



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on September 8, 2010.

Date of Meeting: February 17, 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 5:38 p.m., on Wednesday, February 17, 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
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:

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 Draigg Phillips, City Clerk's Office, after which the Pledge of Allegiance was led by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 64, dated February 17, 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. Vice Mayor Glassman extended an invitation to the release party for the children's book he co-wrote with his wife, Sasha, entitled "Jeremy Jackrabbit Harvests the Rain." He said the book was to be read by Congressman Raúl Grijalva and his wife, Mona, at the Loft Cinema on March 6.

Vice Mayor Glassman also invited citizens to observe the installation of a rainwater-harvesting cistern at Ward 2 on February 20.

- b. Council Member Fimbres announced the benefit for Kinship and Adoption Resource and Education Family Center (KARE) which was an all-inclusive center for grandparents and adopted parents caring for one or more children. The benefit was to be held at the Desert Diamond Casino on March 27.

Council Member Fimbres invited everyone to attend the Rodeo Parade and the Rodeo on February 25.

- c. Council Member Kozachik announced he was engaged in conversations with downtown merchants regarding the revitalization of Downtown Saturday Nights. He acknowledged that private donations from Mesquite Homes and Oasis Tucson, who each donated one thousand dollars, along with the Chamber of Commerce that donated two thousand dollars, were providing seed money for the events.

- d. Mayor Walkup announced City of Tucson had been awarded a sixty-three million dollar Federal Transportation Investment Generating Economic Recovery (TIGER) grant for the completion of the Modern Streetcar. He said the grant, which was the fifth largest award in the country, allowed jobs to be created and construction to commence immediately. He said the official announcement was to be made on February 18 at the Historic Train Depot.

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

Mayor Walkup announced City Manager’s communication number 65 dated February 17, 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 66 dated February 17, 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. Pita Jungle, Ward 6
5340 E. Broadway Blvd.
Applicant: Daniel Bruce Chavis
Series 12, City 3-10
Action must be taken by: March 4, 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)

c. Special Event(s)

1. Southern Arizona Aids Foundation, Ward 6
1303 E. University Blvd.
Applicant: Nancy Lee Rodriguez
City T3-10
Date of Event: March 7, 2010
(Fundraiser)

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

2. Tucson's Young Professionals, Ward 1
140 N. Main Ave.
Applicant: Stephanie Bermudez
City T5-10
Date of Event: March 5, 2010
(Promote Community Event Downtown)

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

3. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Amanda Ivy Reed
City T8-10
Date of Event: March 8, 2010
(Crush Seminar)

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

4. St. Patricks Day Parade & Festival, Ward 6
220 S. 5th Ave.
Applicant: Theresa Mellum
City T12-10
Date of Event: March 14, 2010
(Promote Irish Culture)

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 applications 5b1 and 5c1 to 5c4 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. Ed Verberg, Tucson Mountains Association President, commended the Mayor and Council for adoption of the City/County Water and Wastewater Study Report and the value of the Conservation Effluent Pool (CEP).

- b. Robin Meissner spoke about the proposed Marana regional landfill and how it would directly impact Tucson's water supply. She supported placing this topic for discussion on a future Mayor and Council Agenda.

Council Member Romero requested Mike Letcher, City Manager to direct Jeff Biggs, Tucson Water Director, to look into the matter of the landfill's effect on Tucson Water.

- c. Melissa Rohlik addressed the issue of the planned Marana landfill being built on one of the largest aquifers in Avra Valley. She asked that this plan be fully evaluated before commencing.
- d. Jens Hill spoke about the water related concerns of the Silverbell West Development regarding the Marana landfill proposal and questioned the necessity of placing a landfill in an area that jeopardized water resources.
- e. Steve Storzer discussed the current expansion of Marana, which resulted in annexing the property in question for a four hundred-acre landfill. He said more study and time were necessary to find an alternate site to protect the environment.
- f. Pamela Ruppelius addressed the issue of the proposed landfill site in Marana. She said there would be serious environmental consequences if the landfill flooded; this issue had repercussions for everyone in Tucson.
- g. Terri Faust asked the Mayor and Council to do whatever they could to further investigate the water issues pertaining to the proposed Marana landfill. She said the speed with which this proposal had progressed should be checked.
- h. Joe Sweeney spoke about concerns regarding Access Tucson and taxpayer funding regarding illegal immigration.

7. CONSENT AGENDA – ITEMS A THROUGH D

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 FEB17-10-68 CITY-WIDE
- 2. Approval of minutes for the regular meeting of the Mayor and Council held on September 9, 2009.

B. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR STREET NAMING AND ADDRESSING SERVICES

1. Report from City Manager FEB17-10-72 CITY-WIDE
2. Resolution No. 21479 relating to addressing and street naming; approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for street naming and addressing services; and declaring an emergency.

C. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE REGIONAL TRANSPORTATION DATA NETWORK MESH NETWORK EXPANSION PROJECT

1. Report from City Manager FEB17-10-74(2) CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21481 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the Regional Transportation Data Network (RTDN) Mesh Network Expansion Project; and declaring an emergency.

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

D. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE BIKE LANE PACKAGE II PROJECT

1. Report from City Manager FEB17-10-75(2) WARDS 1, 2, 4, AND 5
2. Resolution No. 21480 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the Bike Lane Package II Project; and declaring an emergency.

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

It was moved by Vice Mayor Glassman, duly seconded, that Consent Agenda Items A through D, with the exception of Items C and D, 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, Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

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

7. CONSENT AGENDA – ITEM C AND D

C. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE REGIONAL TRANSPORTATION DATA NETWORK MESH NETWORK EXPANSION PROJECT

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Council Member Kozachik said both Consent Agenda Items C and D were the same issue so he would speak to Consent Agenda Item C only. He said there was a one hundred twenty thousand dollar allocation for the project and a similar amount for Consent Agenda Item D. He asked Jim Glock, Department of Transportation Director, if the project overran the budgeted allocation, if it was possible that the overage would come back to the General Fund or if there was a process by which the Regional Transportation Authority (RTA) was brought back to the table to fund any overage.

Jim Glock, Department of Transportation Director, said under the strict language of the Intergovernmental Agreement (IGA), any project costs in excess of the allocation were borne by the City. He offered the Mayor and Council and City Manager a caveat; the project would not necessarily move forward should the bids be received in excess of

the allocation. Mr. Glock said, at that point, it would be returned to the RTA to seek additional funding should that come to pass.

Mr. Glock noted a strict reading of the IGA lead one to believe that the Transportation Department utilized the higher user revenue funds to deal with any overages. Mr. Glock stated that, to date, dozens of these IGAs had been executed without any overages. In the case where a bid came in high and in excess of the allocation, the Department returned to the RTA Board, who were willing to increase the Department's allocation to cover that cost. The Department managed that and essentially addressed any risk associated with the City.

It was moved by Council Member Kozachik, duly seconded, that Consent Agenda Items C and D 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, Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Consent Agenda Items C and D were declared passed and adopted by a roll call vote of 7 to 0.

8. APPEAL: (S-09-10) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION – \$3 DETAIL CENTER, 3146 EAST GRANT ROAD (MAYOR AND COUNCIL APPEAL CASE NO. S-09-001)

Mayor Walkup announced City Manager's communication number 69 dated February 17, 2010, was received into and made part of the record. He also announced this was an Appeal of a Decision of the Sign Code Advisory and Appeals Board.

Roger W. Randolph, City Clerk announced that the City Attorney would first summarize the procedural questions presented in this case and the nature of the action.

Mike Rankin, City Attorney announced this was an Appeal from the Sign Code Advisory and Appeals Board (SCAAB) decision to deny a requested variance from the provisions of the *Sign Code*. After the hearing this evening, the Mayor and Council may affirm, modify, or reverse the Board's decision. If the Mayor and Council choose to reverse the Board's decision and grant the variance, then the Mayor and Council must make the required findings under the *City Code* and may attach reasonable conditions to the variance.

Mr. Randolph announced the order of the Appeal would be as follows:

- 1) The Appellant, Richard Spreiser, the business owner of \$3 Detail Center, located at 3146 East Grant Road, would speak.
- 2) An affected neighbor or one designated representative of the affected neighbors would present the opposition.
- 3) There would be a rebuttal by the Appellant.
- 4) Any other rebuttal as permitted by Mayor and Council would be presented, after which the governing body could question the parties presenting their rebuttals and their information. Mayor and Council could then discuss the case and act on it.

Mr. Randolph said the time limit for both sides of the argument was ten minutes. The Appellant, as well as the opposition, could use that ten minutes in direct address to the Mayor and Council, or in rebuttal and could divide it any way they choose.

Mr. Randolph noted the evidence to be considered in this case was a verbatim transcription of the SCAAB Hearing provided to the Mayor and Council and that no new evidence or testimony was allowed. He said the Mayor and Council could, however, consider the argument of the parties in reaching their decision.

Mr. Randolph announced the first item was the Appellant, Richard Spreiser presenting the Appeal.

Richard Spreiser said he was the owner and operator of a car wash, Arizona Auto Spa, located at 3150 East Grant Road. He said there was a property adjacent to them which previously operated as The French Quarter and ultimately could not sustain its business. Mr. Spreiser said the building became vacant and eventually started to go into disrepair due to the recent widening of Grant Road. He added there was graffiti on the property; windows were broken and kids from the local school congregated there.

Mr. Spreiser said he decided to incorporate this property into his car wash and make the space into a detail center and glass tinting shop. He added that he spent over fifty thousand dollars bringing the building up to *Code* requirements. He said there was no time frame other than it was known that the Transportation Department was planning on taking over the property. He stated, before commencing, he spoke with City staff regarding his plans to use the sign and City informed him he had the support of the City.

Mr. Spreiser said he believed the sign had been on the property for about forty years and all he wanted to do was change the face of the sign. He said there were chase lights on the sign which he did not plan on using. Mr. Spreiser said he just wanted to advertise his business. He said the economy was very difficult and it was helpful to his business and employees to have that signage as advertising. He stated he wanted the ability to utilize the signs which would eventually get torn down with the road widening. Mr. Spreiser added he did not see it as putting up a new sign; the existing sign would be used.

Mr. Spreiser said he went before the Variance Committee. Three of the Board Members discussed the economy, made the realization the sign would be torn down in a few years, and they agreed to support him. He added, unfortunately, before he sat down there was one member who had already determined he was not going to be willing to approve the variance and there were three other people who were not able to agree to the approval of the sign. Mr. Spreiser said his position was to come to the Mayor and Council and see if he could get approval to utilize the sign.

Mr. Randolph announced that next they would hear from any opposition to the Appeal to be presented by an affected neighbor or a designated representative. Hearing none, the Appellant was asked if he had anything further to add, which he did not.

Mr. Randolph then announced the Governing Body could question the party appealing the decision. The item could then be discussed, and action taken.

Council Member Kozachik stated, as he understood it, staff had recommended that the Sign Code Advisory and Appeals Board (SCAAB) decision be reversed with some conditions. He asked Ernie Duarte, Development Services Department Director to explain what those conditions were.

Ernie Duarte, Development Services Department Director, said staff had originally supported the variance request of the SCAAB. He stated, as Mr. Spreiser pointed out, that decision was not supported by them, hence the Appeal. Mr. Duarte said the condition associated with recommending approval on a request was that the sign be removed after seven years from the date of the Public Hearing.

Council Member Kozachik asked Mr. Spreiser if the condition was acceptable to him. He pointed out this was a good example of where the terms of the proposed Safe Harbor Ordinance had come into play so as not to allow the process to go forward. Council Member Kozachik added the sign had been up for as long as he had been in Tucson and he had spoken to some of the neighborhood residents who had never objected to the sign.

Council Member Kozachik added the sign belonged to be a restaurant called The French Quarter located at Grant and Country Club Roads, across from Doolen Middle School. He noted the school was happy there was a new occupant and there was now private sector investment in the form of an auto retail center in the space, in addition to being happy somebody had stepped up to the plate, put some money into it and planned to hire people and keep it up and running.

It was moved by Council Member Kozachik, duly seconded, to reverse the decision of the Sign Code Advisory and Appeals Board and approve the variance with the condition that the sign be removed at no cost to the City of Tucson at the end of seven years, and in keeping with the findings under the Tucson Code Section 3-126.

Mayor Walkup asked if there was any discussion.

Council Member Uhlich stated she wanted to echo a key point. She said she appreciated the good work that had been done to ensure signs and the *Sign Code* was appropriately protecting the community from visual blight. She added, in the case of these corridors, and the notion of a Safe Harbor Ordinance, she said she thought it was important to acknowledge that what was seen along this corridor, were the kind of vacant structures that the Appellant was alluding to. Council Member Uhlich said the corridor could deteriorate to a much greater extent so this issue was holding these factors in balance which was why she was in support of the motion.

Mayor Walkup stated he too thought this was one of the first actions by the Mayor and Council on a small business friendly action as the sign would eventually come down as a result of the widening of Grant Road. He added he felt this was the right thing to do.

Mike Rankin, City Attorney stated, before the vote and to be clear, it was necessary if part of the vote was to reverse and grant the variance, then the findings would be incorporated into the motion. The findings required under the *City Code* were under Section 3-126, which had been included in the material provided to the Mayor and Council. He added he was not sure if the conditions recommended by staff were included within the motion. Mr. Rankin confirmed these conditions specified that the sign be removed within seven years and the removal be at no cost to the City of Tucson.

The motion to reverse the decision of the Sign Code Advisory and Appeals Board and approve the variance with the condition that the sign be removed at no cost to the City of Tucson at the end of seven years, and with the findings under the Tucson Code Section 3-126 was carried by a voice vote of 7 to 0.

9. WATER: ADOPTION OF THE CITY/COUNTY WATER AND WASTEWATER STUDY PHASE II REPORT

Mayor Walkup announced City Manager's communication number 70 dated February 17, 2010, was received into and made part of the record. He asked the City Clerk to read Resolution No. 21478 by number and title only.

Resolution No. 21478 relating to the City/County Water and Wastewater Study Phase 2 Report; supporting the goals and recommendations of the report; and adopting a water policy decision-making framework identifying factors to be analyzed and presented to the Mayor and Council prior to the implementation of any study recommendations; and declaring an emergency.

Council Member Scott acknowledged all the community input received during the past thirty-day window. She said she felt there had been some wonderful participation on the part of a lot of people, not to mention environmental interests, job advocates and a variety of water experts who provided additional valuable comments which complimented the work accomplished by the Oversight Committee members. Council Member Scott said she realized this placed an additional burden on staff, but

believed both the process and Report had been enriched through this community consensus process.

Council Member Scott noted there were a few small things she felt might need clarification. She added she intended to support the passage of this Water and Wastewater Study, however, she thought there were some points that should be noted within the current verbiage in the Resolution. Council Member Scott stated the history of this particular Resolution went back to 1979 when there was an Intergovernmental Agreement (IGA) established between the City and Pima County. She added later in 2000, another IGA was presented and passed. She said, now in 2010, the Mayor and Council were passing additional legislation and added they needed to keep doing this because the ongoing Resolutions which had been in effect needed to be updated and modernized.

Council Member Scott said she had handed out to her colleagues a copy of the Resolution as presented to the Mayor and Council and said she wanted to point out some of the small and modest changes she felt clarified the Resolution. Council Member Scott stated there were no substantial changes. She noted on page three of six of the Resolution under Section 1, bullet point three, started off with: “Dedicate an appropriate balance of water for protection and restoration of the environment and ensure it is put to use ...”.

Council Member Scott said, when talking about the protection and restoration of the environment, that perhaps the word ‘non-potable’ water would be an appropriate designation or adjective to describe the water to be used for the protection and restoration of the environment. She said water should be conserved and re-used at every turn, which was what the whole thrust of this Report was about. Council Member Scott said by adding the word ‘non-potable,’ helped her understand; ‘non-potable’ was the more clarifying word.

Council Member Scott asked that in this same bullet, ‘non-potable’ should be added before “water for protection and restoration of the environment and ensure it is put to use in an efficient, effective”, and insert the word ‘sustainable’ before “multi-beneficial manner.”

Council Member Scott stated on page four of six, the next modest change would be bullet five which started off with: “Increase the amount of turf being irrigated with reclaimed and recycled water to replace potable water and ground water pumping.” She asked the Mayor and Council to consider “Increasing the amount of ‘current and future’ turf, specifically turf associated with public schools and parks,” just to broaden the notion of turf to include parks, schools, and other things which were currently not in place but would be in place in the near future.

Council Member Scott added another small change she said she felt was good for clarification was at the bullet point starting, “Elevate public awareness regionally...”,

she said to insert the phraseology about the role of Tucson Water and the active management area and continue with adding “and about water efficiency.”

Council Member Scott stated Section 2 read “The Mayor and Council hereby direct City staff to continue to work together with County Staff to implement the goals and recommendations set forth in the Phase II report as summarized in the Implementation Matrix.” She said that referred to Section 6 of the Resolution, which covered implementation as well. Council Member Scott said if this was left without referring to Section 6, it would imply that City staff were directed to continue working together with County staff to implement the goals and recommendations. She said this was a better clarification.

Council Member Scott said in Section 3 it was noted that the Mayor and Council proposed that Pima Association of Governments (PAG) take a leadership role in this item. She asked staff to return with other possible entities that might take this under their wing and call it a good qualified agency, not necessarily send it to PAG.

Council Member Scott stated, with regard to Section 4, she understood there was a delineation regarding the kinds of people who should still be sitting at the table, including the Regional Wastewater Reclamation Advisory Committee, Citizen’s Water Advisory Committee (CWAC), Pima County Planning and Zoning, and City Planning Commission (PC). She said that seemed to be the profile of the people who were in the Oversight Committee and she wondered if that was saying those people who dissolved themselves should come back. Council Member Scott asked if this Section meant they would have representation.

Nicole Ewing-Gavin, Assistant to the City Manager, said the intent of Section 4 was that the Oversight Committee no longer existed, so in terms of going forward, issues germane to CWAC or the City PC would go to those full bodies for their oversight for public participation. She stressed a new committee would be not formed using an existing committee.

Council Member Scott said under Section 5, where it stated: “Within 6 months, creating a more detailed action plan to implement the recommendations that includes ...”, “recommended priorities based upon available resources” should be inserted before “a timeline, deliverables, costs, roles and responsibilities ...”. Council Member Scott added there was no wording about prioritization or whether there were available resources to do some of these things. She stated these additions might be helpful in the creation of the Resolution.

Council Member Scott added another change to the bullet point paragraph “Providing support for a regional ...” to insert Tucson active management area “dialogue”. She also suggested one last revision to be included. She said at the bullet point on page six which read “Impact on location of growth, urban form, and land use”, the following should be added, “we should acknowledge the role of market interests and

allowing appropriate private investment”. Council Member Scott stated those changes helped clarify the Resolution for her.

It was moved by Council Member Scott to pass and adopt Resolution No. 21478 with the suggested modifications read into the record.

The motion died due to a lack of a second.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution No. 21478 as presented.

Mayor Walkup asked if there was any discussion.

Council Member Scott asked that her comments be noted in the record.

Council Member Uhlich said she agreed with Council Member Scott that the additional thirty days had been constructive in allowing the Mayor and Council to continue engaging with many different people across the community who cared very much about the good work and Study before them for adoption. She said she was grateful for the opportunity and said she thought everyone had spent a large amount of time on the specifics.

Council Member Uhlich added, in the spirit of Council Member Scott’s comments, she preferred the Resolution and Study were passed, as it was important to take that step. She said in addition, it was important to note there were concerns and items to attend to sooner rather than later. She added one of the reasons she had advocated so strongly for this Resolution to be adopted was for the Mayor and Council to being to take action long overdue. Council Member Uhlich said it should not be delayed another ten years and have someone look back and wonder why the City was in the same place it was twenty years ago with regard to water planning and stewardship.

Council Member Uhlich said in the next forty-five days, she hoped the Mayor and Council worked together targeting the three areas of concern such as the Conservation Effluent Pool (CEP) which had been scheduled for discussion on March 23, 2010. She added, in addition, the obligated service area policy was a pressing concern that needed clarity for the wider community, as well as, commencement for a dialogue and framework on this item with staff.

Council Member Uhlich said the final issue was to have staff work with Pima Association of Governments (PAG) to outline the envisioned regional dialogue. She added she thought PAG had planning and staff resources who could assist in this effort and she said she thought there was an eagerness to understand better who would be the facilitator and who all would be around the table. Council Member Uhlich reiterated if the Mayor and Council heard back in forty-five days regarding the vision for the process, she said she thought it was helpful. She added she appreciated the motion to move on the Resolution and Report as prepared. She thanked the Committee and everyone who

weighed in on this item and noted she thought this was a historic step in water resource management, cooperation, and a testament to the good work of many people. She thanked all those involved for their leadership and efforts.

Vice Mayor Glassman said while he too joined in supporting the motion before the Mayor and Council, he actually took a different look at the item. He apologized for the past thirty days because he said he thought there was a good process in effect with the County, City, and stakeholders who worked on this for over two years. Vice Mayor Glassman thanked everyone for their time and noted more questions than answers were raised in the past thirty days.

Vice Mayor Glassman reiterated what Council Member Uhlich had said that on March 23, 2010, there was a Study Session Agenda item scheduled on the CEP because that was a term not everyone was familiar with. He said Council Member Scott and Mayor Walkup voted ten years ago unanimously to move that forward. Vice Mayor Glassman noted, as a community, there was not enough familiarity with this term. He said he thought thirty days of input also created a lot of confusion and perhaps some unnecessary animosity among some members of the community; there was probably a better way to deal with answering those questions.

Vice Mayor Glassman said his and all offices were open to answering questions and they would continue to do so and would continue to create Agenda items so that everyone could be on the same page. He added some of his colleagues and some of the people who were at the Mayor and Council meeting last week who voted ten years ago were now a bit confused as well. He thanked all the business people who took the time to ask questions and he asked them to continue to do that. Vice Mayor Glassman apologized for not letting the process that went forward for over two years which was a good and thorough process and probably second only to the Sonoran Desert Conservation Plan, be the most expansive process that the community had undergone in regards to sustainability planning. He thanked everyone involved, especially those on the Committee.

Council Member Kozachik stated his was a different approach. He did not apologize for the last thirty days because, he recalled, the Mayor and Council were given this Study approximately a week before the January 12, 2010 joint meeting between the County and City. Council Member Kozachik said it was a significant enough issue that he did not think another thirty days of study had derailed the process, nor had it denigrated the efforts of the people who invested their two years. He said the Mayor and Council acknowledged the value of the investment of their time, as well as the Report as being a wonderful piece of work. He added to take another month to look it over and receive input was due diligence on the part of the Mayor and Council.

Council Mayor Kozachik said over the course of that time, the Mayor and Council had received contribution from several groups who felt they had offered input that was not reflected in some of the text of the Report. He noted most specifically, last week, Chris Avery, Tucson Water Interim Deputy Director, explained the CEP at the Mayor's

request. Council Member Kozachik stated based on that explanation, water supplies allocated under Section 10 were irrevocable and were not subject to the Mayor and Council approval; the riparian allocations were subject to City and County approval. He stated in addition, the Mayor and Council received input from Mr. Avery in the last week regarding CEP affluent permitting activity.

Council Member Kozachik said given this input and the fact that Vice Mayor Glassman had asked for a review of the CEP issue on March 23, 2010, he wanted to embrace the Report and pass the Resolution. He added a caveat that no allocations be made to the CEP until the March 23, 2010, Study Session of the Report in order to get a more complete description of what was being given away if those allocations were made. He said he offered this as a friendly amendment and supported adopting the Resolution, but he wanted the Mayor and Council to refrain from any allocations in advance of the March 23, 2010, discussion.

It was moved by Council Member Kozachik, duly seconded, for a friendly amendment to be added to the original motion directing staff that no Conservation Effluent Pool (CEP) allocations be made before the Mayor and Council discuss the CEP at the March 23, 2010, Study Session.

Council Member Uhlich noted, as part of the Study Session item on March 23, 2010, the Mayor and Council should hear from staff regarding whether Section 10 applications and associated water for riparian restoration or habitat conservation elements were integrated in an application for a permit or whether they were handled separately. She added there were different ways of approaching that with regard to the issue of permanence of allocation. She said the community should have the opportunity be heard regarding all of that moving forward.

Vice Mayor Glassman said, in light of non-response to the friendly amendment, he had a legal question. He inquired that since the recommendation was just to direct staff to move forward, if it would be physically or legally possible between now and this upcoming Item for any water to be encumbered in any way.

Mike Rankin, City Attorney, said he did not see any way that CEP water would be allocated between now and March 23, 2010. He said Council Mayor Kozachik had asked for this to be included as part of the direction in the Motion so the Mayor and Council needed to know if this was acceptable to the maker of the Motion and seconder.

Council Member Scott said, given the fact that it was a possibility ruled out by reality, she had no problem with amending the Motion. She noted in the provision related to effluent for riparian projects under Section 5.1.4, there were terms and conditions by which effluent would be made available to operators of the riparian projects. She noted these were established in a conservation effluent pool agreement to be negotiated by the City and County not inconsistent with the terms and conditions of this supplemental IGA. Council Member Scott added that if this still held then that was where they were and there was nothing to be done without another review by both the City and County.

Mr. Rankin said the Motion on the table was to adopt the Resolution but with the additional direction that before the March 23, 2010 Study Session discussion on the Conservation Effluent Pool (CEP), there would be no allocations from the CEP in the interim.

Mayor Walkup commented he had serious concerns and quite a number of people had told him they did not understand the extent of the CEP and that it needed considerable more definition in order for a number of people to get comfortable with the proposal. He said he thought what Council Member Kozachik added and what Council Member Scott accepted was a reasonable compromise. Mayor Walkup said it was important that people understand exactly the scope of the intent of that section.

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, Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Motion to adopt the Resolution as presented, but to direct staff that no Conservation Effluent Pool (CEP) allocations be made before the Mayor and Council discussion on CEP at the March 23, 2010, Study Session was declared passed and adopted by a roll call vote of 7 to 0.

10. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH FOTOWATIO RENEWABLE VENTURES FOR A UTILITY-SCALE SOLAR PROJECT ON CITY LAND IN AVRA VALLEY

Mayor Walkup announced City Manager's communication number 73 dated February 17, 2010, was received into and made part of the record. He asked the City Clerk to read Ordinance No. 10762 by number and title only.

Ordinance No. 10762 relating to real property; authorizing and approving the Solar Energy Ground Lease Agreement with FRV Tucson Solar, LLC, dba Fotowatio Renewable Ventures for utility-scale solar project on City land in Avra Valley; and declaring an emergency

It was moved by Council Member Fimbres, duly seconded, to pass and adopt Ordinance No. 10762.

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,
Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Ordinance 10762 was declared passed and adopted by a roll call vote of 7 to 0.

11. DEVELOPMENT AGREEMENT AMENDMENT: WITH OT KINO, LLC FOR THE PLAZA CENTRO PROJECT

Mayor Walkup announced City Manager's communication number 71 dated February 17, 2010, was received into and made part of the record. He asked the City Clerk to read Resolution No. 21477 by number and title only.

Resolution No. 21477 relating to development; approving and authorizing the execution of a First Amendment to the Development Agreement between the City of Tucson and OT Kino, LLC for the Development of the Plaza Centro Project; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution No. 21477.

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,
Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Resolution No. 21477 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 67, dated February 17, 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 in the report.

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

Council Member Fimbres appointed Catherine Applegate Rex to the Planning Commission and Evan Canfield to the Citizen's Water Advisory Committee.

Vice Mayor Glassman applauded the appointment of Evan Canfield to the Citizen's Water Advisory Committee.

13. ADJOURNMENT: 6:49 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, February 23, 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 17th day of February 2010, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:tl:ccs