



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on September 14, 2010.

Date of Meeting: February 9, 2010

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 5:37 p.m., on Tuesday, February 9, 2010, all members having been notified of the time and place thereof.

Roger W. Randolph, City Clerk, announced Council Member Romero was unable to be present for the evening's meeting, but would be participating by telephone. This was allowable under the Mayor and Council Rules and Regulations. He stated Council Member Romero could vote on all matters in the same way as those members physically present as long as she participated in the discussions. On the evening's agenda, all votes would be done by roll call rather than voice vote.

1. ROLL CALL

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

Present:

Regina Romero	Council Member Ward 1 (electronic attendance)
Rodney Glassman	Vice Mayor, 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
Robert E. Walkup	Mayor

Absent/Excused:

None

Staff Members Present:

Mike Letcher	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Roy Tullgren, Gospel Rescue Mission, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup presented the 2009 Tucson Parks and Recreation Commission Awards.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 50, dated February 9, 2010, 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.

- a. Council Member Romero thanked Fred Gray, Parks and Recreation Department Director, and Kristin Almquist, the Ward 1 appointee to the Tucson Parks and Recreation Commission (TPRC), for the time and energy they invested into the TPRC. She also invited everyone to attend the "Chocolates to Die For" event held at Presidio San Agustín on February 13, 2010.
- b. Vice Mayor Glassman announced the Ward 2 Office hosted a Tucson Solar City Marketing Group meeting on February 11, 2010, and their Annual Senior Valentines Day Tea on February 12, 2010.
- c. Council Member Fimbres announced a celebration of Rosa Parks' life and those who followed in her footsteps was held on February 10, 2010, and the Pueblo Senior Center hosted their Senior Valentine's Day Party. He also thanked those who contributed to the Community Food Bank during the month of January and said the Ward 5 Office would continue to be a collection point for anyone who still wished to contribute.
- d. Council Member Kozachik congratulated El Charro Restaurant for being ranked sixteenth nationwide in *Nation's Restaurant News* and recognized Cox Cable Communications for donating one thousand dollars to the Palo Verde Neighborhood Association for graffiti abatement. He announced Sir Veza's hosted a "thank you" party for Gem and Mineral Show promoters and the Arizona Stagecoach, Southern Arizona Home Builders Association, Capitol Consulting and Mr. Ahn funded a shuttle service for Tucson Gem and Mineral Show patrons.

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

Mayor Walkup announced City Manager's communication number 51, dated February 9, 2010, 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 Walkup announced City Manager’s communication number 52, dated February 9, 2010, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

1. Walgreens #04045, Ward 2
4685 E. Grant Rd.
Applicant: Randy Allen Guse
Series 10, City 94-09
Action must be taken by: January 31, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

This item was considered separately.
2. Walgreens #04104, Ward 3
2411 N. Oracle Rd.
Applicant: Randy Allen Guse
Series 10, City 96-09
Action must be taken by: February 1, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

This item was considered separately.
3. Walgreens #07203, Ward 3
2415 N. Alvernon Way
Applicant: Randy Allen Guse
Series 10, City 97-09
Action must be taken by: February 1, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

This item was withdrawn at the request of the applicant.

4. Walgreens #00950, Ward 6
1900 E. Grant Rd.
Applicant: Randy Allen Guse
Series 10, City 100-09
Action must be taken by: February 4, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

This item was considered separately.
5. Walgreens #06491, Ward 3
1351 W. Prince Rd.
Applicant: Randy Allen Guse
Series 10, City 101-09
Action must be taken by: February 4, 2010

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

(Continued from the Mayor and Council Meeting of January 26, 2010)
6. Walgreens #05209, Ward 3
3180 N. Campbell Ave.
Applicant: Randy Allen Guse
Series 10, City 102-09
Action must be taken by: February 5, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

This item was considered separately.
7. Walgreens #07463, Ward 1
525 W. Valencia Rd.
Applicant: Randy Allen Guse
Series 10, City 106-09
Action must be taken by: February 6, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

This item was withdrawn at the request of the applicant.

8. Walgreens #06244, Ward 6
4700 E. Broadway Blvd.
Applicant: Randy Allen Guse
Series 10, City 108-09
Action must be taken by: February 6, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

This item was continued for two weeks at the request of the applicant.

9. Walgreens #03856, Ward 5
5480 E. 22nd St.
Applicant: Randy Allen Guse
Series 10, City 109-09
Action must be taken by: February 6, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

This item was considered separately.

10. Walgreens #02451, Ward 3
4220 N. Oracle Rd.
Applicant: Randy Allen Guse
Series 10, City 110-09
Action must be taken by: February 6, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

This item was considered separately.

11. Walgreens #04764, Ward 6
5455 E. Speedway Blvd.
Applicant: Randy Allen Guse
Series 10, City 114-09
Action must be taken by: February 6, 2010

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

Public Opinion: Written Argument Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

This item was considered separately.

12. Walgreens #06766, Ward 5
1880 E. Irvington Rd.
Applicant: Randy Allen Guse
Series 10, City 117-09
Action must be taken by: February 8, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

This item was continued for two weeks at the request of the applicant.

13. Contigo Cocina Latina, Ward 3
1745 E. River Rd. #165
Applicant: Deborah E. Tenino
Series 12, City 118-09
Action must be taken by: February 18, 2010

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

14. Sir Veza's Taco Garage, Ward 6
4699 E. Speedway Blvd.
Applicant: Robert Brian McMahon
Series 12, City 119-09
Action must be taken by: February 14, 2010

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 Transfer(s)

15. Diablos Sports Bar and Grill, Ward 4
2545 S. Craycroft Rd.
Applicant: Jesus Manuel Castro
Series 6, City 111-09
Action must be taken by: February 5, 2010

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

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

c. Special Event(s)

1. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Amy Ivy Reed
City T109-09
Date of Event: February 26, 2010
(Exhibition Opening Reception)

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

2. Coyote Taskforce, Inc./Cafe 54, Ward 6
54 E. Pennington St.
Applicant: Mindy Bernstein
City T107-09
Date of Event: February 13, 2010
(Valentine's Day Dinner)
(Brought back for reconsideration to correct the date of the Special Event)

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

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent change(s) scheduled for this meeting.

It was moved by Vice Mayor Glassman, duly seconded to forward Items 5b5, 5b13 through 5b15 and 5c1 and 5c2 to the State Liquor Board with a recommendation for approval.

Mayor Walkup asked if there was any discussion.

Council Member Kozachik said he was troubled by some of the applications. Staff from his office and several of the neighborhoods had tried to connect with some of the applicants, with a sense of futility. He said they were concerned about saturation in the area and the fact that they had been unable to get the attention of some of the Walgreens store managers or representatives. He said he knew representatives were in

attendance at the evening's meeting and asked if the Mayor and Council were going to vote on the applications one at a time.

Mayor Walkup said he thought the motion on the floor allowed them to clear the uncontested liquor license applications. Then, they could start the process of going through the applications one by one that they were concerned about.

Council Member Kozachik said he was concerned that some of the applications that were uncontested were outlets that they received phone calls about as well. He asked for clarification in the liquor license applications 5b1, 5b4, 5b6, and 5b11 were ones that were uncontested.

Roger W. Randolph, City Clerk, explained liquor license applications 5b1, 5b4, 5b6 and 5b11 were not included in the motion.

Council Member Uhlich asked for a repeat of the motion.

Mr. Randolph clarified that the motion was to forward Items 5b5, 5b13 through 5b15, 5c1 and 5c2 to the State Liquor Board with a recommendation for approval. All the other items on the Liquor License Agenda would be considered separately.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

The motion to forward liquor license applications 5b5, 5b13 through 5b15, 5c1 and 5c2 to the Arizona State Liquor Board with a recommendation for approval were passed by a roll call vote of 7 to 0.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

New License(s)

1. Walgreens #04045, Ward 2
4685 E. Grant Rd.
Applicant: Randy Allen Guse
Series 10, City 94-09
Action must be taken by: January 31, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Item 5b1, Walgreens #04045, 4685 E. Grant Road, located in Ward 2.

Mayor Walkup asked everyone in attendance to bear with the Council, as he did not think they had ever had such a large liquor license agenda. He said they would work their way through each application one by one.

Michael Rankin, City Attorney, advised the Mayor and Council that there was a single representative for Walgreens who was prepared to speak on all the applications. He said the Mayor and Council could go through each application individually and ask if there were any speakers that wanted to go on record protesting the application. The representative would then be given an opportunity to address any protests.

Mayor Walkup asked if all the remaining applicants were Walgreens in nature, to which Mr. Randolph replied they were.

Mayor Walkup stated they would begin with applications from Ward 2 and run through the process. If there was any dissent, he asked that the Council make it a single individual per application on the liquor license agenda.

Vice Mayor Glassman asked for advice from the City Attorney on how to proceed with the motion.

Mr. Rankin suggested that the applicant address the application, starting with Item 5b1, Walgreens, located at 4685 East Grant. He added that the representative from Walgreens could speak generally about the applications being brought forward.

Peter H. Schelstraete, representing Walgreens, asked if he could give a general statement for all the Walgreens applications, after which he could respond to any questions the Mayor and Council had on any individual item.

Mr. Schelstraete said Items 5b1 through 5b12 were the applications in question. As correctly stated, he said two of the applications had been withdrawn, two applications were requested to be continued and eight applications remained to be addressed. Mr. Schelstraete said all the Walgreens applications were series ten liquor license applications for beer and wine only; it did not include hard liquor. He stated Walgreens was applying for these licenses to meet customer needs. He said they had a lot of requests for beer and wine in their stores and were complying with requests from their patrons.

Mr. Schelstraete said Walgreens intended to allocate twelve to eighteen feet of shelf space with two cooler doors worth of cold beer and wine. They did not intend to sell single cans or single bottles of wine with high alcohol content that would be conducive to abuse. He said Walgreens employees, under Title IV of the Arizona liquor laws, would have training prior to any sales of alcohol. He also pointed out that Walgreens probably had one of the best, if not the best, records he had ever seen in compliance with liquor laws in the State of Arizona. He said Walgreens had fifty stores

that sold liquor in Arizona; and over the past year, of all fifty stores, there was not one violation and during the past two years, there was only one violation within the fifty stores.

Mr. Schelstraete said the district managers and managers at the various locations had made good faith attempts to meet with the neighborhoods. He said he was surprised to hear there was some communication that did not reach them. He said he thought they really stepped up to the plate by having the district manager and the store manager, reach out to the neighborhood associations. They attended a number of neighborhood meetings and had meetings at the stores; they answered questions and listened to the neighborhood's concerns. As a result of those meetings, some of the applications were withdrawn. He said in two instances where they could not schedule meetings with the neighborhood in time before the meeting, they requested that those applications be continued.

Mr. Schelstraete said Walgreens made a very earnest effort. He said one of the signs of them stepping up to the plate was that district managers freely gave out their cell phone numbers to the various neighborhood associations so that they could be contacted and, if the license was granted, the neighborhood representatives could still contact them if they had concerns. He asked that the Mayor and Council recommend approval for all eight licenses.

Mr. Rankin suggested that the Mayor ask if there was anyone present who wanted to be heard either in protest or support of this first application for Walgreens.

Mayor Walkup asked if there was anyone present who wished to speak in opposition to the application. There was no one.

It was moved by Vice Mayor Glassman, duly seconded, to forward Liquor License application 5b1 to the Arizona State Liquor Board with the recommendation of approval.

Mayor Walkup asked if there was any discussion.

Vice Mayor Glassman thanked Katie Brown, one of the Ward 2 neighborhood presidents, who took the time to meet with her neighborhood and also with the surrounding neighborhoods, to make sure that their concerns were addressed.

Mayor Walkup asked for a roll call vote:

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

The motion to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for approval was passed by a roll call vote of 7 to 0.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

New License(s)

2. Walgreens #04104, Ward 3
2411 N. Oracle Rd.
Applicant: Randy Allen Guse
Series 10, City 96-09
Action must be taken by: February 1, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Item 5b2, Walgreens #04104, 2411 North Oracle Road, located in Ward 3.

Council Member Uhlich noted there were representatives from the neighborhoods involved in the applications for Ward 3. She said she would ask each representative to come forward and attend to each item separately. She asked the City Attorney if all the information submitted in these deliberations was forwarded to the Arizona State Liquor Board.

Michael Rankin, City Attorney, replied it was.

Council Member Uhlich said there was some information she wanted to give to be entered into the record that was shared by a representative, and would make note of that. She called on Jim Quinn to address Item 5b2.

Jim Quinn, Miracle Manor Neighborhood Association (MMNA) Vice President, said he was present to speak on behalf of the MMNA at the request of the president, Oscar Bojorquez. He said he and the neighbors were very concerned. He stated they spoke with representatives from Walgreens at and they asked for some help in regards to protecting the Walgreens customers, in case there was a beer run or other problems. They were told they could not afford to do anything. Mr. Quinn said they asked about a guard, and were told it would cost about one hundred twenty thousand dollars. Mr. Quinn said they researched that figure, and it was not even half of that. He said the Walgreens representatives did not seem to make any effort to respond to their concerns, except that they were there, they were pleasant and they gave them their business cards.

Mr. Quinn said the MMNA had been through a transition over the last eleven years and had come a long way. The MMNA still had a reputation, but it was not deserved. He said they did not have the problems now that they had in the past. The police, inspectors, neighbors, and 911, had all been right there when they needed them, and it turned their neighborhood around. Mr. Quinn said if Walgreens wants to be part of the neighborhood and the City, they need to be more sensitive to their concerns.

Mr. Quinn said that the Tucson Police Department (TPD) was under the gun with cuts. If Walgreens got their liquor license, there would be problems, more for the TPD to handle. He said they spoke to the police officer from the neighborhood regarding a mural that their neighborhood was doing at one of the local stores. He said the police officer told them they could begin by putting pressure on that area and making sure that people knew they were not going to put up with anything. Mr. Quinn said that was fine, but it was a lot of extra work. He asked why Walgreens could not show some support in the area of preventing beer runs. He explained how kids or adults go into the stores, grab beer and run off. He said that Mr. Bojorquez suggested some type of a barrier be put in place, but there was no response. He was told guards were too expensive.

Mr. Quinn said the MMNA also suggested that Walgreens have a liquor area with a cash register, so that if customers went in there, there would be a cash register and a turnstile, so one could not just run out. He said that was what they used to do in the past in all of the Walgreens and it looked like it was a good setup. He said the MMNA was not in support of the application as it stood, and asked for good faith participation by Walgreens.

Council Member Uhlich said she echoed Council Member's Kozachik's concern regarding the process of the submittal and she appreciated that Walgreens met with some of the neighborhood representatives. However, most of it was occurring very late and it put the Mayor and Council under a tremendous amount of pressure to consider twelve applications simultaneously.

It was moved by Council Member Uhlich, duly seconded, to forward Liquor License Application 5b2 to the Arizona State Liquor Board with a recommendation for denial.

(Note: Council Member Romero departed at 6:12 p.m. and returned at 6:14 p.m.)

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

Upon roll call, the results were:

Aye: Council Members Uhlich, Scott, Fimbres, and Kozachik;
Vice Mayor Glassman and Mayor Walkup

Nay: None

Absent/Excused Council Member Romero

The motion to forward liquor license application 5b2 to the Arizona State Liquor Board with a recommendation for denial was passed by a roll call vote of 6 to 0.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

New License(s)

4. Walgreens #00950, Ward 6
1900 E. Grant Rd.
Applicant: Randy Allen Guse
Series 10, City 100-09
Action must be taken by: February 4, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Item 5b4, Walgreens #00950, 1900 E. Grant Road, located in Ward 6.

Council Member Kozachik asked if there was a representative from any of the Ward 6 neighborhoods who wished to speak regarding this application. Hearing no one, he commented that he received plenty of contact from the neighborhoods and would speak on their behalf. He said the whole issue was with the efforts to connect with them was at the eleventh hour.

Council Member mentioned the crime in the area and also brought up the issue of saturation, and the number of other retail outlets in the area and bars that sold alcohol. He said he was told that when presentations were made by Walgreens representatives during the zoning for many of the store locations, the neighborhoods were told that this was not going to be an issue later on when the Walgreen stores were opened. He said the neighborhoods felt this was a “bait and switch” sort of a deal.

Council Member Kozachik said he appreciated the Walgreens representative who said they contacted the neighborhoods; yet contacting them did not necessarily equate to the neighborhood’s assent.

It was moved by Council Member Kozachik, duly seconded, to forward Liquor License Application 5b4 to the Arizona State Liquor Board with a recommendation for denial.

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

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

The motion to forward liquor license application 5b4 to the Arizona State Liquor Board with a recommendation for denial was passed by a roll call vote of 7 to 0.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

New License(s)

6. Walgreens #05209, Ward 3
3180 N. Campbell Ave.
Applicant: Randy Allen Guse
Series 10, City 102-09
Action must be taken by: February 5, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Item 5b6, Walgreens #05209, 3180 N. Campbell Avenue, located in Ward 3.

Council Member Uhlich announced that Mike Murray was present to speak on behalf of the neighborhoods. She said she also wanted to enter some information for the record, which essentially addressed an educational institution that was within three hundred feet of the request.

Mike Murray said he was representing the Richland Heights East Neighborhood Association (RHENA) on a pro bono basis, and was not charging them for his services as a lawyer. He commented that when Walgreens built the store at the intersection of Campbell Avenue and Fort Lowell Road, there were a number of things that had to be changed; zoning for one. Walgreens had to change their application for their type of zoning. Mr. Murray said the applicants, at that time, were very worried about those issues, and justly so, because the neighborhood was opposed to what they were going to do unless they changed their plan.

Mr. Murray said one of the things the RHENA was told, back in 1998, by the Walgreens representatives was that they would not sell alcoholic beverages at that store. He said a couple of members of the RHENA were present at the evening's meeting and

also remembered that to be the same. He said the representatives also said they were not going to operate a twenty-four hour store; the store was now open twenty-four hours. He said Walgreens also said they would close their store at Campbell Avenue and Grant Road, and as he understood that location was still open.

Mr. Murray commented that Walgreens now wanted to sell alcoholic beverages, which they agreed they would not do. He said it was pretty clear why there was some difficulty trusting what they had been told by the Walgreens representatives. He said there was also a small school across the street from the Walgreens, which he thought was in violation of the three hundred foot rule. The school, La Petite Academy, according to their brochure, was a premier provider of high quality education for children. Mr. Murray said he went in and checked on the school, saw children at desks and teachers working with them. The teachers at the Academy said they handle children from infants through the age of twelve. Mr. Murray said it was the City's obligation to deny the application according to State law which says there should not be a liquor establishment within three hundred feet of an institution.

Mr. Murray commented that there were ten other off-sale liquor licenses within a short distance of the Walgreens location. Two of them were in major supermarkets, Albertson's and Safeway. The others were in gas stations or Circle K type operations. There were also ten on-sale licenses within two blocks of Walgreens. He said the argument, from their friends at Walgreens, that they required this service was not in the public's interest or convenience. There were plenty of places to buy liquor if they wanted. He urged the Mayor and Council to deny the liquor license application for Walgreens #05209.

It was moved by Council Member Uhlich, duly seconded, to forward Liquor License Application 5b6 to the Arizona State Liquor Board with a recommendation for denial.

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

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

The motion to forward liquor license application 5b6 to the Arizona State Liquor Board with a recommendation for denial was passed by a roll call vote of 7 to 0.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

New License(s)

- 9. Walgreens #03856, Ward 5
5480 E. 22nd St.
Applicant: Randy Allen Guse
Series 10, City 109-09
Action must be taken by: February 6, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Item 5b9, Walgreens #03856, 5480 E. 22nd Street, located in Ward 5.

Council Member Fimbres said he received correspondence on this application, stating that there was no opposition to the liquor license.

It was moved by Council Member Fimbres, duly seconded, to forward Liquor License Application 5b9 to the Arizona State Liquor Board with a recommendation for approval.

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

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

The motion to forward liquor license application 5b9 to the Arizona State Liquor Board with a recommendation for approval was passed by a roll call vote of 7 to 0.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

New License(s)

- 10. Walgreens #02451, Ward 3
4220 N. Oracle Rd.
Applicant: Randy Allen Guse
Series 10, City 110-09
Action must be taken by: February 6, 2010

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

Public Opinion: Written Arguments Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

Roger W. Randolph, City Clerk, announced the next item to be considered separately was 5b10, Walgreens #02451, 4220 North Oracle Road, located in Ward 3.

Council Member Uhlich stated there were written arguments filed opposing the liquor license. She asked if the representative from the Limberlost Neighborhood Association was present. Hearing no one, she said due to the written arguments filed opposing the license suggested that there clearly might be some lingering concerns. She stated that the area was another high stress area, and also noted the saturation levels of alcohol sales.

It was moved by Council Member Uhlich, duly seconded, to forward Liquor License Application 5b10 to the Arizona State Liquor Board with a recommendation for denial.

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

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

The motion to forward liquor license application 5b10 to the Arizona State Liquor Board with a recommendation for denial was passed by a roll call vote of 7 to 0.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

New License(s)

11. Walgreens #04764, Ward 6
5455 E. Speedway Blvd.
Applicant: Randy Allen Guse
Series 10, City 114-09
Action must be taken by: February 6, 2010

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

Public Opinion: Written Argument Opposed Filed

(Continued from the Mayor and Council Meeting of January 26, 2010)

Roger W. Randolph, City Clerk, announced the final item to be considered separately was item was 5b11, Walgreens #04764, 5455 East Speedway, located in Ward 6.

Council Member Kozachik commented there was no need to be redundant; the issues and arguments were the same.

It was moved by Council Member Kozachik, duly seconded, to forward Liquor License Application 5b11 to the Arizona State Liquor Board with a recommendation for denial.

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

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

The motion to forward liquor license application 5b11 to the Arizona State Liquor Board with a recommendation for denial was passed by a roll call vote of 7 to 0.

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 items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Ciara Upson said she was nine years old and a member of the Limberlost Neighborhood Association since she was little. She spoke about why and how she began her own Food Bank, how she reached her goals and thanked everyone who helped her get there.
- b. Dawn Zurcher spoke about how the Avra Valley community was affected by the City's lease agreements with the Humane Border organization aiding illegal aliens by providing water stations. She commented it was a serious public safety problem.
- c. Joseph Sweeney spoke about revenue sources for Access Tucson. He also commented on funding for 287(g) units and the problems the community was facing because of illegal aliens.

7. CONSENT AGENDA – ITEMS A THROUGH F

Mayor Walkup 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 FEB9-10-54 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on September 22, 2009.

B. GRANTS: GRANT AGREEMENT WITH THE AK-CHIN INDIAN COMMUNITY FOR DISTRIBUTION OF GAMING MONIES TO PLANNED PARENTHOOD ARIZONA

1. Report from City Manager FEB9-10-55 CITY-WIDE
2. Resolution No. 21476 relating to finance; authorizing disbursement of gaming monies; and declaring an emergency.

C. FINAL PLAT: (S08-048) BROADMOOR EXECUTIVE CENTER CONDOMINIUMS, UNITS 101 TO 107 AND COMMON ELEMENT "A"

1. Report from City Manager FEB9-10-57 WARD 6
2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

D. TUCSON CODE: AMENDING (CHAPTER 2) RELATING TO CITY OFFICE HOURS

1. Report from City Manager FEB9-10-60 CITY-WIDE
2. Ordinance No. 10758 relating to City office hours; amending Tucson Code Chapter 2, Administration, Section 2-1, City office hours; establishing additional days when the City may be closed for regular business because of furlough days for all employees; and declaring an emergency.

E. TUCSON CODE: AMENDING (CHAPTER 16) PROHIBITING PARENTS AND GUARDIANS FROM PERMITTING OR FAILING TO PREVENT ACTS OF GRAFFITI BY A MINOR CHILD

1. Report from City Manager FEB9-10-61 CITY-WIDE
2. Ordinance No. 10759 relating to crimes and offenses; amending Tucson Code, Chapter 16, Article IV. by adding a new Sec. 16-30.1 prohibiting parents and guardians from permitting or failing to prevent acts of graffiti by a minor child; and declaring an emergency.

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

F. TUCSON CODE: AMENDING (CHAPTER 2) PROHIBITING FALSE INFORMATION TO OBTAIN PUBLIC ASSISTANCE FOR HOUSING AND OTHER PROGRAMS

1. Report from City Manager FEB9-10-62 CITY-WIDE
2. Ordinance No. 10760 relating to City Administration; amending Tucson Code Section 2-22.1 to prohibit providing false information to obtain public assistance for housing and other programs; and declaring an emergency.

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

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

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

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

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

7. CONSENT AGENDA – ITEM E

E. TUCSON CODE: AMENDING (CHAPTER 16) PROHIBITING PARENTS AND GUARDIANS FROM PERMITTING OR FAILING TO PREVENT ACTS OF GRAFFITI BY A MINOR CHILD

Council Member Uhlich stated she had the opportunity to speak briefly with Council Member Kozachik before the meeting about a couple of items, one of which was the process that the Mayor and Council went through when considering a new ordinance. First they agendaize items for study session so that the Mayor and Council can discuss the item and make sure there was a will of the group to have something drafted for their consideration. She said the item before them amends the *Tucson City Code* to include certain fines and penalties for parents and guardians whose minor children commit a second act of graffiti. She asked the City Attorney if that was correct and asked him to elaborate on the item.

Michael Rankin, City Attorney, said Council Member Uhlich summarized it pretty well. The *Tucson Code* already prohibited acts of graffiti, and established punishments and sanctions for convictions of that conduct. Mr. Rankin said the Ordinance being presented would amend the title of Chapter 16 of the *Code*, the Neighborhood Protection Ordinance. The amendment added a provision that parents or guardians of minor children who fail to take action to prevent their child from continuing to commit acts of graffiti, after being placed on notice that the minor child was cited or convicted for an act of graffiti, could be held responsible for restitution to the graffiti victim of the second or subsequent acts.

Council Member Uhlich said she could appreciate the fact that the City wanted to do everything they could to prevent acts of graffiti. She said she was also very aware of very good law and crime prevention models that involved family members. Often times, especially with younger people, once the parents or grandparents knew, it definitely had a deterrent effect. She asked Mr. Rankin to help her understand reasonable action and what constituted reasonable action on the part of a parent or a grandparent, to prevent the child from engaging in further acts of graffiti.

Mr. Rankin replied that, in the instance that a person was charged under the Ordinance, it would be up to the Court to determine whether the evidence in that particular case satisfied that standard, and whether they took reasonable action or failed to take any action to try to prevent further acts of graffiti by the child. He said he could not give the Mayor and Council a litany; it would have to be a determination affect by the trier of fact, which in this instance was a City Court Magistrate.

Council Member Uhlich said she appreciated the City's efforts to prevent crime, and also to make sure that youth were engaged in constructive activity. She said the Mayor and Council had faced difficult decisions of cutting funding from many youth programs by sixty percent, and more in some instances, including the School Plus Jobs Program, which specifically attended to high school youth seeking employment. She said she wanted to make sure to include, in the Ordinance, when parents or guardians were noticed, that information was to be provided them on constructive partner organizations that engage youth, so that hopefully reasonable action could be taken by trying to avail themselves to those kinds of programs for young people. She asked if that was something that could be included in the Ordinance.

Mr. Rankin replied that they could include, within the notice provision, specific things that would be provided to the parent or guardian at the time they are notified of the conviction or citation of the minor child.

Council Member Uhlich said that was one amendment she suggested.

Council Member Romero said she had similar concerns and thanked Council Member Uhlich for pulling the item from the Consent Agenda. She said first and foremost was the process that was used; usually the protocol was to present the item at a study session, so that they had good dialogue between colleagues, and sometimes even

input of studies performed that could prove and assist in the direction the Mayor and Council were moving forward to. Council Member Romero said the second thing she was concerned about in the Ordinance was that they would criminalize and tax the already heavy burdened system. She asked Council Member Kozachik or Mr. Rankin if there was proof or studies they consulted that supported the direction in which the City was going in with regards to the Ordinance.

Council Member Kozachik said he was also planning on pulling the item from the Consent Agenda, as this sort of discussion had to happen prior to reducing a suggestion to language. He said during the past week, his office had discussions with the City Manager and the City Attorney on the topic, because they had moved several items along for discussion. He was surprised to see that Items E and F ended up as Ordinances at this point. Secondly, he said to Council Member Uhlich's point regarding the inclusion of language to provide parents and/or guardians with suggested remedies within the community, such as community service organizations; he thought was an excellent suggestion. He said he looked forward to her other amendment.

Council Member Kozachik said the Ordinance, as written, spoke to additional acts of graffiti as a Class One Misdemeanor. He added the Mayor and Council had just gone through the fire drill of cutting the police budget again, and the Ordinance was intended to draw the parents and guardians into the whole dynamic of controlling the behavior of their kids. He said he was not interested in criminalizing parents, yet he was also not interested in giving a pass to the behavior of their kids, simply because they were not engaged as parents or guardians, once they were made aware their kids were out tagging. He said this was an effort to draw them into the whole process of parenting and to help the City's public safety officials in their now less fully funded condition of taking care of the graffiti going on around the community. He stated he did not know if that responded to Council Member Romero's concerns, but that was the intent of the motion.

Council Member Romero said she understood completely and agreed with making sure that the youth and juveniles participating in graffiti were caught, and faced the consequences for their actions. She also agreed that parents should be involved, especially when it came to restitution. She said there were a lot of grandparents and legal guardians that were in charge of youth and many times youth behaved differently at home, and when out, did something that their parents or guardians did not know about. She was concerned about criminalizing parents, as well as impacting the courts. She said that the courts were also going through the economic depression that each and every department was going through, including public safety.

Council Member Romero said she was also concerned that the Mayor and Council were moving something forward that had not been fully discussed by the community. She said Pima County had a commission on juvenile issues, and there were several different commissions within the City of Tucson that should have been able to give the Mayor and Council advice on where to move in cases of graffiti. She was concerned that this would be the first step for criminalizing the parents and grandparents of kids that commit a crime. She asked if the City was going to do the same thing in criminalizing

those parents and giving them the responsibility of answering for the behavior of their children who commit rape and other crimes. She said she had a lot of questions that the Mayor and Council did not have the opportunity to talk about.

Council Member Uhlich asked Mr. Rankin what currently existed in *State Statutes* and wanted to know how parents were already pulled into enforcement in this manner.

Mr. Rankin said *State Statutes* address the parental responsibility in the manner described in the Mayor and Council Communication, in that, if under certain very specific circumstances, if those were present, the court had the ability, not the obligation, to order the parent or guardian, of the juvenile being convicted for acts of vandalism under the State law, to assist the juvenile in the performance of community restitution, meaning paying back for the damages. He said that was where two circumstances that applied. It was where the parent or guardian had knowledge that the juvenile intended to engage in, or was engaging in the conduct that gave rise to the violation. Secondly, it was where the parent or guardian knowingly provided the juvenile with the means to engage in the conduct that gave rise to the occasion.

Mr. Rankin added it was important to remember that, in almost every instance, those cases were going to be attendant to the juvenile prosecution, which was not in the jurisdiction of City Courts; it was in Juvenile Court. He said the Ordinance complimented that remedy under State law and did not conflict with it.

Council Member Romero said another issue she had was that the Ordinance applied a misdemeanor to parents or guardians of the juvenile. She said she completely understood the need to be able to hold juveniles and their parents accountable, but did not believe in criminalizing the parents, grandparents, or guardians of a juvenile, therefore bringing more work to the City's already packed court system. She believed in being able to refer them to prevention programs, making parents, grandparents, or guardians accountable for restitution and pay for what their juvenile son or daughter did. However, she did not believe in slapping a misdemeanor without prevention programs and did not feel there had been thorough conversation on the issue to be able to move on the amendment.

Mayor Walkup addressed Council Member Uhlich, stating that they were engaged in a study session dialogue and asked if there was any reason why they could not take this item off the agenda and reschedule it for a study session.

Council Member Uhlich emphasized she looked forward to working with Council Members Kozachik and Romero on the issue, and said there were some areas of common ground and some specifics they probably wanted to work through together. She said she agreed, if it was acceptable to Council Member Kozachik, to place the item for discussion at a future study session.

Mayor Walkup asked staff if there was some timeframe they were up against, if not, he asked that the item be pulled and scheduled for an upcoming study session agenda.

Council Member Kozachik pointed out that the identical issue related to Consent Agenda Item F, and asked to also pull that item and to engage in a conversation at a future study session.

7. CONSENT AGENDA – ITEM F

F. TUCSON CODE: AMENDING (CHAPTER 2) PROHIBITING FALSE INFORMATION TO OBTAIN PUBLIC ASSISTANCE FOR HOUSING AND OTHER PROGRAMS

This item was continued for discussion at a future study session.

8. PUBLIC HEARING: CITY/COUNTY WATER AND WASTEWATER STUDY PHASE II REPORT

Mayor Walkup announced City Manager's communication number 56, dated February 9, 2010, 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 City/County Water and Wastewater Study Phase II Report. He said the public hearing was scheduled to last for no more than one hour, and speakers were limited to five-minute presentations.

Carolyn Campbell, representing the Coalition for Sonoran Desert Protection, urged the Mayor and Council to adopt Phase II of the joint City/County Water and Wastewater Infrastructure and Supply Study. She said the Report talked about a new paradigm; a new paradigm they now had in the two phases that City and County staffs co-wrote, with the help of a Citizens Committee from Pima County and City Committees and Commissions, as well as, a broad support from community groups that the Mayor and Council were going to hear from that evening. She said that, in itself, was remarkable and the Mayor and Council should support and celebrate it.

Ms. Campbell said she listened to the study session earlier and it was very informative. She said she was heartened by what she heard from the Mayor and Council in talking about working on water issues, and said hopefully there was a commitment to continue to move forward working on a regional dialogue and working with the County and other stakeholders in the community.

(Note: Vice Mayor Glassman departed at 7:53 p.m. and returned at 7:56 p.m.)

Ms. Campbell said she wanted to comment on one particular issue she heard. She said there were many comments from the development community regarding comments submitted to the Mayor and Council on the issue of Conservation Effluent Pool (CEP), or the reservation/allowance of effluent for riparian restoration projects. She said she believed there was a certain amount of misunderstanding in a lot of those comments. She said she has been involved, from the very beginning with the City and the County, in the talks about endangered species, habitat protection and, particularly, the need to protect and restore riparian areas. She said she was present at the meeting when the City and County discussed and approved the intergovernmental agreement. She said she hoped

the Mayor and Council saw the letter she submitted where she attached a resolution that was supported and signed by Mayor Walkup, Chairwoman Bronson, and Secretary of Interior, Bruce Babbitt. She said she remembered it was quite a success and one of the early agreements about water between the City and the County on endangered species and habitat protection.

Ms. Campbell commented on a meeting, at Council Member Glassman's request that she had attended earlier that morning. She said she met with some of the members of the Southern Arizona Home Builders Association (SAHBA) and others. She said she thought there was a lot of educating going on, thanks to the City Attorneys that were present and she hoped some of the misunderstanding about the history, purpose, and kind of the limitations of effluent were cleared up, because riparian protection was important. She said she really did not want to talk about any of the other pieces of the Report. She said she thought it was a great piece of work that was put together well. She hoped the Mayor and Council approved and adopted the recommendations, as a road map, to move forward and hopefully continue to work together on water issues in the region.

Christina McVie said she had lived in Tucson all her life; and when she was growing up in the fifty's, there were still cottonwoods and water running down the Rillito River nine months out of the year. She said, in terms of the growth she had perceived in her life, she had seen how the aquifer had been undermined and how the quality of life and habitat had been sacrificed. She commented that in the Report the Mayor and Council had before them, which had been proffered after over after twenty-one months of deliberations by highly professional and competent individuals who utilized the best available science, was an attempt to give the Mayor and Council and Pima County tools to balance the competing interests, and come to a place where the community could move forward in growth, values, beauty, and ways that all could enjoy and appreciate.

Ms. McVie said that was what made Tucson sought out and attractive to others as opposed to Phoenix. She commented on who would want to live in a concrete jungle saying that was New York. She said Tucson was special, and one of the reasons was because of the ethic the community had that made it different.

Ms. McVie said she wanted to talk about riparian habitat, because as many of the Mayor and Council knew, she had been involved in the process with the County and with a number of stakeholder groups over the last thirteen years. She said riparian habitat was the single most threatened habitat in the southwest. The American Bird Conservancy ranked it as the fifth most threatened habitat type in the nation. She said it was a region-wide issue; it was not the City's fault or something that was a curse for Tucson. It was because Tucson had so much beauty and attracted people who wanted to live here. She said the balance, however, was something that the community was uniquely poised to capture.

Ms. McVie commented that the City and the County were the two biggest developers in Pima County because of infrastructure, roads, capital improvement projects and sewers/water lines. She said it was for those reasons that both the City and County

sought to seek United States Federal Government (USFG) Section 10 permits under the *Endangered Species Act*. She said that was one of the tools for the Mayor and Council to use to mitigate for infrastructure, and also one of the ways to get credit for moving forward on the City's Habitat Conservation Plan (HCP). She said it was also a way to recharge the aquifer at the same time. She said by doing so, it created higher price points in homes, diverse habitat and protected not just a couple of threatened or endangered species, but species that were currently concerns of the Arizona Game & Fish Department and species which could be listed as endangered species in the future.

Ms. McVie said both governments had the foresight to not get stuck in a single species issue, but to look at an umbrella approach that looked at ecosystem functions and health called biological integrity. If the ecosystem was preserved, that supported diverse species then we preserved the ecosystem that supported the community, which pollinated the crops that fed and clothed the community.

Ms. McVie encouraged the Mayor and Council to accept and move forward with the Report, stating that the Report was basically a tool to further a conversation of collaboration between the two government entities that had so much at stake and so much to lose. She said it benefited the entire community, most specifically, the regulated community. Again, she encouraged the Mayor and Council to support the Report, stating it merely provided a framework for further conversations, and that the big decision was made ten years ago.

Paul Green, Tucson Audubon Society Executive Director, who represented about four thousand member households in the region, said they had been in Tucson since 1949. He said he was present as an advocate for the quality of life in the community and was speaking about principal two of the Report. He said the natural environment had to be considered as a user and not just a provider to water and natural resources. To retain the quality of life in Tucson, he said he believed they had to take proactive steps now to support trees and other vegetation that improved lives. He said vegetation provided shade from the summer sun, reduced heat provided by the oven heat island affect, reduced air conditioning and power usage, and produced a pleasant visual environment for the kind of people they wanted to attract to Tucson.

Mr. Green added that plants needed their share of water to thrive. Ideally, water was left in the natural environment for them to use, but normally it was taken out and then given back to them to use. He said if the Mayor and Council wanted to see the Tucson of the future, they should drive between Tucson and Phoenix and look at the Gila River Basin, which two hundred years ago, used to be lush grassland that people traveling west stopped in to recover. He said now there was so little there that it would not even support a creosote bush; that was the future of Tucson if water to the natural environment was not supplied.

Mr. Green said the Tucson Audubon Society had attracted nearly one million dollars of non-federal funding for riparian habitat restoration in the Tucson region, such as the Atterbury Wash Program where they had a successful partnership of

neighborhoods, government, and NGOs (non-governmental organizations) to create a successful riparian habitat restoration program. Such riparian restoration work allowed for recharge of water to the aquifer, enabled urban communities to improve their neighborhoods, and in some cases, provided mitigation for harm to cover the species as part of the HCP. Mr. Green added that natural riparian habitats provided rich areas for recreation for the community. They provided biologically diverse areas where species could thrive and be kept off the threatened and endangered list in the future which would take the headache away from the City having to manage for these species down the line.

Mr. Green said riparian habitat played a role in the economic value of the region. Wildlife watching, headed by birding, brought in 1.5 billion dollars of total economic impact to the state every year. Most of that was focused on riparian areas, which relied on the City providing water. He said the City should not stop denying the water future of the community, but make the paradigm shift real and bring the natural environment to the table as a user, as well as, a provider of water and keep the quality of life. He asked the Mayor and Council to support the Report and direct City staff to proceed in cooperation with Pima County and others in implementing the recommendations.

Charles Cole said he and his wife were retired biologists. He had a Ph.D. from the University of Arizona, and they lived one mile west of the City limits in the Tucson Mountains. Mr. Cole said he enthusiastically supported the adoption and implementation of the Report and moving on to Phase III. He said he felt the Report was thorough, comprehensive, and looked to the future. He commented on how the City was experiencing bursting economic bubbles, with Arizona having a bust in the real estate market, closure of stores, loss of jobs, home foreclosures, and budgetary crises in all levels of government, particularly where tax revenues were linked to growth and development.

Mr. Cole said some people would scuttle the Phase II Report saying it was unfriendly to growth, and would have everyone believe that the City's brightest future would come from the impossible, perpetual growth and ever increasing consumption of natural resources. He said that was a false premise and a bubble, enhancing view. He said anyone who read the Phase II Report could see that it was not against growth; it was for carefully planned and responsible growth that could lead to maintaining a vibrant community, jobs, tax base, and affordable and comfortable life support systems that were sustainable in Tucson's desert environment with a water resource that was becoming less plentiful. He said responsible growth required planning, and the Phase II Report was a great step forward in that process.

Mr. Cole said he had some things to say about the CEP, but felt the Mayor and Council had heard. He did add that scientists at the University of Arizona, for years, had documented the problem of the spreading of the deserts in southern Arizona, stating desertification was underway and the CEP was an important part of reversing that process in some areas. He said some people who disapprove of parts of the Report appeared to be investors who speculated by buying inexpensive property off the water grid, which was perhaps a bad investment decision. He said it was not up to the government to bail them

out, and land speculators could be more positive and put their imagination and creativity to work. In Australia and other parts of the world, people solved their water problems with rainwater harvesting.

Mr. Cole said when he and his wife were buying their property off the water grid, the responsible real estate agent told them they would be on their own for water, and that well permits even might someday be limited in the area because several wells had run dry. He said they had planned to detain the rain. Their responsible builder liked the idea, but he had never built a large cistern and rainwater collection system. So they gave him the November 2001 issue of *Fine Homebuilding Magazine*, with an article by Peter Pfeiffer, an architect in Austin, Texas, who had been building large cisterns in Austin for about fifteen years. He said the article provided all the details that were needed by their builder to go ahead and build their system.

Mr. Cole commented that despite the drought during the last four and a half years, they harvested and detained enough rainwater to provide their entire household needs, inside and out, with outstanding quality water. He said it was not theoretical; it was a system that was up and running. It was working extremely well, and on an appointment basis, they were showing it to people. He said if they had known their system was going to work so well, they would not have gone to the expense of also drilling a well, which provided poor quality groundwater and probably would not last very long.

Mr. Cole said the residents of Tucson were fortunate to live in a beautiful, but fragile desert environment with mountains and forests nearby. Many residents and visitors were aware of this, making the Arizona Sonora Desert Museum the second most visited site, behind the Grand Canyon, in the State of Arizona. Careful planning, education, vision and proper management of our resources was required for Tucson to continue to be a charming and successful City without experiencing future bubble bursts; or worse, a collapse owing to the misuse of resources.

Mr. Cole concluded saying that the Report was outstanding and comprehensive, and commended the Mayor and Council's vision in appointing the Committee to do the work. He said it was one of the most important things the City could do and urged the Mayor and Council to move ahead with it.

Ed Verburg, Tucson Mountains Association President, thanked the Mayor and Council for holding the public hearing. He said it was a long process and they appreciated what was being done. He said, in looking at the Report, what the Committee came up with was well thought out, worked on for over two years, deliberated, and brought to the Mayor and Council with many scientific facts and information for their conclusions. He said that was important for the balance that they outlined; balance in the requirements associated with the environment, the economy and the people. If there was that balance and things were done right as the City proceeded and used the information of the Report, everyone would benefit.

Mr. Verburg commended the City on two particular goals that he thought could serve as a basis for deliberations and for the development of a water policy; a direct road to suitable areas and integrating land use and water resources planning.

Mr. Verburg also spoke about the CEP. He said it was discussed during the study session and was debated very well. It was obvious it was the responsibility of the Mayor and Council to decide what to do about CEP. He said the CEP was important for two reasons; one reason was the economic benefits of wildlife and the environment, especially in riparian areas, referring to periodic surveys the United States Fish and Wildlife Service did. The City generated a lot of things going on in the economy that was benefited from locally. He said it was important to the City, and asked the Mayor and Council not to discount that as they looked at that four and a half percent. He said the environment needed it; they needed it in the water table to keep plant life and wildlife that was valued in the community.

Mr. Verburg concluded his comments stating there were areas of ecosystem collapse in the western United States. The United States Geological Survey Report that was recently issued showed there were problems. He referred to Paul Green's comments where he cited an area two hundred years ago that was green. They did not want riparian areas to disappear in Tucson, they were very important to everyone. He recommended that the Mayor and Council adopt the Report and use it in future deliberations as they came up with a water policy for the community.

Madeline Kiser, Sustainable Tucson, asked the Mayor and Council for their patience as she continued to make the same points she had made over the last twenty months regarding water issues. She began her comments stating she was not a water expert, but became involved in water in her husband's hometown in Costa Rica. She spoke about the National Dam Committee, which was going to build Central America's largest dam to provide energy all the way to Mexico. Local farmers, ranchers, and the community began to notice that the rivers they all depended on were showing signs of stress.

Ms. Kiser said that was also Tucson's story, along with tourism. In order to try and solve what was becoming a fistfight about water, social problems about water also began to affect other aspects of life. What they ended up doing was turning to some of the world's leading water experts to join them, so that their conversations about business versus business, versus environment, had proper context. She said the outcome of those conversations was national dialogue about water laws, and being able to place this one small argument about water in a larger context.

Ms. Kiser said what was turning into a fistfight between business and the environment had slowly turned into a very productive conversation with a common idiom, a common language, and a common understanding, which nourished society in other ways. She said that prefaced a couple of points that she had been making; watching how the community continued to be divided with business on one hand and environment on the other.

Ms. Kiser said one last lesson she learned from Costa Rica was that things could change very quickly, and then nobody would get the water. She said she hoped that in looking at global best practices for integrative water resources management, the City would pass the recommendations, and pass the Report. She said as the Report hopefully moved forward and the City began to broaden out into regional dialogue, they really needed to have a discussion about the State, what kind of laws and policies they were making and include the Report.

Ms. Kiser said the State Water Plan was her second point, bringing in experts. Just like the Imagine Greater Tucson process, which she thought so many of them were beginning to admire, was turning to other examples. She said her final point was that she thought the City had a tremendous opportunity. First, because she thought if the City started advocating, questioning how the regional visioning process tied in with the State Plan, and supported water experts like Sharon Megdal, she said she thought the City had the chance to help guide other communities in the State, which would be highly beneficial. Beyond that, she said the City had a tremendous opportunity to hold up good work in terms of the transparency involved, the science, and the dialogue. She said for all their differences, she thought they were coming together to have common ground. The process, by inviting in peer review and by holding up and asking others to come join the City, could in turn become a national model, and perhaps beyond that. Ms. Kiser said she was encouraged by the Report as they moved forward.

Paul Parisi, Tucson Metropolitan Chamber of Commerce (TMCC), said he was glad they were not under the gun like they were with the budget, where decisions had to be made on the spot and where regional water planning could be done with cool heads bringing in many people so that they could do it right. He commented that Arizona became a state because of projects such as the Salt River Projects and the *Reclamation Act* that brought water to the State. He said over the past two years, they had been actively engaged in the joint City/County Water/Wastewater Oversight Study. As a member of the Tucson Regional Water Coalition, numerous comments were submitted on the effort, both applauding the work and striving to ensure that the process was open and inclusive. He said, unfortunately, it was not; water was a regional issue and should be planned for in that manner. He encouraged the Mayor and Council to consider including surrounding municipalities and water companies into the discussion before adopting any new water policy.

Mr. Parisi said the Report before the Mayor and Council also contained an allocation of reclaimed water to the CEP. This allocation of reclaimed water had a minimum estimated value of \$50 million dollars. He asked, if the City could make that decision in the dark, hidden behind the auspice of a simple water/wastewater study. He asked what benefit the City thought it would receive from handing over that water to the County and how many jobs could be created from that nearly ten-thousand acre feet of water or renewable resource. He said once that reclaimed water allocation was allotted to the CEP, it would likely be federalized by the County's pursuit of a USFG Section 10 permit and would be lost forever.

Mr. Parisi said perhaps the most disturbing aspect of the Report was the commentary that was extensively found throughout the Report. Rhetoric editorial opinions by staff and committee members alike did not have a place in a document that shaped the future of a water policy in the community; only the numbered recommendations from the Report should be implemented by the Mayor and Council. He said the TMCC asked that the Mayor and Council approve a modified Report which requires consideration of discussions on the financial impact of water before implementing any new policies. Mr. Parisi stated that growth decisions were made as a region and ensured that the control of Tucson water remained solely under the Mayor and Council.

Andy Gunning, Pima Association of Governments (PAG), commended the joint City/County Water and Wastewater Committee on doing a fantastic job on a difficult subject and providing much needed direction. He said he wanted to respond to some comments made earlier during the study session regarding PAG's ability to potentially lead a regional water process, and to clarify some of their roles and abilities. First of all, he said, PAG was the Governor's appointed, designated planning agency for regional wastewater, and as such, they were responsible for Section 208 compliance under the *Clean Water Act*.

Mr. Gunning stated that for the past thirty-five years, as a regional planning agency, PAG conducted a wide variety of watershed projects, extensive outreach, education, and similar activities on water resources; stormwater pollution prevention, water harvesting and riparian area hydrology. He added that for the past two decades, PAG had performed hydrological monitoring along Cienega Creek, a critical waterway in the region, well inventories along the Santa Cruz River and surrounding landfills, and a whole series of other studies and plans throughout the region. Generally, he said, PAG's role was to assist member jurisdictions and be available as an objective, unbiased convener and problem-solver resource.

Mr. Gunning said Pima County recently passed a resolution requesting that PAG consider bringing in the broader community and the other member jurisdictions in a regional discussion. He said PAG had not begun that discussion yet, nor had they engaged other jurisdictions at this point, but a lot of thought and consideration had been given to the request. He said they have had some preliminary discussions with City and County staffs and should the City pass a similar resolution and request PAG's assistance, they would then be able to work with all of their member agencies and stakeholders to determine their interests in moving forward, and then start developing a plan to conduct such an effort. He assured the Mayor and Council that any process undertaken by PAG would be inclusive and would be conducted with respect to existing accomplishments in the region and other planning efforts that were currently underway, and referred to Imagine Greater Tucson and others.

Mr. Gunning said PAG had qualified water staff on board to assist in such an effort, and currently had four individuals in their work program that dealt with water issues. In addition to their watershed staff, PAG also had numerous other planning staff

on hand who could assist in providing technical communication and leadership support should the Mayor and Council ask and they would be able to get the other jurisdictions on board as well. He thanked the Mayor and Council for the opportunity to speak.

Margot Garcia said she was delighted to speak on one of her favorite topics – water. Over the last twenty-one months, she attended about half of the joint City/County Water and Wastewater Committee’s meetings, and thought they had done a tremendous job. She said she wanted to encourage the Mayor and Council to adopt the Report. She commented that the City Manager’s recommendations showed that any further steps required many of the kinds of studies that the Mayor and Council asked about, other than putting into motion some general policy statements and some general efforts to continue to move the process forward.

Ms. Garcia said she thought it was important to realize that for things like cost benefit studies it could not be done without specific kinds of projects. She said the City really needed the specificity of specific things to do before getting involved in some of the kinds of analyses that they had been asking for.

Ms. Garcia commented about the Phase I/Phase II approach. She said she was disheartened at the meeting with the City and County where many did not seem to appreciate the difference between the two phases, which had been done with the best available science. One of the reasons she said she attended most of the meetings was that she constantly learned new things, even having worked in this field for over thirty-five years. She said she was amazed with the new information brought forward, as well as, the speakers that were brought to the Committee meetings. She said those volunteer Committee members were some of the most educated people on water issues in the community. She hoped the City found ways to use the education that was provided and move forward.

Ms. Garcia added that providing sustainable water supplies to the community, in the future, was a very complex issue, with the balancing of both human and environmental needs. Human needs, she said included economics; without an economy, jobs and money, it was hard to live in the modern world. Ms. Garcia also pointed out and supported goal number three; integrated land and water use which were so critical. She said it influenced how infrastructure was built, which influenced the costs; something they had known about for thirty-five years. She said there was a cost associated with growth and in order to be good planners and good stewards of funds, they had to do it in a coherent way. She said no business would run out; put a street in one place and wastewater pipes in another, and then water in a different direction without integrating them, because they would be misusing funding. She commented that by integrating water/land use planning, it was really the most economical, efficient way to do business. She said it was obviously important to them and to all who valued their tax money.

Ms. Garcia emphasized that one of her areas of specialty, as a professor, was in citizen involvement. She said that came about as a result as sitting on the dais as a former City Council Member, and trying to use a lot of the citizen input she received.

She said it was frustrating at times, and something she really focused on. She said the Committee did one of the best jobs she had seen, allowing for open dialogue before and after the meetings. She said that allowed for dialogue without interrupting what was going on amongst the Committee members. In addition, the Committee was very generous in allowing people to ask questions of the experts.

Ms. Garcia urged the Mayor and Council to; applaud the hard work of the Committee and the City/County staffs who worked endlessly, adopt the Report and to move forward with the dialogue as others had suggested.

Jim Barry commented that for twenty months he had the honor and pleasure of being the Chairman of the City/County Water and Wastewater Oversight Committee, and said he was not sure whether others on the Committee would have accepted the honor if they knew how much they were going to work. He said the Committee stayed true to the direction given by the Mayor and Council and learned it was a good scope of work that asked all the right questions. He said by staying true to the scope of work, the Mayor and Council were presented with a Report that provided a good framework for looking at water resource planning in the future. He said there was going to be a lot of growth, costs, and uncertainty in moving it forward.

Mr. Barry reiterated what he said earlier during the study session that the Committee voted ten to one in favor of the Report. He said the Committee knew there was follow-up work to be had, conversations the City had to have, and conversations on a regional basis. The Committee gave some principles that they thought were good guidelines for how those conversations should proceed, and they were totally consistent with the principles that the City Manager put in his recommendation.

Mr. Barry said the Committee hoped the Mayor and Council approved the Report and moved to the next phase. In closing, he said he wanted to say something that he felt he should have said at the study session. He commented on how Council Member Scott rightly pointed out that there were a lot of comments that were made that did not get into the Report. He said he suggested to staff, five months ago, that all comments should be documented and included in the Report. He said he failed to follow-up on that, but made a commitment to the Mayor and Council that he would make sure they were documented.

Bob Cook said he supported the resolution to implement the Report which was one more step in moving the City forward to meet the unprecedented challenges unfolding before them. He said as a member of the joint City/County Water and Wastewater Committee; he wanted to underscore several themes in the Report. The first was water for the environment. He said he thought that had been well covered, but learned that the 1940's was the last decade where the City actually put more water back in than what was taken out. He said the City has not had an unsustainable water budget in Tucson since the 1940's. Scientists say that species extinction was moving at a rate unseen since the end of the age of the dinosaurs. He commented that certainly the environment was the most precious resource for everyone in the future.

Mr. Cook said the next theme was uncertainty in sustainability. Many had observed that they were already in a new chapter of the City's economic history, one in which the issues of uncertainty and sustainability were pervasive and paramount. He said this was recognized by the Committee and concluded that multiple scenarios of the future were needed to plan effectively in the new environment. He said they could not just plan based upon single estimates or projections. None of the projections in any of the public's fears in the last five years had been accurate. He said the City had to move to multiple scenarios. He said he thought the themes of sustainability and uncertainty became focused in the Committee as they moved through that tumultuous time between April 2008 and December 2009, a time when they saw a bank collapse, massive foreclosures, large inventories of unsold houses, high unemployment, traumatic shortfalls in public revenues, etc.

Mr. Cook said the next theme was cost benefit analysis. One of the areas that had strong consensus on the Committee was the whole area of proper evaluation of alternatives. He said what was learned from Chris Avery and the Central Arizona Project (CAP) people was that for the past several years they had been spending about eight hundred dollars an acre-foot of CAP water. He said to add water or to expand the CAP system, which was necessary if the City ever return to past rates of growth, would bump up that cost of new water to eight thousand dollars an acre-foot. Mr. Cook said that range presented the City with an enormous opportunity to look at alternatives. That was why rainwater harvesting infrastructure was emphasized in the Report. He said the City had to get down to the nuts and bolts and see what a rainwater harvesting infrastructure costed. He commented on all the rain in the last four weeks that could have been collected. He said it needed to happen before they committed themselves to outrageous plans to put de-salt plants in Rocky Point and pump water to Tucson.

Mr. Cook said another theme was healthy water. The City needed healthy water to prevent disease, promote healthy childhood development, and healthy plants. He said that was clear, but they were in a situation where many of the emergent contaminants were presently unregulated. They were looking at pharmaceuticals, hormones and endocrine disrupters, and said those had to be understood if Tucson was going to have a healthy water/wastewater system.

Mr. Cook spoke about energy and water in excess, and said one could not be talked about without the other. Water production, processing and distribution entailed an enormous amount of energy cost, and producing energy often required a lot of water. He referred to all the coal fire and nuclear plants and the energy consumption of those plants. He said they had to recognize that the era of cheap energy was over, and by definition that meant that the end of cheap water was over. He said they had to move forward with that in mind.

Mr. Cook commented on politics, stating that while the Committee did not deal with the regionalization issue, they worked under the idea that the City and County managed the two key infrastructures in the area and needed to address that first. He said regionalization of the infrastructure was important in terms of creating a total sustainable

system in all of the infrastructures. He said it was an amazing unprecedented process and one of the things they learned, which could be a model in the future, was that in going into depth in a complex subject, it was much easier to bring consensus across the aisle. He said there were many differences at the beginning of the process, and thought they worked through a lot of them as a result of the in-depth study that occurred.

Mr. Cook concluded his comments saying that sustainable infrastructure and integrated planning were absolutely essential. He said they were going to be spending a billion dollars plus on the wastewater treatment plant that was going in; and they were going to spend almost \$200 million dollars adding two lanes to Grant Road. They had enormous infrastructure costs, and needed to move carefully to create a sustainable infrastructure system.

Dave Pittman, Arizona Builders Alliance (ABA) Director, said he wanted to express his views concerning the Tucson/Pima County Water Study Phase II Report. He said the ABA was made up of one hundred sixty general contractors, subcontractors, suppliers and service firms in the commercial construction industry in metropolitan Tucson. He said the Report clearly contained a great deal of good work and much effort went into it by those who participated. However, it was unfortunate that municipalities and water companies outside of Tucson, such as Marana, Oro Valley, Sahuarita and Vail did not have a seat at the table during the discussions. He said he hoped that changed in the Phase III discussions, because water planning and usage was a regional issue that should include all affected parties.

Mr. Pittman said the study recommended use of economic cost analysis to influence future water policy. Such analysis was conspicuously absent from the Report. He said, for instance, the Report recommends as much as ten thousand acre-feet of water be dedicated annually to a CEP to irrigate Sonoran desert areas. Accepted valuation methods used in the development industry placed the replacement cost of ten thousand acre-feet of water at more than \$50 million dollars. He said obviously, water was a precious commodity and a huge proposal such as this, with its wide spread ramifications throughout the community, needed a far greater vetting process with a full-scale public policy debate that included all segments of the population before being considered, much less implemented. He asked if the CEP was associated with any HCPs and if so, once allocated and made part of the federal permit process, would the City be able to reallocate that water back to be distributes to area homes and businesses.

Mr. Pittman said he believed much of the Report contained a decidedly anti-growth tone and if these difficult economic times showed the City anything, it would be the importance of a robust business environment to the financial health of the people in the community and their governmental institutions. He stated that job creation and economic development should be an integral part of all public policy, including water policy and usage. Mr. Pittman said that the ABA was disturbed about the City's current policy not to provide new water hookups to certain areas served by Tucson Water that were outside the City limits. He said it had come to their attention that this policy

postponed the development of about twenty-five commercial, residential and industrial projects, including a fire station.

Mr. Pittman said, aside from the public safety concerns, not allowing these projects to hook up to Tucson Water was costing the commercial and residential construction industries in Tucson, jobs and revenue, the benefits of which were not being circulated throughout the economy in the community. He stated that given the current economic state Tucson was experiencing, the policy was inexcusable and should be changed immediately.

Mr. Pittman said there was a huge disconnect regarding the City of Tucson's water policy. On one hand, they were being told that water supply in the City was so finite and that they could not afford to supply water to new local startup businesses willing to pay for it that were located just outside the City limits next to current Tucson water infrastructure. Then on the other hand, he said, they were told it would pose no problem to pour ten thousand acre-feet of renewable water resources in the form of effluent on desert areas at free or discounted rates. He said something was wrong with that picture. He thanked the Mayor and Council for allowing him to express his opinions and asked everyone in the audience who agreed with his comments to stand.

Ron Proctor recognized the hard work of the City/County Water/Wastewater Study Committee and staff that persevered over the last twenty months gathering data, welcoming public input and sifting through piles of paper and information to make recommendations in the Phase II document. He applauded the transparency of their process for it encouraged those who valued an informed, respectful and active citizenry to participate. He said the Report took a giant leap forward in recognizing the complexity of water issues.

Mr. Proctor said Sustainable Tucson's mission was to continue to bring the big sustainability picture into focus through open and public education, progressive discussion and informed pragmatic action. Two of the biggest challenges not addressed in the Report were peak oil and global warming, although the study notes a "glaring weakness" existed regarding energy, energy costs and carbon footprint. He said energy needs of a modern society were tremendous and could not be produced without immense amounts of water. At the same time, the vast majority of current energy sources were carbon dioxide-producing fossil fuels. Given that CAP water delivery was the single largest electricity user in the State, and largely coal driven, it was time to start referring to the water energy carbon challenge.

Mr. Proctor commented that the study's use of the word "environment" as a category made him cringe. Categorizing nature in such a way showed how far they had become separated from the time when everyone's ancestors were fully part of its system. As it did then, and as it struggled to do now, it supplied everyone with food, shelter, clothing, and medicine. As a system, it continued to provide services that re-circulated and cleansed water, cleaned the air, and turned sunlight into food and fuel. He said it

supplied a continually evolving bank of genetic material the City would be so lucky to have in the future, and so unlucky to destroy now.

Mr. Proctor said he supported the Report and urged the Mayor and Council to move forward with it. He said larger discussions and conversations were called for to take the ideas in this document to the next level; one which he believed would take Tucson closer to sustainability. He invited everyone to attend Sustainable Tucson's next general meeting on the topic of the water study, and how to move forward with it.

John Kromko commented that the Report ignored the elephants in the room, the relationship between the shortage of water and population growth, the point that conservation was pointless if it just enabled another subdivision, and the fact that the City was going to run out of water long before it ran out of developable land. He asked what Tucson would do then. He suggested that was all that could be expected or all that the City could hope for.

Mr. Kromko said if the Mayor and Council approved the Report, at their next meeting, he hoped they did it with two very important exceptions. He said a few years ago, the City Council approved the Regional Transportation Authority (RTA), whereby sales tax money was taken and given to an unelected board where the City had one vote, Marana had one vote, Sahuarita had one vote, and each of the Reservations had one vote even though they did not pay sales tax. Mr. Kromko said that Tucson had lost control of that. That was why the City was building a freeway interchange out in Avra Valley with nothing on either side but developer land, while City streets were falling apart, and nothing could be done.

Mr. Kromko said he hoped the Mayor and Council would not let that same thing happen with this issue, because in looking at the Report, it looked like it was building the momentum for regionalization. He commented that was okay with him, to plan regionally, but the City had and owned Tucson Water, and put a lot of taxpayer money into it. He said there was a tremendous amount of infrastructure, and the City also had a Central Arizona Project (CAP) allotment. He said he knew Marana and other places were lusting after what the City had, and liked to have a Commission where they had a vote and the City of Tucson had a vote. He said he hoped the Mayor and Council did not let that happen and said they should never give up control and ownership of Tucson Water, or their CAP allotment.

Mr. Kromko said the Report called for aquifer augmentation. He asked the Mayor and Council not to put treated sewer water in the drinking water. He said all the effluent should be put into the golf courses, lawns and industrial plants; it should not be used for drinking. Mr. Kromko stated it was a terrible plan, but it was the best the City could get. He urged the Mayor and Council not to support the drinking of sewer water and not to give up the things that the taxpayers had paid for.

David Godlewski, Southern Arizona Home Builders Association (SAHBA), said he appreciated the opportunity to speak to the Mayor and Council on this important issue.

He said everyone agreed that water and wastewater policies were critical to the economic, social and environmental sustainability of the region. He commented that, in his opinion, the discussion that took place at the study session was some of the most enlightening and important conversation on water that had been heard in a long time. In particular, he said the key points brought forward by Council Member Scott should be fully considered and discussed as part of the larger water discussion. It raised the bar in this important policy discussion they were having. He also appreciated the extra time to provide comments, as it aided and added to the process.

Mr. Godlewski stated he was actually wearing two hats; one as SAHBA's representative, the other as a representative for the Tucson Regional Water Coalition. He said on behalf of the Coalition, he wanted to recognize their members; many of whom had already stood before the Mayor and Council, the ABA, Alliance of Construction Trades, Arizona Multihousing Association, Marana Chamber of Commerce, Metropolitan Pima Alliance, Northern Pima Chamber of Commerce, Safe and Sensible Water Committee, SAHBA, Southern Arizona Leadership Council, Tucson Association of Realtors, TMCC, Tucson Utility Contractors' Association, and Tucson Hispanic Chamber of Commerce.

Mr. Godlewski said he knew there were several of their Coalition members who submitted cards to speak, as they felt it was important enough to weigh in and go on the record. He said he understood they were approaching the end of the hour, and thought there was only one more speaker behind him. He pleaded to the Mayor and Council to extend that time allotted to allow those who submitted cards to speak, or find a way for them to go on record. He also pointed out that the Coalition had been engaged in the process from the start; actually before the start.

Mr. Godlewski commented that before the Committee ever met for the first time, the Coalition was already in discussions with the City and the County on how this plan was going to play out. He thought that a lot of the input they provided, they commented at the various meetings. They provided an economic study or white paper that was presented during the Phase II process. Most of that had been heard, but he thought there were several key elements they were asking the Mayor and Council to consider and address prior to adopting the Report.

Mr. Godlewski said he thought it was important to let the Mayor and Council know that they had gone through, all fifty-six recommendations outlined in the Report. There were twenty-five recommendations they supported and looked for the Mayor and Council to move forward on. He added there were seventeen recommendations that they had no position on; and fourteen they opposed. He said of those fourteen, a lot of their concerns could be alleviated as he had a few requests that he wanted to go through with the Mayor and Council and how they might be able to tackle some of the remaining issues.

Mr. Godlewski said first, they were asking the Mayor and Council to commit to managing water with due consideration of its importance to the community's economic,

social, and environmental well-being, and study the costs and benefits of water and wastewater policies in order to establish baseline facts concerning the net outcome of all policy projects under consideration and detailed in the Report. Second, they were asking that all portions and sections of the City/County staff Report, that were not numbered recommendations, not be used for future water/wastewater policies. Third, he said, they were asking that within six months a more detailed action plan be created to implement the recommendations that included timeline deliverables, costs and responsibilities which specifically included determination of the costs to replace water entitlements proposed for reallocation to environmental restoration, and any plans to finance acquisition of replacement supplies such as the costs shared by all beneficiaries prior to moving forward with recommendation B.5.1, which was the CEP.

Mr. Godlewski said he had to make it very clear that it was not the Coalition's position, nor had it ever been that they opposed using effluent for riparian restoration projects or projects associated with the HCP. The Coalition's point was simply to raise the fact that there was a cost associated with this water, and it was important to have a financing plan in place prior to any decisions on how water should be used.

Fourth, Mr. Godlewski said, the Coalition was asking that, within three months, the Mayor and Council conduct an analysis outlined in A.3.1 and A.3.2 of staff's recommendations to determine which sub-regions were appropriate to extend Tucson water infrastructure to provide water service. The analysis should focus specifically on near term economic and fiscal benefits, including job creation associated with extending commercial and industrial parcels located within a half mile of existing infrastructure, as well as the implications for denying service. He said the Coalition also asked that the Mayor and Council adopt a formal policy regarding water service outside the obligated area and replace the current interim policy.

Fifth, Mr. Godlewski said, the Coalition was looking for a kind of RTA style regional consortium with stakeholders from the public and private sectors, all of the Tucson AMA jurisdictions, tribal communities and private public water providers. He said he thought they were not very far off on their issues from where they were with the Report. He thought a lot of the concerns he mentioned, as well as, would be mentioned by some of his colleagues and other members of the Coalition, could be addressed simply by modifying the Resolution that was before the Mayor and Council. He said the Coalition's point was not to shelf, stop or derail the Report. It was to point out and clarify some of these issues that deserved to be addressed; and a commitment from the Mayor and Council to do those in a timely fashion. He said the Coalition looked forward to working with the Mayor and Council directly and remained engaged in the future phases of the water study.

Rick Grinnell, Smart United Business Strategies, said he came home to Tucson in 1977, at which time water was a very emotional issue. He commented that, to date, nothing had changed. He said there had been divided communities, recalls and millions and millions of dollars spent over this emotional issue. He said he was present at the

meeting to implore the Mayor and Council to take a little more time, and not be in such a hurry to move the item forward.

Mr. Grinnell said he was surprised at the number of emails he received regarding the issue. He referred to one email he received about recharge and effluent, asking why the human species was less important than the rest of the species. He said he did not really understand, and did not have time to understand the issue. He said he trusted people who understood water to educate him more about what was going on. The everyday business owner did not have a lot of time to spend with those intelligent people.

Mr. Grinnell referred to comments that the issues were not so far apart. He thought what was happening was that they were beginning to drive an emotional knife between the issue and the people. He asked the Mayor and Council to step back, and take a breath. He said there was time; they did not have to adopt the Report during the next week. He commented that there were some real concerns and water could start a war unlike anything anybody had ever seen in a long time, and the City did not need to go there. Financially, the City did not need to go there, nor did they need to go there as a community. He said the City was still trying to survive an economic devastation unparalleled in most everyone's lifetime, and he urged the Mayor and Council not to create another one. He asked the Mayor and Council to find a way to use water to be part of an economic recovery program, include conservation, include the things that everybody wanted, but not to rush on the issue.

Mr. Grinnell concluded his comments stating he read the Report, which was very in-depth. He was not a geologist, nor was he an expert on water. He said he respected the intelligence of the experts; but he said he was not stupid either. He stated what he saw was more priority being focused on conservation and less opportunity for economic development. He asked the Mayor and Council to utilize the assets of the City to balance the community, not to divide it.

It was moved by Council Member Uhlich, duly seconded, to close the public hearing.

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

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

The motion to close the public hearing was passed by a roll call vote of 7 to 0.

Council Member Uhlich thanked everyone for continuing to weigh in on the process. She said it had been a twenty month process, and many of the ward offices had been closely monitoring public input every step of the way. She particularly wanted to applaud members of the Citizens Committee and staff who worked so hard. She noted how open and public the process was and said every meeting was televised, and all materials were made available on a website so that the entire community and region had access to the information and deliberations.

Council Member Uhlich also noted that the Report set a framework and identified decisions the Mayor and Council needed to make if they were going to be better stewards of water resources in the future of the region. She said it did not allocate a drop of effluent anywhere; it simply stated that if they did not make these decisions soon, then they would turn a corner in the community that would be difficult to reverse.

Council Member Uhlich said they had to begin to better plan and better coordinate the management of water resources. The Report provided the framework, actually the “to do list”, and if they did not get started, in ten years, they would find themselves in the same place they were in today. She said that was her greatest fear; that in ten years, they would have the same conversation that they had twenty years ago, wondering why they were not being more proactive and better managing water resources. Council Member Uhlich said she thought the Report brought them there and she would be moving that they direct staff to bring the Resolution back to the Mayor and Council the following week for adoption.

Council Member Uhlich said she wanted to make it clear, because one thing that concerned her was that they were all talking about economic development and a prosperous economy. She said there were a couple of points she wanted to emphasize. She said she strongly believed that the economy would not rebound and the people in the community would not prosper if they stood by and allowed the desert to become a parched desert. She said the City needed to be proactive and face that issue head-on. She said much of the City’s economic vibrancy was driven and supported by the fact that the City had an environment that people wanted to visit, live in and be a part of. She said she participated in a Tucson Regional Economic Opportunities (TREO) recruitment meeting recently for a high tech company. She commented that the Chief Executive Officer (CEO) and employees were most impressed by the environment in Tucson and for that reason wanted to be a part our community.

Council Member Uhlich asked for everyone’s help saying that if the Mayor and Council were going to break down the wedge between different segments in the community, they needed everyone’s help not to frame this as the economy or the environment, because those two elements were integrally linked. She suggested that generating headlines that suggested the Mayor and Council were not attending to job growth and a prosperous economy was doing more to drag down the economy in Tucson than any action taken at the table. Again, she urged everyone to help them.

Council Member Uhlich commented the Mayor and Council would continue to be committed as partners to make sure that job growth occurred, and that they did not make any of the actual policy decisions, none of which were being made at the evening's meeting or the following week. She said as policy decisions were made, they would look through the lens of the decision-making framework, and commented that she hoped everyone had a chance to look at the Report. She said it directly integrated the feedback heard from many people and before the Mayor and Council made critical policy decisions; they needed to look at financial costs, economic and environmental impacts, impacts on water resources per capita, water demand, water quality, effects on drought and climate change preparedness, impacts on public infrastructure, services, and fiscal sustainability, impacts on location of growth, urban form and land use, energy costs, opportunity costs, social equity considerations and the community's ability to pay.

Council Member Uhlich said what she heard in terms of public input was for the Mayor and Council not to make a decision without proper analysis and to look at all of the factors. She said they agreed with them on that point; in fact, to ensure that policy decisions were made only after they had full information and analysis on all of those points. She said they were trying to hold a balance, and she believed they were poised to do that.

It was moved by Council Member Uhlich, duly seconded, to direct staff to bring forward the Resolution that was presented to them at the meeting on January 12, 2010, to the February 17, 2010, meeting for adoption of the City/County Water and Wastewater Study Phase II Report. In addition, she asked that staff prepare language for the adoption of the water policy decision-making framework, which she just delineated, and ensure that the noted factors would be analyzed and presented to the Mayor and Council prior to the implementation of any study recommendation.

Mayor Walkup asked if there was any discussion.

Council Member Kozachik said he agreed with Council Member Uhlich's characterization that the environment versus the economy was a false choice; it was far too often characterized that they had to choose one over the other. He referred to comments made that the groups were not too far apart. He emphasized that even that kind of description fostered the false choice kind of discussion that Council Member Uhlich mentioned, and that he agreed with. He said the groups should not be characterized in that manner.

Council Member Kozachik spoke about Mr. Godlewski's comment where he said he wanted to provide a modified Resolution. He also addressed Mr. Grinnell saying that the Mayor and Council were currently charged with voting on the Resolution the following week. He said everything he saw, read, and heard about the Report led him to believe it was an open process. He invited Mr. Godlewski and Mr. Grinnell to provide the Mayor and Council with the language of that modified Resolution before the next meeting so that it could be brought to the table for discussion and consideration.

Council Member Scott thanked all who sat through the many long meetings along with the Committee, Nicole Ewing-Gavin, Assistant to the City Manager and Melanie Seacat, her counterpart from the County, for being the transcribers and the persons who helped create the process and outcome of a printed Report. She also gave special thanks to those who participated actively at the table.

Council Member Scott stated there was a process and, as pointed out, many people attended the meetings who could. The information was made easily available to others, if they were interested. As was noted, she said some of the people who represented entities like the CAP Board and so forth, at that time, did not actually submit written comments that could have been included in the Report as they got it the first time. She said, at that time, she did not see any attachments from them which was why she asked, and was grateful to her colleagues, for a thirty-day period so that others could come forward with any comments they had to add to the Report. Again, she said she was very grateful to the people who actually did the long arduous task of creating the Report, and also to her colleagues for allowing the thirty-day period.

Council Member Scott said she thought everyone could see there was a lot of energy and interest in what happens in a water and wastewater study, and what good could come of it when everybody was invited to the table that had any amount of expertise in the matter. She asked for clarification from the City Attorney, on the motion that was on the table, to see if there was anything that implied or was explicit in the motion that activated any of the recommendations that were in the Report or caused action on the part of City staff to move forward without it coming back to the Mayor and Council.

Michael Rankin, City Attorney, said the motion, on the table, asked staff to bring back the Resolution with the additions as directed by Council Member Uhlich. If the Mayor and Council chose to adopt the Resolution the following week, it would not, by that approval, implement any actions. He said the Mayor and Council would approve the recommendations and goals in the Report, but individual actions, such as the finalizing of the Intergovernmental Agreement (IGA) relating to the CEP or committing water resources to a particular project, needed to return to the Mayor and Council for approval.

Council Member Scott thanked Mr. Rankin for the clarification, and stated that was at the heart of what they were trying to do, which was to create a road map and a framework in which further discussion, inclusive of those entities that had already stepped forward and submitted their comments, but also opened the door to those entities, who up until now, had complained that they also wanted to sit at the table and felt they had been excluded. She said when they moved forward, there would be another opportunity for those entities in surrounding areas to sit at the table, be a participant, and not feel as though they had been excluded and that their comments were not important.

Council Member Scott said she heard a comment from one of the surrounding districts that when the Phase II Report was moved forward, it did not mean that the agreement would be between the City and County only and that any supplementary

comments made were insignificant and would not be treated seriously. Council Member Scott said that was neither the case nor the goal of what was to happen next. She said this was simply a move in the direction of saying this was a framework. There were comments from the audience who said the framework might need to be tweaked or added to in some way, and that could potentially happen, once they all had an opportunity to see that. She reiterated that this was just an opportunity to move forward with the framework and the road map for how to move forward with the Report.

Council Member Scott gave kudos to the Tucson Water Utility that was owned by the ratepayers, and she commented that most everyone was a ratepayer. Over the last few decades, the Utility was very successful in a lot of the work that they did which had to do with the delivery of water. She said they had a rocky road for a period of time, but had been one of the most reliable, highly professional water utilities any organization could possibly offer to the community. She said the people who worked for the Utility were good people who knew what they were doing. Programs were implemented on how to help the City with its safe yield mandates, water conservation, and move to a renewable water source and get off of groundwater. She said this was all done very well and very professionally. The infrastructure maintained by the Utility was current and ongoing; it was not perfect, but then she suggested there were those entities in the area that had the same problems. She said, fortunately for the community, the Utility had foreseen the need to ramp up water rates very slowly, complementing that with conservation programs, which benefited everyone in the community. She said that was a good place for the Utility to be.

Council Member Scott said that the Utility side of the equation was in very good shape as it came to the table. Whereas they appreciated people telling them more and more about water policies and how they should be augmented, they had to keep an open mind that they had come a long way down the path with decades of professional attention to all the things, including infrastructure and programs. She saluted and congratulated the Utility for doing what they did best.

Council Member Romero commented that in the past they had largely reacted to growth as it occurred. As proposed in the Report, proper planning for growth protected existing water supplies, limited the need for costly new water supplies and protected the environment. She said opportunities to accommodate both the environment and the economy for the overall good of the community should not be missed. She said they could all work at this together. She said water, as Mr. Grinnell said, was a very emotional and important issue for the community; they had to make sure they had planning in place for a sustainable water future; which was exactly what the Report was.

Council Member Romero said she hoped to see every individual and group that spoke at the evening's meeting continue the conversation; it was a starting point and a first step in many ways. She said the Mayor and Council would ensure that no decision moved forward without being discussed. She said no decisions were currently being made in terms of water supplies and where they were going. They were approving a framework as both Council Members Uhlich and Scott mentioned.

Council Member Romero said she wanted to continue to see input and dialogue from the community, as they would continue having the conversation for a long time to come. She said they had to ensure the City's water supply was protected, not only for human use but for the environment that helped humans be where they were today - in the beautiful Sonoran desert. She thanked staff and the volunteers on the Committee for all their time and effort and for their interest in moving the water future of the community into a plan and framework that would move Tucson forward in the right direction.

Vice Mayor Glassman said he noticed there were two former Council Members present, Council Members Ronstadt and West, and also referred to two members of the current Council on the dais, Mayor Walkup and Council Member Scott. He said the concept and the discussion of the CEP was discussed and talked a lot about that evening and over the past few weeks. He commented that some of them on the dais were not on the Council at the time when that was created and voted on, but there were four present in the room, or three, as former Council Member Ronstadt left, that were. He said he welcomed that discussion, over the next week, to educate them all as to where that came from, how it was voted on, and why. He said he believed it was a unanimous vote and that it was not a decision of the current Council; but something that was created over ten years ago, and most likely had some justification for it. He said it might be good for all of them to be educated on how the decision/policy was made.

Vice Mayor Glassman said the second thing that came up that was discussed earlier in study session, was the concept of HCPs. He noted that Council Members Kozachik and Uhlich were correct, that the idea of dividing the community on jobs versus the environment really did not make sense around the issue of HCPs. He said HCPs were designed so that a community could have as much flexibility as possible when it came to land use, offsetting takings with the ability to build and create jobs, and constructing things in the most efficient and effective ways. He said that was where the concept of HCPs came from. He said he remembered it from his background working in the homebuilding industry, it was a tool used to get more flexibility, variability and creativity when it came to construction. He said it did not make sense that the term HCP would be used in a negative light when, in fact, to him it meant more development in the urban core and a good thing, a job creation concept.

Vice Mayor Glassman commented on a meeting earlier in the morning where many of the same people attending the evening's meeting had attended the morning meeting. He said he considered many of them his friends. They had been supporters, as well, when he ran for the Council. He said he made a commitment to them to provide everyone with an equal seat at the table. At the morning meeting, there were representatives from HSL Properties, Arizona Builders Alliance, Dave Pittman who called and asked for the meeting, Chris McVie from the Tucson Audubon Society, Carolyn Campbell representing the Sonoran Desert Coalition, developer Chris Schief, David Godlewski from SAHBA, and Bruce Gungle from the Planning and Zoning Committee who served on the group that put the recommendations forward.

Vice Mayor Glassman said what was disappointing from his perspective was that Mr. Godlewski brought out the language that he brought forward at the evening's meeting as well. He said he commented to Mr. Godlewski that it was great and asked if everyone had seen it, to which he replied they had not. He said he was not admonishing Mr. Godlewski by any stretch of the imagination. But, he said, the reality was that they all needed to be sitting around the table together. It did not require the Mayor and Council; a public meeting; noticing a meeting or politicians, for them to call each other, sit down, share their concerns, and take politics out of the discussion. He urged them all to do that, not over the next week, but over the coming months and years. He said it was something the community had not done enough of and every time he saw it happening, he saw new relationships being built and new kinds of understanding happening amongst everyone. He urged them to do that and welcomed them to use his rolodex if needed. He asked them to call Amanda in his office and she could give them any cell phone number they needed.

Vice Mayor Glassman said the reality was that they had to work together, and most importantly, they all had to work together as stakeholders, without allowing politics to get infused in the middle. He said that was the way to make a better community.

Vice Mayor Glassman added he heard earlier, during their discussions, the statement that sustainability was an overused word. As someone who recently married and planned on raising a family in the community, he did not think sustainability was an overused word. He thought it was a concept that needed to be placed in line with job creation, education, and other important components that made Tucson a great place to live. He urged everyone to work around sustainability and job creation together at the same table, so they all could move forward.

Council Member Fimbres thanked the staff that worked so hard on the Report and reminded everyone that the study started in April 2008, and had been a slow process. In January, the Mayor and Council gave it an additional thirty days to hear additional comments on the issue, and said that was very important. He said it set the tone that they were going to be very cautious with the City's most precious resource, water. He commented that the staff and individuals that put the Report together were top notch professionals and had done a really good job for the City. He said he knew they were going to be extra cautious and he asked everyone to come in and provide input. He said it was everyone's community and sustainability was not a terrible word to use, because that was what they had to strive for in the community.

Mayor Walkup said he wanted to give a dissenting opinion on where they stood. He said he was continually disappointed by the conversations that pit the environment against business, and both against the people. He said there was not one business person he knew who did not understand that without water there would be no people, and without people, there would be no business. There was not a single person who did not get that relationship. He said it was a matter of growth and planning for growth, and doing it in a way that protected the environment, protected the people and provided jobs for the people in the community.

Mayor Walkup said Mr. Godlewski commented there were fifty-six recommendations in the Report. Twenty-five recommendations they supported, seventeen they had no position on. That left forty-two they were home on and understood. But, he said, there were fourteen that they had some opposition to. He said they had to figure that out, because they could not have a large part of the community that did not understand fourteen important elements of the Report. He said the Report had the value that everybody needed to understand, sit down and work out.

Mayor Walkup assured everyone that this was one area he was not going to vote for anything until they understood, as a collective group of people - the CEP. He said he had a lot of conversations with people that did not understand what it meant, where it came from, questioning if it was ten thousand acre-feet, or if it was something less than ten thousand acre-feet; would it be federally restricted, or would it not be federally restricted. He said he was drawing a line in the sand and would not move forward until he was assured that people understood what it was, and understood the economic benefits of what the CEP provided the community. He said without it, the plan did not make sense.

Mayor Walkup stated they were going to vote to move the item forward, and start the dialogue; but he urged everyone that they must get together and understand what was the truth as far as the CEP, what it did or did not mean, because there was a gross misunderstanding of what it was. He said that had to be done before he voted for any final plan.

Mayor Walkup asked the City Clerk to restate the motion.

Roger W. Randolph, City Clerk, said the motion was to direct staff to bring back, at the February 17, 2010, Mayor and Council meeting, the Resolution supporting the City/County Water/Wastewater Study Phase II Report, along with the provisions to adopt the water policy decision-making framework.

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

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Mayor Walkup added that the issue on CEP had to be resolved to everyone's satisfaction.

The motion to direct staff to bring back, at the February 17, 2010, Mayor and Council meeting, the Resolution supporting the City/County Water/Wastewater Study

Phase II Report, along with the provisions to adopt the water policy decision-making framework was passed by a roll call vote of 7 to 0.

9. ZONING: (SE-09-17) AIR CELL – KOLB ROAD, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 63, dated February 9, 2010, was received into and made part of the record. He also announced this was a Special Exception Land Use request for property located east of Kolb Road, bounded by the Union Pacific Railroad tracks to the north. The Zoning Examiner and staff recommended approval subject to certain conditions. He asked if the applicant or a representative was present, and if they were agreeable to the proposed requirements.

Mike Campbell, consultant for Crown Castle based out of Chandler, apologized stating he did not hear everything that Mayor Walkup said.

Mayor Walkup asked him if they agreed to the proposed requirements for the Special Exception Land Use request for property located east of Kolb Road, bounded by the Union Pacific Railroad tracks to the north.

Mr. Campbell said they were agreeable to the proposed requirements.

It was moved by Council Member Scott, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10761.

Mayor Walkup asked the City Clerk to read Ordinance 10761 by number and title only.

Ordinance No. 10761 relating to zoning; a special exception land use – wireless communications tower use – SE-09-17 Air Cell – Kolb Road; approving with conditions the construction of 145 foot tall wireless communications tower for multiple carriers in the RH zone; and setting an effective date.

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

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Ordinance 10761 was declared passed and adopted by a roll call vote of 7 to 0.

10. ZONING: (C9-09-09) BROWN FAMILY PARTNERSHIP – SPEEDWAY BLVD, O-3 TO C2, CITY MANAGER’S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 58, dated February 9, 2010, was received into and made part of the record. He also announced this was a request to rezone property located on the south side of Speedway Boulevard and the east side of Bedford Drive, east of Camino Seco Road. The Zoning Examiner and staff recommended approval subject to certain conditions. He asked if the applicant or a representative was present, and if they were agreeable to the proposed requirements.

Jim Portner, Projects International Inc., on behalf of the property owners, Garold C. Brown Family Limited Partnership, said they were agreeable to the proposed requirements.

Mayor Walkup asked the City Clerk to read Ordinance 10756 by number and title only.

Ordinance No. 10756 relating to zoning: amending zoning district boundaries in the area located on the south side of Speedway Boulevard, east of Bedford Drive in Case C9-09-09, Brown Family Partnership – Speedway Blvd, O-3 to C-2; and setting an effective date.

Vice Mayor Glassman wanted to comment on a neat piece of history that he just thought of, which was that he and Jim Portner were colleagues of sorts at KB Homes, and one day Mr. Portner asked him why the City of Tucson did not make it easier to do rainwater harvesting on commercial developments. Vice Mayor Glassman thanked him personally for agreeing with the applicant to adopt and utilize the new Rainwater Harvesting Ordinance that the City would have in affect beginning June 2010 as a requirement of the development.

It was moved by Vice Mayor Glassman, duly seconded, to approve the request as recommended by the Zoning Examiner, and pass and adopt Ordinance 10756.

Mayor Walkup asked if there was any discussion.

Council Member Kozachik stated the zoning request called for an archaeological assessment; and asked staff what would happen to parcel numbers one and two if cultural features and burial items were found and if that assessment could be done before the applicant incurred any costs in the development.

Ernie Duarte, Planning and Development Services Department Director, said that the State Historic Preservation guidelines called for certain protocols to be followed in alignment with state requirements, so they could take that action as soon as they saw fit.

Council Member Kozachik asked, presuming they found something, what would happen to the whole process they were about to vote on.

Mr. Duarte stated he was not certain, but imagined it would delay the project from moving forward until cultural resources clearance was obtained from the State.

Council Member Kozachik asked if they could make sure that was done before money was spent designing projects, so that they were was just not out of pocket.

Mr. Duarte replied that was at the discretion of the applicant.

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

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Ordinance 10756 was declared passed and adopted by a roll call vote of 7 to 0.

11. TUCSON CODE: AMENDING (CHAPTER 2) RELATING TO RESIDENCY REQUIREMENTS FOR SPECIFIED CITY OFFICERS AND EMPLOYEES

Mayor Walkup announced City Manager's communication number 59, dated February 9, 2010, was received into and made part of the record. He asked the City Clerk to read Ordinance 10757 by number and title only.

Ordinance No. 10757 relating to Administration and Civil Service; revising Tucson Code Chapter 2, Article I. to amend Residency Requirement for certain City officers and employees by extending time to establish residency; by amending Tucson Code Section 2-4; and declaring an emergency.

It was moved by Vice Mayor Glassman, duly seconded, to pass and adopt Ordinance 10757.

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

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Ordinance 10757 was declared passed and adopted by a roll call vote of 7 to 0.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 53, dated February 9, 2010, was received into and made part of the record. He asked if there were any personal appointments to be made.

Council Member Scott announced her personal appointment of Richard Gonzalez to the Sign Code Advisory and Appeals Board.

13. ADJOURNMENT: 8:34 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, February 17, 2010, 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 9th day of February 2010, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:sac:cs