. She wanted to commend Emily Nottingham and Jack Siry for the work they did and the research that went into it. They provided the foundation for all of the meetings. She said Diamond Ventures had participated in Pima County's housing trust fund and was also involved in a partnership with Habitat for Humanity. She thought it was phenomenal the City of Tucson wanted to make a statement that this issue about lack of affordable housing was a community issue and that community solutions were needed, a broad base of solutions. There was such a willingness to think outside of the box and by everyone in the public, private, and non-profit sector contributing a little bit, it provided a broad funding base for the future. It also allowed a bigger group to get educated and participate in the solution. She looked forward to participating in the dialogue after the unanimous vote for the Tucson Housing Trust Fund, because she really felt there was an opportunity for the public, private, and non-profit sector to come up with viable solutions for all.

Lori Lustig, representing the Southern Arizona Home Builders Association (SAHBA), said the association had participated in discussions both formal and informal to date and appreciated the opportunity to be at the table. She expressed surprise that

while looking through the material for the meeting she discovered, on the list of Stakeholders being appointed to the governance commission, the homebuilders were not included. She was not advocating removal of anyone being considered for the governance commission, but asked Council to include the homebuilders in their deliberations. She stated SAHBA looked forward to working with the Council again in the future.

Jim Brooks, representing the Tucson Metropolitan Housing Commission as the current chair, urged Council to support the item and to vote unanimously also. He thought there were some excellent comments from earlier speakers, so he did not want to go any further except to reiterate the help that Emily Nottingham and Jack Siry had provided. He confirmed they had been a big part of getting the issue to this point and he urged Council's support one hundred percent so hopefully they could move forward.

Jerry Anderson, representing the Tucson Metropolitan Housing Commission, thought this was the right thing to do at the right time. He said he thought the Arizona Multihousing Association would come on board and that action should be taken that evening. He thought SAHBA made a good point, that the only change to the recommendation was to add homebuilders to the sectors that were to be represented on the governing board. He said the change would increase the number to nine, so it would be an odd number. He apologized for that oversight. The coalition had been built through the efforts of Michael McDonald, the private sector and other members of the Housing Commission, Council Member West and other members of the City Council who had really worked hard. He stated again that it was the right thing to do for the community. He agreed the City was behind the curve and encouraged Council to not waste any more time and to move forward.

Janet Marcus, representing the Tucson Metropolitan Housing Commission, said she was thrilled that Council was considering this item. She remembered years ago when she was on the Council how terrible they felt when there was nothing from bonds for housing because of the limit. She thought that with the Housing Trust Fund the City had a terrific opportunity to do something terribly meaningful in the community. She said she was counting on a unanimous vote and everything moving forward with the endeavor.

Barbara Becker, as a member of the Tucson Metropolitan Housing Commission, urged the Mayor and Council to consider the wonderful arguments that had been presented and to vote together for this wonderful cause.

It was moved by Vice Mayor West, duly seconded, and carried by a voice vote to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 20473 by number and title only.

Resolution No. 20473 relating to housing; establishing the Tucson Housing Trust Fund and establishing a fee for the conversion of multifamily rental structures to alternative uses; and declaring an emergency.

Vice Mayor West said she wanted to thank the Children, Seniors, and Families Subcommittee, consisting of Council Members Ibarra, Scott and herself as well as ex-officio member George Pettit. She said they worked very hard. She then asked the members of the Metropolitan Housing Commission to stand and be recognized because they had been invaluable in this effort.

Vice Mayor West said she thought Michael McDonald had said it best, that the community contributors would benefit in many ways and that included those who were involved in the rental conversion. She said there would perhaps be some leverage dollars for those projects, especially if some of them involved affordable projects. She confirmed there would be down payments for homes. She said this was a sustainable fund so when a home sold that loan money would return to the fund. She said Janet Marcus was right, the bond capacity was never there for housing. She also thought one of the things that impacted Ward 2, Ward 3, and Ward 6 the most was the fact by the year 2010 there would be fifty thousand units of housing that were fifty years or older. She said it was something the City would have to face at a time when Federal funds were dwindling. She told Suzanne Gilstrap she would attend the upcoming Government Affairs Committee meeting, but thought they should go ahead with the motion.

It was moved by Vice Mayor West, duly seconded, to pass and adopt Resolution 20473.

Mayor Walkup asked if there was any discussion.

Vice Mayor West said she wanted to thank Emily Nottingham and Jack Siry for their invaluable help on this project. She was embarrassed that SAHBA was forgotten on the list for the governance board as they had met at least three times for input. She asked that developer/builder be added to Item C regarding the Governance Board composition.

Mayor Walkup asked if Vice Mayor West wanted to add that to the motion.

Vice Mayor West said yes.

Kathleen S. Detrick, City Clerk, clarified that the motion was to approve the City Manager's recommendation with the change to the governance board.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;
Vice Mayor West and Mayor Walkup

Nay: None

Resolution 20473 was declared passed and adopted by a roll call vote of 7 to 0.

Council Member Uhlich wanted to offer a second motion regarding the City's Housing Trust Fund that was alluded to at the October 3, 2006 meeting. She commended the body for establishing a one million dollar set aside in the budget in order to insure the City could rollback and offer relief to low income residents from the environmental services fee. She said a report was received from the City Manager that enrollment had not reached the hoped levels, therefore the full million would not be used this fiscal year. She said it might even take several years to reach that mark. She said as they continued to be aggressive in that outreach, she had a motion related to the fund that she would like to add to the Housing Trust Fund.

It was moved by Council Member Uhlich, duly seconded, that any unexpended funds from the one million dollar Utility Services Department Environmental Services Low Income Assistance Program set aside be allocated at the end of the fiscal year to the City's Housing Trust Fund and further, that the Council direct the City Manager to include this funding mechanism in future budgets for consideration and approval by Mayor and Council each fiscal year.

Mayor Walkup asked if there was any discussion.

Council Member Uhlich noted this fiscal year it was anticipated it would add three hundred thousand to the fund to jump-start it.

The motion was passed by a voice vote of 7 to 0.

Council Member West reminded Council that they had not answered Ms. Lopez's questions.

Emily Nottingham, Director of Community Services, related the first question was "should not some of the money be allocated for rental properties." She pointed out the recommendation from the Housing Commission, which was in the draft implementation plan, was that one third of the funds be for the homebuyer, one third for home repair, and one third for rental properties. She confirmed that some funds would be allocated for rental. She said the other question was "should not some of the money for the down payment assistance go not to just those people between eighty and a hundred percent of the median, but to those below eighty percent as well." She indicated that while the governing board would determine the final rules, the recommendation was the

focus of the down payment assistance would be for workforce housing, because those people could not be served with Federal funds. She explained there were already down payment assistance programs for people at eighty percent of median or lower. She also indicated it did not exclude people at eighty percent or lower from participating in funding of down payment assistance for the City of Tucson Housing Trust Fund as well.

F. TUCSON CODE: AMENDING (CHAPTER 28), THE PROCUREMENT CODE, REMOVING THE REQUIREMENT FOR BIDDERS TO LIST SUB-SUBCONTRACTORS AND MATERIAL SUPPLIERS

(Item F was amended.)

Council Member Leal said regarding Consent Item F, Council forgot to put in the six month window as was discussed at Study Session that made a commitment to the stakeholders. He wanted to make sure it was included and asked if he needed to make a motion to reconsider.

Mike Rankin, City Attorney, said an appropriate motion would be to direct staff to return to the Council in six months to report on the impact and effects of the changes to the Ordinance and make any necessary changes at that time.

Council Member Leal asked if that would be the same as having a six month sunset on being able to set the Ordinance aside.

Mr. Rankin stated it was not exactly the same as a sunset on the Ordinance.

Council Member Leal clarified the sunset was not on the Ordinance itself, but on the waiver allowing the Procurement Director to set aside certain parameters of the Ordinance for a six-month period.

Mr. Rankin said if Council wanted to specifically sunset the language that was added in the modification it could be done. If done, the modification would expire on its own terms in six months. Council could also give staff direction to come back with a report on how things were doing overall.

It was moved by Council Member Leal, duly seconded, to add to the provision language introduced at the meeting a clause to end the provision in six months.

Kathleen S. Detrick, City Clerk, asked the City Attorney if the Ordinance was being amended and would it have to be reconsidered first.

Mr. Rankin stated as the Ordinance was adopted earlier in the evening and an effective date for the modification had not been discussed, he thought the sunset could be added by a motion "to amend" instead of a motion "to reconsider."

The motion to amend Ordinance 10328 to add the sunseting of the provision allowing the Procurement Director to set aside certain perimeters of the Ordinance in six months was passed by a voice vote of 7 to 0.

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 542, dated October 10, 2006 would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 7 to 0 to appoint Toby Ford and Neil Hejny to the Technology Policy Advisory Committee.

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

Council Member Uhlich appointed Katie Bolger to the Planning Commission and Evelyn Alvarez to the Citizen's Police Advisory Review Board.

10. ADJOURNMENT: 6:44 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, October 17, 2006, 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 10th day of October 2006 and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:jr:lh