



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on February 15, 2011.

Date of Meeting: October 19, 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 5:35 p.m., on Tuesday, October 19, 2010, all members having been notified of the time and place thereof.

1. ROLL CALL

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

Present:

| | |
|--------------------|-----------------------------------|
| Regina Romero | Council Member Ward 1 |
| Paul Cunningham | Council Member Ward 2 |
| Karin Uhlich | Council Member Ward 3 |
| Shirley C. Scott | Vice Mayor, 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 Steve Trost, Gospel Rescue Mission, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup, assisted by Council Member Kozachik, proclaimed October 24 to be the “Great Pumpkin Race Day.” Tom Tronsdal, Director of the Great Pumpkin Race, accepted the proclamation and briefly explained that the Race was a community event created to promote awareness about and raise funds for the treatment of Hydrocephalus and related neurological conditions.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 473, dated October 19, 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 invited the public to attend the Midvale Park Neighborhood Association’s Fifteenth Annual Festival, and the grand opening of El Pueblo’s Farmers Market. She also reminded the public about the approaching General Election, and announced the passing of Jorge Luis Garcia, Arizona State Senator for Legislative District 27.
- b. Council Member Cunningham echoed his condolences to the family of Senator Jorge Luis Garcia. He reported on the new location for the Tucson Farmers Market East, and a fundraiser by the Tucson Boy’s and Girl’s Club. He also reported on Tucson Meet Yourself and Fall Crawl events, and reminded the public about the University of Arizona’s Homecoming.
- c. Council Member Uhlich reported on the Watershed Management Group’s Participatory Workshop, and events held by the Glenn Stone Village Hot Rod Café, the Desert Muscle Cars Classic Car Parts Store, and the Fox Theater benefit to promote the Center for Children and Nature Scholarships and Eco-Programs. She also reported on a Halloween Festival in Ward 3.
- d. Vice Mayor Scott reported that volunteers and tools were needed to help replace the equipment and shed which were destroyed by a fire at the Lyman-Atturbury Bird and Animal Sanctuary in Ward 4. She also announced that the University of Arizona Science and Tech-Park was granted three awards for their efforts in solar insulation, and Pima Community College East Campus hosted their thirteenth annual Safe Halloween event.

- e. Council Member Fimbres reported on the Ninth Annual Twenty-Ninth Street Coalition Community Celebration and Crime Prevention Fair at Freedom Park, the National Red Ribbon Week hosted by the Arizona Students Against Drunk Driving and gave the dates and times of the services being held for State Senator Jorge Luis Garcia. He invited the public to a Joint Core Tax Town Hall in Ward 5 and the grand opening of El Pueblo's Farmers Market.
- f. Council Member Kozachik announced a public hearing regarding the proposed Downtown Convention Center Hotel.
- g. Mayor Walkup wished birthday greetings to Council Member Steve Kozachik.

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

Mayor Walkup announced City Manager's communication number 474, dated October 19, 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.

Richard Miranda, Deputy City Manager, announced the Planning and Development Services Department was the recipient of the 2010 Metropolitan Pima Alliance Common Ground Award in the category of Public Policy.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 480, dated October 19, 2010, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

- 1. Oregano's Pizza Bistro, Ward 6
4900 E. Speedway Blvd.
Applicant: Mark Steven Russell
Series 12, City 77-10
Action must be taken by: October 31, 2010

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

- 2. Varsity Clubs of America Tucson, Ward 6
3855 E. Speedway Blvd.
Applicant: Michael Derrick Brown
Series 11, City 78-10
Action must be taken by: October 30, 2010

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

3. QuikTrip #1454, Ward 3
2806 N. 1st Ave.
Applicant: Troy Charles DeVos
Series 10, City 79-10
Action must be taken by: October 31, 2010

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

Public Opinion: Written Arguments Opposed Filed

Application withdrawn at the request of the applicant.

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)

4. Brodie's Tavern, Ward 3
2449 N. Stone Ave.
Applicant: Jonathan Joseph Mayo
Series 6, City 81-10
Action must be taken by: November 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 Rodeo Committee, Inc., Ward 5
4801 S. 6th Ave.
Applicant: Gary Gene Williams
City T98-10
Date of Event: February 19, 2011 - February 27, 2011
(86th Annual Tucson Rodeo)

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

Public Opinion: Written Argument in Favor Filed

2. Fourth Avenue Merchants Association, Ward 6
4th Ave. between University Blvd. and 9th St.
Applicant: John A. Sedwick
City T99-10
Date of Event: December 10, 2010 - December 12, 2010
(Fundraising)

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

3. Tucson's Young Professionals, Ward 1
140 N. Main Ave.
Applicant: Jeffrey M. Ell
City T101-10
Date of Event: November 5, 2010
(Promote Community Activity Downtown)

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

4. S.S. Peter and Paul Catholic Church, Ward 6
1436 N. Campbell Ave.
Applicant: Michael Xavier Sanchez
City T102-10
Date of Event: November 6, 2010
(School Fundraiser)

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

5. Show Baseball, Inc., Ward 5
2500 E. Ajo Way
Applicant: Marc Mauseth
City T103-10
Date of Event: November 6, 2010
(Fundraising)

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 Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b1, 5b2, and 5b4, and 5c1 through 5c5, to the Arizona State Liquor Board with a recommendation for approval.

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. Mikki Niemi spoke in opposition to several actions taken by the Mayor and Council on real estate issues within the City of Tucson.
- b. John Lohrman, Thoroughbred Nissan General Manager, spoke in opposition to the Mayor and Council's vote to remove the transitional historic landmark sign at 5102 E. 22nd Street.
- c. Dick Demeree, 135 Group LLC, spoke about the City being an unfriendly business community as a result of its stringent laws and regulations on business owners.
- d. Charlie O'Dowd, President of Westcap Solar, spoke in support of small businesses. He urged the Council to consider supporting small businesses in southern Arizona.
- e. Jim Kuliesh spoke in support of the program enabling the public to view City permits online for trained and certified contractors and the importance and safety of hiring professional contractors to properly replace water heaters in homes and businesses.
- f. Ed Ackerley spoke in opposition to advertising taxes as a form of income to assist the City's budget.
- g. Ken Johnson spoke about the expenses involved to fund the Veteran's Day Parade and asked for volunteers to help. He also spoke about the American Legion Post #7.
- h. Clarence Scotton, Cars 4 Vets President, spoke in support of Access Tucson.
- i. Shannon Cain gave the ninth installment of her performance piece entitled, "*Tucson, the Novel: An Experiment in Literature and Civil Discourse.*"
- j. Vicki Nelson, U.S.A.F. Veteran, spoke in support of Access Tucson.
- k. Jason Winsky, Tucson Police Officers Association, spoke in support of Proposition 400.
- l. Delores Grayam spoke in opposition to Proposition 107.
- m. Emmett Alvarez spoke in opposition to Proposition 107.

7. CONSENT AGENDA – ITEMS A THROUGH G

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 OCT19-10-477 City-Wide
2. Mayor and Council Special Meeting Minutes of May 17, 2010

b. AGREEMENT: WITH THE REID PARK ZOOLOGICAL SOCIETY FOR THE CONSTRUCTION OF EXPEDITION TANZANIA

1. Report from City Manager OCT19-10-472 City Wide
2. Resolution No. 21638 relating to Parks and Recreation; authorizing and approving the agreement between the City of Tucson and the Reid Park Zoological Society for the funding to construct the Expedition Tanzania Expansion at Reid Park Zoo; and declaring an emergency.

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

c. TUCSON CODE: AMENDING (CHAPTER 10A) DISSOLVING THE TECHNOLOGY POLICY ADVISORY COMMITTEE (TEHPAC)

1. Report from City Manager OCT19-10-469 City Wide
2. Ordinance No. 10843 relating to Boards and Commissions; dissolving the Technology Policy Advisory Committee; repealing current Tucson Code Chapter 10A, Article XVI (Comprising Sections 10A-170 through 10A-174 inclusive, "Technology Policy Advisory Committee"); and declaring an emergency.

d. REAL PROPERTY: SALE OF CITY OWNED PROPERTY TO THE STATE OF ARIZONA FOR THE PRINCE ROAD AND I-10 OVERPASS

1. Report from City Manager OCT19-10-470 Ward 1
2. Ordinance No. 10844 relating to real estate; authorizing and approving the sale of City owned property to the State of Arizona for the Prince Road and I-10 overpass, RP #528 & #529; and declaring an emergency.

e. TRANSPORTATION: APPROVAL AND REFINEMENT OF THE RIGHT OF WAY ACQUISITION FOR THE GRANT ROAD AND ORACLE ROAD INTERSECTION PROJECT.

1. Report from City Manager OCT19-10-471 Wards 2, 3, and 6
2. Resolution No. 21639 relating to transportation; approving a revised alignment map for the Grant Road and Oracle Road Intersection Project as the first phase of the Grant Road Improvement Plan; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property needed as right-of-way for the project; and declaring an emergency.

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

f. PARKS AND RECREATION: NAMING THE UDALL PARK SOCCER COMPLEX THE "SCOTT ALAN BROWN SOCCER FIELDS AT MORRIS K. UDALL PARK

1. Report from City Manager OCT19-10-468 WARD 2
2. Resolution No. 21640 relating to parks and recreation; authorizing and approving naming the Udall Park Soccer Complex the "Scott Alan Brown Soccer Fields at Morris K. Udall Park"; and declaring an emergency.

g. PLANNING: ADOPTION OF THE LEE MOORE WASH BASIN MANAGEMENT STUDY

1. Report from City Manager OCT19-10-475 WARDS 4 AND 5
2. Resolution No. 21641 relating to planning and zoning; authorizing the adoption of the Lee Moore Wash Basin Management Study; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the exhibit for Item g, which was delivered to the Mayor and Council titled "Exhibit A – Executive Summary," was replaced with the full study presented to the Mayor and Council during Study Session on September 28, 2010. He also announced that consideration of adopting the full study was on the agenda, not just the executive summary.

Council Member Cunningham, before making the motion, gave some history about Item f and how they came about renaming the Udall Park Soccer Complex

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

7. CONSENT AGENDA – ITEM B

b. AGREEMENT: WITH THE REID PARK ZOOLOGICAL SOCIETY FOR THE CONSTRUCTION OF EXPEDITION TANZANIA

1. Report from City Manager OCT19-10-472 City Wide

2. Resolution No. 21638 relating to Parks and Recreation; authorizing and approving the agreement between the City of Tucson and the Reid Park Zoological Society for the funding to construct the Expedition Tanzania Expansion at Reid Park Zoo; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Consent Agenda Item b, at the request of Council Member Romero.

Council Member Romero gave the Parks and Recreation Director the opportunity to describe the process and the financial plan for the Zoo expansion, which was to the benefit of the Zoological Society Community and the City of Tucson.

Fred Gray, Parks and Recreation Director, explained the Resolution was to formalize the funding agreement approved by the Mayor and Council in May 2010 with regard to the expansion of the Reid Park Zoo. He said it was a funding partnership between Reid Park Zoological Society and the City of Tucson, and said there would be no general fund dollars committed to the expansion on the City's behalf. He explained that funding on the City's behalf consisted of using bond funds, bond interest, and civic contributions to the Reid Park Zoo, specifically for the proposed expansion.

Mr. Gray also explained the total estimated cost for the construction was \$8.4 million dollars. The City was funding \$3.2 million dollars from the sources he had mentioned, and the Reid Park Zoological Society's commitment was to fund \$5.4 million dollars. He stated \$2.2 million dollars would be in cash and as construction progressed, the Reid Park Zoological Society would reimburse the City for that portion. He said the balance of three million-dollars would be paid over time, because some of the funding sources and contributions were provided in donations and pledges over a five to ten year period of time. The funding was to sell \$3 million dollars of Certificates of Participation to be repaid by the Reid Park Zoological Society in the amount of three hundred thousand dollars per year for ten years plus the financing selling of bonds.

Council Member Romero thanked Mr. Gray for clarifying that no general fund money would be used for the project and commented that the expansion was a great project for the community. She also congratulated the Reid Park Zoological Society for their hard work and dedication to the expansion.

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

7. CONSENT AGENDA – ITEM E

- e. TRANSPORTATION: APPROVAL AND REFINEMENT OF THE RIGHT OF WAY ACQUISITION FOR THE GRANT ROAD AND ORACLE ROAD INTERSECTION PROJECT.

1. Report from City Manager OCT19-10-471 Wards 2, 3, and 6
2. Resolution No. 21639 relating to transportation; approving a revised alignment map for the Grant Road and Oracle Road Intersection Project as the first phase of the Grant Road Improvement Plan; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property needed as right-of-way for the project; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the final item to be considered separately was Consent Agenda Item e, at the request of Council Member Kozachik.

Council Member Kozachik said he wanted to make sure that the residences and businesses along the Grant Road Realignment Corridor were aware that the construction process was beginning and as the project approached, he wanted business owners to know what their rights were. He asked Mr. Glock to give an overview of the process, ensure that it was posted to the website and asked him to provide contact information.

James Glock, Transportation Department Director, said the item reflected the nature of the roadway development process and the plans in respect to rights-of-way. He said a couple of properties were no longer being impacted as a result of the construction, and all property owners, along the Corridor, were contacted in advance advising them of the item coming before the Mayor and Council. He added that the Main Street Business Assistance Program was in contact with property owners to establish a relationship, regardless of whether their property had any acquisition or not. He explained, as property owners came in contact with the Real Estate Division and/or real estate contractors, and issues or concerns arose, they had the option of contacting the Main Street Business Assistance Program. Those issues would then be transmitted to the Transportation Department early enough to find solutions and resolve any concerns. He encouraged all property owners to avail themselves to the Regional Transportation Authority's (RTAs) Main Street Business Assistance Program or the Transportation Department for additional information.

Council Member Kozachik stated there was language pending in respect to a Safe Harbor Ordinance that also affected the item and asked for an update.

Mr. Glock said there were two of the three legs of the Safe Harbor Ordinance in play. This particular acquisition process was utilizing the two legs that were in play. The third leg was a minor modification to the Certificate of Occupancy (C of O) program. He said staff was current working with Planning and Development Services and advised the C of O Ordinance amendment would not be pushed ahead of any other given the recent action taken by the Mayor and Council. Mr. Glock added, as they became aware of property owner's issues and concerns, they were able to make plan modifications to address those issues. He said they recently had an opportunity to look at three acquisitions where some minor shifts and roadway alignments and/or inclusion of some different control measures were made; they were able to satisfy the property owners and keep the business viable and working.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Consent Agenda Item e.

Mayor Walkup asked if there was any discussion.

Council Member Uhlich explained the intersection, which was at the front-end of the alignment, was a critical one in Ward 3 and in the heart and center of the Oracle Area Revitalization Project. She said she appreciated Mr. Glock's work with the staff of the Planning Department and the Citizens Steering Committee and in addition, the Gateway Business Alliance was a great partner with the Main Street Business Assistance Program ensuring that businesses in the area had the information, guidance, and opportunity for feedback. She said, as the alignment moved forward, any partnerships with existing neighborhood groups and business alliances were very effective.

Mr. Glock added that the planning work of the Oracle Area Revitalization Planning Committee helped ease the way with respect to this project. He said there was a larger land use corridor associated with the Grant Road Corridor that was going to precede the subsequent construction phases and established the planning foundation, so when the right-of-way acquisition and roadway engineering work begins, those foundations have been laid and the relationships established.

The motion to pass and adopt Consent Agenda Item e was passed by a roll call vote of 7 to 0.

Vice Mayor Scott added that Mr. Glock recently received an outstanding award that was not mentioned by the City Manager.

Mr. Glock announced that at the Metropolitan Pima Alliance Awards Banquet, there was a special recognition for the team that assembled the successful Tiger Grant application for the Modern Streetcar. The Department of Transportation, Federal Transit Administration, and the Regional Transportation Authority received recognition.

8. PUBLIC HEARING: ZONING (C9-08-11) RARIC PARTNERSHIP – 20TH STREET, R-2 TO I-1, CITY MANAGER'S REPORT, DIRECT ORDINANCE

Mayor Walkup announced City Manager's communication number 467, dated October 19, 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 a request to rezone property located at the northwest corner of 20th Street and Fremont Avenue from R-2 to I-1 zoning. He said the Zoning Examiner and staff recommended approval subject to certain conditions. He asked if the applicant or representative was present and if they had any brief comments to make before beginning with the public hearing.

Bob Gugino, representing the applicant, stated the applicant was seeking to rezone a property on the northwest corner of Fremont and Twentieth Street from R-2 to I-1, so he could relocate his business, which was currently adjoining the property to the

west, separated by an alley. He said the applicant was currently operating a business called MGM Associates since 1978, and had been at the subject location at Park Avenue and Twentieth Street since 1985. The business currently operates in a six thousand square-foot facility and consisted of fabricating, supplying, and installing detention equipment in various jails, prisons, and federal facilities for customers such as cities, counties, states, and various federal government agencies throughout the western United States.

Mr. Gugino explained the business had outgrown their facility and proposed to construct a twenty thousand square-foot facility on the subject property. He explained the proposed facility would have all activities conducted indoors and would not have storage, cranes, or loading located outside of the building. If the zoning was approved, they would embark on a three million dollar construction project, which would double their current work force of fourteen employees to twenty-eight employees. Their employees averaged from thirty-five to forty thousand dollars a year and received full healthcare and profit sharing benefits. He added the construction would also create approximate sixty to seventy-five full time equivalent jobs over the course of the year. Mr. Gugino stated the land in question was vacant and had been since it was platted in the late 1800's in the City of Tucson, so it was not the case of a building being demolished to make way for industrial use. They have owned the property since 1995.

Mr. Gugino gave a brief presentation and showed photographs of the site plan, uses, and landscaping of the project. He said the building would fit right in with the neighborhood, was compatible with what was currently in the area, and would not stop the growth of residences or businesses.

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

Bruce Caffrey spoke in opposition to the rezoning request because of the historic nature of the neighborhood.

Angie Quiroz, Santa Rita Park Neighborhood Association President, spoke in support of the rezoning request.

Claire Fellows spoke in opposition to the rezoning request and stated she had submitted a letter to that affect. She said the rezoning request sacrificed the historic nature of the neighborhood.

Andy Iventosch spoke in opposition to the proposed rezoning request because of difficulties to resolve issues of noise, air pollution and traffic congestion due to these types of rezoning requests.

Rick Mayer said he was one of the owners of the property. He spoke in favor of the rezoning request because they were trying to improve the neighborhood and be considerate to the neighborhood.

Mieko Shimizu Iventosch spoke in opposition of the rezoning request, stating it would diminish the cultural, historic atmosphere, and quality of the neighborhood.

Pat Gammill spoke in opposition to the rezoning request because of the size of the building.

Raymond Moehring spoke in support of the rezoning.

Barry Wukasch spoke in support of the rezoning request. He said it would improve the neighborhood and stimulate the neighborhood and the economy.

Alfred Guzman spoke in support of the rezoning request.

Maggie Gerring spoke in opposition to the rezoning request.

(Mayor Walkup departed at 7:16 p.m.)

Eloy Vasquez spoke in support of the rezoning request.

Brett DuMont, Millville Neighborhood Association Vice President, spoke in support of the rezoning request.

George Kalil, Millville Neighborhood President, spoke in support of the rezoning request.

(Mayor Walkup returned at 7:21 p.m.)

Max Shore spoke in opposition to the rezoning request.

Frank Cortez spoke in support of the rezoning request.

It was moved by Vice Mayor Scott, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 10845 by number and title only.

Ordinance No. 10845 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of 20th Street and Fremont Avenue in Case C9-08-11, RARIC Partners - 20th Street, R-2 to I-1; and setting an effective date.

Roger W. Randolph, City Clerk, announced that a three-fourths majority vote was required to approve the rezoning request.

Council Member Fimbres asked the Zoning Examiner what facts were found in the second public hearing that resulted in his recommendations of approval.

Peter Gavin, Zoning Examiner, said he would not only state the facts found in the second public hearing, but additionally wanted to go back two years ago to explain his thoughts in the case for a clearer understanding of the events. He said, as in all rezoning cases, they are examined and evaluated as to whether a proposal was compatible with adjacent land uses. In the rezoning in question, he stated he evaluated whether the proposal was compatible in the mixed-use area. He said the area was a mixed-use area that contained commercial, industrial, and residential uses, and as noted in his original and subsequent recommendations, there was an infusion of new residential properties in the neighborhood.

Mr. Gavin said the original proposal of the application that was submitted two years ago, in his mind, was that of an unimpressive rectangular box. He said although the applicant proposed that the loading zone be inside the building, the vegetation was located on the northeast and south side of the building, and the hours of operation were limited from 6:00 a.m. to 7:00 p.m. with lights directed down and shielded. With all those things in mind, he still recommended a denial for the proposal.

Mr. Gavin said what actually changed was that the applicant came back with a design that was more architecturally attractive and energy efficient. In the second hearing, he said Mr. Guzman and Mr. Cortez, the builders and owners of the new five residential units to the south, testified in support of the proposal. He stated one of the major reasons he was recommending approval was that all activities would be located, conducted, and operated in the interior of the enclosed building. He recommended that it be a condition of the rezoning if approved, stating it was very important to preserve the residential quality that existed in the neighborhood.

Council Member Fimbres said he was concerned about the flow of traffic in the area and asked Mr. Gugino if traffic could be directed to Park Avenue instead of Fremont. He also asked if signs could be constructed to instruct employees and suppliers to direct traffic to the right.

Mr. Gugino said the traffic issue to direct traffic to Park Avenue was previously discussed; the request was reasonable and it was not a problem to accommodate that request.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10845, with the added condition that employees and suppliers be notified that all traffic should be directed to Park Avenue instead of Fremont Avenue and that “right turn only” signs be installed.

9. ZONING: (SE-10-58) AT&T - OLD SPANISH TRAIL, SR, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 476, dated October 19, 2010, was received into and made part of the record. He also announced this was a Special Exception Land Use request for property located on the northeast corner of

Old Spanish Trail and Houghton Road. The Zoning Examiner and staff recommended approval subject to certain conditions. He asked if the applicant or representative was present and if they were agreeable to the proposed requirements.

Jamie Weiss, representing the applicant, replied they were agreeable with the proposed requirements.

Mayor Walkup asked the City Clerk to read Ordinance 10846 by number and title only.

Ordinance No. 10846 relating to zoning; a special exception land use - wireless communications use; approving with conditions the construction of a sixty (60) foot tall wireless communications tower with antennas concealed within an artificial palm tree in Case SE-10-58, AT&T - Old Spanish Trail, SR zone, located on the northeast corner of Old Spanish Trail and Houghton Road; and setting an effective date.

It was moved by Vice Mayor Scott, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10846.

10. INTERGOVERNMENTAL AGREEMENT: AMENDMENT 1 TO ADDENDUM 1 TO AGREEMENT WITH THE TOWN OF ORO VALLEY RELATING TO EFFLUENT AND RECLAIMED WATER

Mayor Walkup announced City Manager's communication number 479, dated October 19, 2010, was received into and made part of the record. He asked the City Clerk to read Resolution 21642 by number and title only.

Resolution No. 21642 relating to Water; authorizing and approving the execution of Amendment 1 to Addendum 1 to the Intergovernmental Agreements between the City of Tucson and the Town of Oro Valley relating to effluent and reclaimed water; and declaring an emergency.

It was moved by Vice Mayor Scott, duly seconded, that Resolution 21642 be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion.

Council Member Kozachik asked staff what the City charged for interruptible effluent water compared to non-interruptible effluent water in regard to rates. He also asked if there were any potential customers who would pay the non-interruptible rate and if so, why the City would lock in two to three years on this agreement.

Chris Avery, Principal Assistant City Attorney, responded that the rate for interruptible effluent water was approximately one third of the rate for non-interruptible effluent. Non-interruptible effluent was about eight hundred and fifty dollars per-acre

foot and interruptible rate effluent was slightly less than three hundred dollars per-acre foot.

Mr. Avery explained on the golf courses in question in the Town of Oro Valley had a potable water supply and they invested a significant expense in building a reservoir, in connection to the City's reclaimed system, to bring those golf courses onto the reclaimed system. Mr. Avery stated the City agreed to provide the Town of Oro Valley water at the interruptible rate, which captured the City's fixed costs, operating costs, electricity, and chemicals, etc., for a temporary period of time. He said that was a way for Oro Valley to pay for that infrastructure that they would not otherwise be able to afford. As they transitioned into full cost, service with the Town of Oro Valley would be calculated a rate for non-interruptible service.

Mr. Avery said one thing that happened since the beginning of the process with Oro Valley was that the number of golf courses on reclaimed water increased from three to five. He said that provided more use in the shoulder months of spring and fall that they did not have on the reclaimed system before.

Council Member Cunningham asked how many acre-feet the 3.75 million gallons a day translated into.

Mr. Avery explained it did not exactly translate into acre-feet; it was a peek day. Basically the golf courses could use that amount of water during a summer month. Generally a golf course in the size of Oro Valley would use approximately five hundred acre-feet of water a year. So, approximately fifteen hundred acre-feet was ten percent of the reclaimed system going to the golf courses.

Council Member Cunningham clarified that ten percent of the recycled wastewater went to Oro Valley and how long the agreement would last.

Mr. Avery replied that the golf courses could represent ten percent of their demand on the reclaimed system during a peek day. The effluent was actually Oro Valley's effluent and they had the right based on the amount of water they contributed to the wastewater treatment plants in the region. He explained approximately seventeen acre-feet or so of effluent was used on the golf courses and only a small fraction of their effluent made it to the river.

Mr. Avery explained that the way the agreement was extended, it could last two years or up to three years with the concurrence of both the Tucson Water Director and the Oro Valley Water Director; but then it would be revisited by the Mayor and Council. He said, by that time, when the City had an idea how the system would operate with new facilities, and be brought online by Pima County, they hoped to have an agreement that was a non-interruptible rate. Mr. Avery said there was no conceivable way that it could be extended beyond three years without the agreement coming back to the Mayor and Council.

The motion to pass and adopt Resolution 21642 was passed by a roll call vote of 7 to 0.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 478, dated October 19, 2010, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Uhlich, duly seconded and carried by a voice vote of 7 to 0, to approve the appointments of David Welsh and Robert Ojeda to the Climate Change Committee and Jerry Shapins to the Landscape Advisory Committee.

Mayor Walkup asked if there were any personal appointments to be made. There were none.

12. ADJOURNMENT: 7:48 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, October 26, 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 19th day of October 2010, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ccs:sac