



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on April 7, 2009

Date of Meeting: February 18, 2009

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 5:43 p.m., on Tuesday, February 18, 2009, 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	Council Member Ward 2 (Arrived 5:45 p.m.)
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Karin Uhlich	Vice Mayor, Council Member Ward 3
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Staff Members Present:

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Chaplain John Wheat from the Tucson Fire Department, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup presented a Copper Plaque to Jaime Gutierrez as an "Extraordinary Citizen."

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 91, dated February 18, 2009, was received into and made a 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 Glassman announced he attended a memorial service for the late Steve Emerine. He mentioned Mr. Emerine's life and accomplishments and requested a moment of silence in his memory.
- b. Council Member Scott announced express buses were now running from Rita Ranch to downtown. She thanked Mayor Walkup and Council Member Trasoff for joining her on one of the first express buses. She said any one who was interested in experiencing the new plush buses could contact Sun Tran for more information.

Council Member Scott announced on February 23, 2009 the Ward 4 Council Office would be holding a Town Hall Budget meeting at the Clements Center.

- c. Council Member Trasoff announced Ward 6 would be holding a Town Hall Budget meeting on February 26, 2009 at the Ward 6 Council Office.
- d. Mayor Walkup read a communication from Doug Hucker, CEO of the American Gem and Trade Association, stating it was their belief that the Mayor and Council was in full support and were committed to the downtown redevelopment efforts.

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

Mayor Walkup announced City Manager's communication number 92, dated February 18, 2009, was received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 93, dated February 18, 2009, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

NOTE: There are no new license(s) scheduled for this meeting.

c. Special Event(s)

1. The St. Patrick's Day Parade of Tucson, Ward 6
221 S. 6th Ave.
Applicant: John F. Flanagan
City T3-09
Date of Event: March 15, 2009
(Recognize & celebrate Irish Heritage)

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

2. University Medical Center Foundation, Ward 3
3838 N. Campbell Ave.
Applicant: Kent D. Rollins
City T8-09
Date of Event: March 14, 2009
(Fundraiser for Arizona Cancer Center Clinic)

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

3. The Drawing Studio, Inc., Ward 6
33 S. 6th Ave.
Applicant: Lynn M. Fleischman
City T9-09
Date of Event: March 5, 2009
(Art Exhibition and Gala celebrating our Outreach Art Tutoring for Seniors (OATS) program)

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

Public Opinion: Written Argument in Favor Filed

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent changes scheduled for this meeting.

It was moved by Council Member Romero, duly seconded and carried by a voice vote of 6 to 0 (Vice Mayor Uhlich absent/excused), to forward liquor license applications 5c1 through 5c3 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. Karen Falkenstrom spoke about the arts and cultural infrastructure of Tucson. She announced Batucaxé would be holding an event called Carnival at Armory Park on February 21, 2009.
- b. Frank McCormick spoke about the City's budget crisis and the budget cuts.
- c. John Kromko spoke about a request he submitted to the City Clerk's Office and impact fees on buying homes.

Council Member Glassman asked Mayor Walkup if the Council could get clarification from the City Attorney in regards to the City's Policy in releasing addresses of the Call to the Audience members.

Michael Rankin, City Attorney, stated he could not hold a discussion at Call to the Audience about the policy, but would take Council Member Glassman's request as direction to follow up with a memo to the Council by the following day.

- d. Joe Sweeney spoke about the City's budget and the immigration issues.

7. CONSENT AGENDA – ITEMS A THROUGH E

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

A. CITY VEHICLES: ANNUAL APPROVAL OF EXEMPTION OF CERTAIN CITY VEHICLES FROM BEARING IDENTIFYING MARKINGS

1. Report from City Manager FEB18-09-95 CITY-WIDE
2. Resolution No. 21218 relating to city vehicles; pursuant to A.R.S. Section 38-538.03(B), exempting certain City motor vehicles from the requirement that they bear markings identifying them as City vehicles; making this exemption effective from February 27, 2009 through and including February 26, 2010; and declaring an emergency.

B. FINAL PLAT: (S08-103) BRYANT CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1 TO 7, COMMON ELEMENT "A" AND LIMITED COMMON ELEMENTS "1" TO "7"

1. Report from City Manager FEB18-09-96 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.

C. ASSURANCE AGREEMENT AND FINAL PLAT: (S07-178) LA ESTANCIA DE TUCSON-PHASE II, COMMON AREAS "A" TO "D", BLOCK 43 AND BLOCKS 37 TO 42 AND 44 TO 53

1. Report from City Manager FEB18-09-97 WARD 4
2. Resolution No. 21219 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S07-178 and approving the final plat for the La Estancia de Tucson – Phase II, Common Areas "A" through "D", Block 43 and Blocks 37-42 and 44-53, a Subdivision; and declaring an emergency.
3. Staff recommends that the Mayor and Council approve the assurance agreement and 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. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH THE OWNERS OF RINCON VALENCIA INDUSTRIAL PARK

1. Report from City Manager FEB18-09-98 OUTSIDE CITY
2. Resolution No. 21220 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and the owners of Rincon Valencia Industrial Park Lots 1 through 4 and Lots 36 and 37.

Note: if annexed, area would be in Ward 4

E. MEMORANDUM OF UNDERSTANDING: WITH URBAN NETWORKS TO INCREASE THRIVING YOUTH THROUGH VIOLENCE PREVENTION

1. Report from City Manager FEB18-09-100 CITY-WIDE

2. Resolution No. 21222 relating to public health and safety; approving and authorizing execution of a Memorandum of Understanding with Urban Networks to Increase Thriving Youth through Violence Prevention (“UNITY”); and declaring an emergency.

It was moved by Council Member Glassman, duly seconded, that Consent Agenda Items A through E 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, Glassman, Scott, Leal, Trasoff; and Mayor Walkup

Nay: None

Absent/Excused: Vice Mayor Uhlich

Consent Agenda Items A through E were declared passed and adopted by a roll call vote of 6 to 0.

8. WATER: AMENDING TUCSON WATER’S FINANCIAL PLAN FOR FISCAL YEAR 2009 (CONTINUED FROM THE MEETING OF FEBRUARY 10, 2009)

Mayor Walkup announced City Manager's communication number 99, dated February 18, 2009, was received into and made a part of the record. He asked the City Clerk to read Resolution 21221 by number and title only.

Resolution No. 21221 relating to water; approving amendments to the Tucson Water adopted Financial Plan for Fiscal Year 2009 and related facilities; and declaring an emergency.

Council Member Trasoff asked if she should make the motion first and then get into questions. She said Jeff Biggs, Tucson Water Director, would let her know whether or not the motion was proper.

It was moved by Council Member Trasoff, duly seconded, to remarket forty-two thousand acre-feet of Tucson’s Central Arizona Project (CAP) allotment by March 1, 2009, and to retain eight thousand acre-feet until April 1, 2009, with the understanding that Tucson Water staff would continue to work with Oro Valley and other local entities to retain the water in the Tucson Active Management Area.

Mr. Biggs confirmed the motion was proper.

Mayor Walkup asked if there was any discussion.

Council Member Trasoff asked Mr. Biggs for clarification on the second part, which talked about restructuring and including the sale of ground water extinguishment rights were highly desirable to local small water providers, and the restructuring would only take place if Tucson Water did not make enough money from the sale of extinguishment rights. Council Member Trasoff asked Mr. Biggs if he could explain the extinguishment rights and whether it was more than simply somebody else being authorized to use the City's aquifer.

Mr. Biggs stated groundwater extinguishment credits were very valuable to local entities, particularly ones that did not have CAP water recovery wells, such as Oro Valley. He stated Oro Valley had to purchase or pay into the groundwater replenishment conservation district every year, because Oro Valley did not have the CAP water recovery wells. He stated Tucson Water had about a half million acre-feet of groundwater extinguishing credits. He said Tucson Water was very comfortable selling four thousand acre-feet of credits to Oro Valley. He reported he was in negotiations with Philip Saletta, Water Utility Director for Oro Valley, to determine a price for those four thousand acre-feet of credits.

Council Member Trassoff asked if the City was giving them eight thousand acre-feet of wet water or eight thousand acre-feet of credits, which was the paper water.

Mr. Biggs confirmed it was four thousand acre-feet of paper credits, not wet water. He said it helped Oro Valley's budget because they could purchase the credits at a lower price from the City than from the Central Arizona's Groundwater Conservation District. He stated this would help their customers with their rates. He mentioned it was a win-win for the City because Tucson Water could sell the groundwater credits for more than what it would purchase the CAP water for.

Council Member Trasoff affirmed it sounded like a real win-win situation. She said the motion included retaining eight thousand wet acre-feet. She asked if this was the same acre-feet.

Mr. Biggs stated there would be an additional four thousand acre-feet. Tucson Water would try to work with local water providers to see if they would be willing to purchase the wet water; if not, they could remarket it in April.

Mayor Walkup read a statement into the record from Vice Mayor Uhlich, which stated she was pleased with the success of the Tucson Water staff, in particular Jeff Biggs and Chris Avery, in reaching out to partnering jurisdictions in our region with the goal of remarketing a portion of this year's Tucson Water CAP allocation. While they would be proceeding to remarket at the state level forty-two thousand acre-feet, they had succeeded in forging a new level of cooperation with Oro Valley and in setting the stage for additional regional collaboration in the future. This endeavor had yielded mutual benefit

to Tucson Water and the Town of Oro Valley's Water Department, the respective ratepayers, and interests shared more broadly across the valley. Mayor Walkup concluded Vice Mayor Uhlich's statement by stating she looked forward to continuing this line of effort in partnership with staff and other area municipal water providers in relation to remarketing any excess in next year's annual allocation and the leveraging of Tucson Water's infrastructure for mutual benefit.

Mayor Walkup asked if there were any other comments.

Council Member Leal asked if the sale of wet water was for the coming year.

Mr. Biggs acknowledged the sale was for this year, and for fiscal year 2010 they would be trying to remarket another fifty thousand acre-feet. He said they had until October to make an order with CAP.

Council Member Leal asked, whomever the City dealt with, was Tucson Water talking about selling rights one year at a time.

Mr. Biggs answered affirmatively.

Council Member Glassman expressed his gratitude to Mr. Biggs and his staff for helping the Ward 2 Office with issues they had regarding some small business owners.

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

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal, and Trasoff; and Mayor Walkup

Nay: None

Absent/Excused: Vice Mayor Uhlich

The motion to remarket forty-two thousand acre-feet of Tucson's CAP allotment by March 1, 2009 and to retain eight thousand acre-feet until April 1, 2009, with the understanding that Tucson Water staff would continue to work with Oro Valley and other local entities to retain the water in the Tucson Active Management Area, was declared passed and adopted by a roll call vote of 6 to 0.

Roger W. Randolph, City Clerk, stated the motion did not include the adoption of the Resolution.

Council Member Trasoff asked if she needed to restate the motion so it included the Resolution.

Mr. Randolph said, if Mayor and Council wanted to include the Resolution, then an additional motion was necessary.

Michael Rankin, City Attorney, stated an additional motion to adopt Resolution 21221 would be fine.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Resolution 21221.

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

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal, and Trasoff; and Mayor Walkup

Nay: None

Absent/Excused: Vice Mayor Uhlich

Resolution 21221 was declared passed and adopted by a roll call vote of 6 to 0.

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 94, dated February 18, 2009, was received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 6 to 0 (Vice Mayor Uhlich absent/excused), to re-appoint Lisa Long to the Metropolitan Education Commission, and appoint the following primary members to the Climate Change Committee: Dr. Jonathan Overpeck (Climate Change), Andy Laurenzi (Sustainable Land Use/Transportation), Phil Swaim (Sustainable Building), Dr. Paul Green (Urban Heat Island/Green Space), James McAdam (Community Grassroots Efforts), Dr. Pat Patton (Local Economy), Kenneth Riley (Workforce Advocacy), Dr. Jane Poynter (Small/Local Business), Dr. John Schwarz (Low-income Representation), Joanie Sawyer (Neighborhood Advocacy), Tomas Leon (Social Services), Dr. Anna Marie Lopez (Human Health), Varga Garland (Food Security), and appoint the following alternate members: Dr. Gregg Garfin (Climate Change), Dr. Curtis Lueck (Sustainable Land Use/Transportation), Rich Michal (Sustainable Building), Dr. Michael Rosenzweig (Urban Heat Island/Green Space), Neil Markowitz (Community Grassroots Efforts), Sofia G. Loomis (Local Economy), Carld Rosborough (Workforce Advocacy), Jan Gordley (Small/Local Business), Maiola Coleman (Low-

income Representation), Bryant Nodine (Neighborhood Advocacy), Terry Galligan (Social Services), Dr. Barbara Warren (Human Health), and Julie Evan (Food Security).

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

Council Member Glassman announced his personal appointment of John Zimmerman to the Commission on Disability Issues.

10. ADJOURNMENT: 6:28 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, February 24, 2009, 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 18th day of February 2009, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ags:dsc