



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 10, 2011.

Date of Meeting: January 25, 2011

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 5:36 p.m., on Tuesday, January 25, 2011, 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	Council Member Ward 4
Richard G. Fimbres	Vice Mayor, Council Member Ward 5
Robert E. Walkup	Mayor

Absent/Excused:

Steve Kozachik	Council Member Ward 6
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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 Reverend Chewee Hughley, Church of Our Faith Fellowship, after which the Pledge of Allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 45, dated January 25, 2011, 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 announced that Shannon Cain, Ward 1’s Artist in Residence, was awarded the Drew Hines Literature prize for 2011. She invited the public to attend the 4th Annual “Beat Back Buffelgrass” at Sentinel Peak Park and announced the Sunnyside Literacy Council was collecting new and used books for children up to eight years of age.
- b. Council Member Scott invited the public to the groundbreaking for four softball fields at Lincoln Park.
- c. Vice Mayor Fimbres announced the following events; a Business Roundtable at the High Speed Customs, a Town Hall on projects in Ward 5 and the City’s budget and a graffiti clean-up event at Apollo Middle School.
- d. Mayor Walkup reported on his trip to the Conference of Mayors in Washington D.C., and said he was able to spend time with President Obama.

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

Mayor Walkup announced City Manager’s communication number 46, dated January 25, 2011, 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.

Mike Letcher, City Manager, announced that the City’s budget for 2011 received the Government Finance Officers Association’s “Excellence in Reporting Award.” He recognized the Mayor and Council and his staff for their efforts.

Roger W. Randolph, City Clerk, reported he received, from the City of Superior, Wisconsin, Resolution #R11-12981, pledging their support, thoughts and prayers to the families of the victims of the tragic shootings in Tucson.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s communication number 47, dated January 25, 2011, was received into and made part of the record.

There were no items on the Liquor License Agenda.

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. Sheldon Gutman spoke about Tucson's tragedy on January 8, and about the retrieval of stolen bicycles in Tucson.
- b. Michael Rosenberg spoke in opposition of a proposed rental tax.
- c. Mikki Niemi presented his ideas on budget cuts for the City of Tucson.
- d. Kim Fitch spoke in opposition to a rental tax.
- e. Shannon Cain pleaded for civil discourse and thanked Mayor Walkup on his civility accord and leadership.
- f. Ken Johnson spoke about the January 8 tragedy in Tucson and the American Legion.
- g. Judy Drickey-Prohow spoke in opposition of a rental tax.
- h. William Cohen spoke about the City's budgetary issues.
- i. Ivy Schwartz, Tucson Mountains Association, spoke in support of the Intergovernmental Agreement with Pima County on Conservation Effluent Pool.
- j. Ed Verberg, Tucson Mountains Association, spoke in support of the Intergovernmental Agreement with Pima County on Conservation Effluent Pool, and asked the Mayor and Council to approve the agreement.
- k. Carolyn Campbell, Coalition for Sonoran Desert Protection, asked the Mayor and Council to adopt the Intergovernmental Agreement with Pima County on Conservation Effluent Pool.
- l. Yvonne Meares, Cascade Colinas Apartments and Townhomes resident, spoke in opposition to a rental tax.

7. CONSENT AGENDA – ITEMS A THROUGH B

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 JAN25-11-49 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of August 4, 2010

b. TUCSON CODE: AMENDING (CHAPTER 2) RELATING TO RESIDENCY REQUIREMENTS FOR SPECIFIED CITY OFFICERS AND EMPLOYEES (CONTINUED FROM THE MEETING OF JANUARY 19, 2011)

1. Report from City Manager JAN25-11-51 CITY WIDE
2. Ordinance No. 10874 relating to Administration and Civil Service; revising Tucson Code Chapter 2, Article I. To amend Residency Requirement for certain City Officers and Employees by limiting requirement to establish residency to persons hired by the City on or after May 13, 2008; by amending Tucson Code Section 2-4; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Kozachik absent/excused), that Consent Agenda Items a - b be passed and adopted and the proper action taken.

8. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE IMPLEMENTATION OF THE CONSERVATION EFFLUENT POOL

Mayor Walkup announced City Manager's communication number 50, dated January 25, 2011, was received into and made part of the record. He asked the City Clerk to read Resolution 21682 by number and title only.

Resolution No. 21682 relating to Water; authorizing and approving the execution of an Intergovernmental Agreement with Pima County for Implementation of the Conservation Effluent Pool; and declaring an emergency.

Council Member Scott stated the *Endangered Species Act* had been mentioned and she asked how that influenced the use of Conservation Effluent Pool (CEP) water for such purposes, and if it would take precedence over other projects.

Chris Avery, Tucson Water Chief Counsel, said the agreement before them was an implementation agreement designed to set forth a process by which the effluent that was set aside in the 2000 Supplemental Intergovernmental Agreement (IGA) was allocated. The 2000 Supplemental IGA established a definition of riparian projects that included projects obtaining *Endangered Species Act* permitting, or projects that were designated by the Mayor and Council and explained how the agreement was set-up.

Council Member Scott said the CEP was allowed to be used for particular projects for about three to five years maximum. She asked what would happen to the riparian areas in a short period of time if they were not watered in a natural fashion.

Mr. Avery said the pool established the preference for projects that would use CEP to grow in riparian habitats and return an allocation of effluent to the pool. He said the idea was, if they could use the effluent pool, to start projects that could sustain themselves on their own with natural water supplies or small amounts of supplemental water supplies, then they would receive more returns on the investments, than if there were projects that continually used the CEP, and water was not returning to be reinvested.

He said the agreement did not require projects to use water only for three to five years, but it indicated a clear preference for projects that had plans to establish habitats, and wean that habitat off of the reclaimed water source and effluent source suppliers to maintain the vegetation on harvested rainwater, stormwater, or other small supplemental water supplies.

Council Member Scott said there were concerns that effluent had trace levels of some contaminants, and asked Mr. Avery if he could discuss that further.

Mr. Avery said the Mayor and Council had been briefed on several occasions about the new technology that was available that showed the presence of pharmaceuticals and personal care products in various water supplies, including effluent in the Tucson region at very low levels. He said water that was used in the CEP was the same water that was currently regulated by the Department of Environmental Quality for open access reuse, and in many cases it was the same source of water supply that went through the reclaimed system which supplied water to golf courses, parks and schools throughout the Tucson Metropolitan area. He said it was a water supply that was non-potable in its current form and it would be used for non-potable reasons, which was an effective matching, where the water utilities tried to do since the reclaimed water system was constructed in 1983 and 1984.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 21682.

Vice Mayor Fimbres asked if the ten thousand-acre fee was settled in the distribution request made by one of the entities.

Mr. Avery said the way it was worked out in that agreement was that the CEP established at ten thousand-acre feet, except for the City of Tucson and Pima County, no party who obtained a CEP allocation could obtain more than they contributed. If the Metropolitan Domestic Water Improvement District, Town of Oro Valley, Spanish Trail or Flowing Wells Irrigation District, requested CEP allocation, they were limited by their contributions to the pool. He said they recognized that the CEP was made of supplies from all around the regions and there was a good project that took place in the Flowing Wells Irrigation District service area, and they should have access to CEP, but they should not be able to acquire the entire supply for use after making a small allocation.

Vice Mayor Fimbres asked if the Citizens' Water Advisory Committee (CWAC) approved the proposal.

Mr. Avery said the CWAC approved the City/County Water Study and the action plan that came from that study was included in the agreement as part of that program.

Resolution 21682 was declared passed and adopted by a roll call vote of 6 to 0 (Council Member Kozachik absent/excused).

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 48, dated January 25, 2011, was received into and made part of the record. He asked if there were any personal appointments to be made.

There were none.

10. ADJOURNMENT: 6:31 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, February 8, 2011, 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 25th day of January 2011, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ds:sac