



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on September 14, 2010.

Date of Meeting: March 9, 2010

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:39 p.m., on Tuesday, March 9, 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:

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 Apostle Willard J. Williams, Blessed Fellowships International, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup, assisted by Council Member Fimbres, presented a Certificate of Recognition and Appreciation to Peter Norback for his efforts in soliciting and collecting food items for the Community Food Bank.
- b. Mayor Walkup proclaimed March 15 to March 21, 2010 to be "Fix a Leak Week." Jeff B. Biggs, Tucson Water Director, accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 88, dated March 9, 2010, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Mayor Walkup invited Lt. Colonel Tim Krauss, Davis Monthan Air Force Base 355th Fighter Wing to the podium, to provide information on the upcoming air show.
- b. Council Member Romero announced the Sunnyside Neighborhood Association hosted a kick-off celebration for their Literacy for Life Program on March 20, 2010, and the 10th Annual Cesar E. Chavez March was held on March 27, 2010.
- c. Vice Mayor Glassman announced the Ward 2 Office, on March 10, 2010, hosted a presentation by Swim International, a non-profit organization, on swim safety and a Rainwater Harvesting Town Hall. He also announced the Tucson's Annual Festival of Books at the University of Arizona was held on March 13-14, 2010. One of the books that featured was "Jeremy Jack Rabbit Harvests the Rain" whose character was created by Catalina Rankin, wife of Michael Rankin, City Attorney and art work for the book cover was done by children locally.
- d. Council Member Uhlich announced she and the North Tucson Weed and Seed Coalition and Graffiti Protective Coatings participated in graffiti abatement cleanup in the Amphi Neighborhood on March 13, 2010.
- e. Council Member Fimbres announced the Community Food Bank Hunger Walk was held on March 13, 2010, the following week, the League of United Latin American Citizens hosted their 21st Annual Youth Leadership Conference and a Restoration of Your Civil Rights Workshop was held on March 23, 2010. He also reminded the public about the Race for the Cure event on April 11, 2010.

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

Mayor Walkup announced City Manager’s communication number 89, dated March 9, 2010, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Letcher, City Manager, thanked the Mayor and Council for discussions held earlier at study session on the Budget Options Balancing System (BOBS), and said he appreciated the direction given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s communication number 90, dated March 9, 2010, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

1. Zendejas #13 Restaurant, Ward 6
1628 E. 6th St.
Applicant: Kevin Arnold Kramber
Series 12, City 6-10
Action must be taken by: March 20, 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. The University of Arizona Museum of Art (UAMA), Ward 6
1031 N. Olive Rd.
Applicant: Diane A. Hartman
City T6-10
Date of Event: March 26, 2010
(Fundraising for the University of Arizona Museum of Art)

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

2. 162nd Fighter Wing, Tucson Arizona Air National Guard, Ward 2
7200 E. Tanque Verde Rd.
Applicant: Rebecca D. Devine
City T7-10
Date of Event: April 11, 2010
(Annual Wing Picnic)

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 T9-10
Date of Event: March 22, 2010
(Crush Seminar)

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

4. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Amanda Ivy Reed
City T10-10
Date of Event: March 27, 2010 - March 29, 2010
(Craft Market Beer Garden/Crush Seminar)

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

5. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Amanda Ivy Reed
City T11-10
Date of Event: April 9, 2010
(Crush Wine Food Art Festival)

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

6. Sonoran Glass Art Academy, Ward 5
633 W. 18th St.
Applicant: Jason Jacob Marstall
City T13-10
Date of Event: March 20, 2010
(Fundraiser)

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

7. Rialto Theatre Foundation, Ward 6
Meyer St., between Simpson & Cushing
Applicant: Douglas William Biggers
City T14-10
Date of Event: April 3, 2010
(Block party and concert to raise funds for Community Radio Station KXCI)

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

8. 355th Force Support Squadron Consolidated Club, Ward 6
1303 E. University Blvd.
Applicant: Robin E. Herndon
City T18-10
Date of Event: March 26, 2010
(Annual Maintenance Awards Ceremony)

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

9. Tucson Breakfast Lions Club, Ward 5
4823 S. 6th Ave.
Applicant: Wayne Francis Locke
City T19-10
Date of Event: April 9, 2010 - April 10, 2010
(Fundraiser)

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 Scott, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, and 5c1 through 5c9 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. Paul Parisi, Tucson Metropolitan Chamber of Commerce (TMCC), spoke in opposition to the proposed advertising tax and proposed occupational privilege tax.

Vice Mayor Glassman asked the City Manager to have staff follow up with the TMCC to find out some of the ideas they had for revenue enhancements, which was acceptable to them and could be brought back to the Mayor and Council.

- b. David Godlewski, Southern Arizona Home Builders Association (SAHBA) Government Liaison, spoke in support of infill development. He also urged the Mayor and Council to expedite the process to implement the short-term solutions, as well as, moving forward with downtown revitalization.
- c. Joseph Sweeney thanked the Mayor and Council for their actions pertaining to Channel 12 and Access Tucson. He also commented on a proposed Mexican boycott and 287(g) Units.
- d. Luis Mena, Barrio Anita Neighborhood Association, spoke about problems they were having with the homeowners association, and violations issued to residents of Neighborhood.

Council Member Romero asked the City Manager to have staff look into the situation and work with the neighborhood on the violations.

- e. Mary Garcia, Barrio Anita Neighborhood Association, commented that the members of the Neighborhood were not getting notices and minutes of meetings held.

Council Member Romero asked the City Manager to have staff follow up to ensure that residents were receiving the information they needed regarding their neighborhood.

- f. Peter Simon, World's Masterminds, spoke about their ideas to generate income for the City of Tucson.
- g. Charles Skelley, World's Masterminds, spoke in support of raising taxes, in particular a kilowatt-hour tax.

7. CONSENT AGENDA – ITEMS A THROUGH N

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 MAR9-10-92 CITY-WIDE
- 2. Approval of minutes for the regular meeting of the Mayor and Council held on October 14, 2009.

B. REAL PROPERTY: AUTHORIZATION TO ACQUIRE REAL PROPERTY AT 2702 EAST STRATFORD DRIVE FOR THE ARROYO CHICO URBAN GREENWAY PROJECT

1. Report from City Manager MAR9-10-102 WARD 6
2. Resolution No. 21486 relating to parks and recreation; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property needed for the Arroyo Chico Urban Greenway; and declaring an emergency.

C. INTERGOVERNMENTAL AGREEMENT: WITH THE TUCSON UNIFIED SCHOOL DISTRICT FOR WIDE AREA NETWORK CONNECTIVITY

1. Report from City Manager MAR9-10-104 CITY-WIDE
2. Resolution No. 21487 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Tucson Unified School District for the provision of wide area network connectivity; and declaring an emergency.

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

D. PARKS AND RECREATION: NAMING THE PARK LOCATED AT SOUTH MAIN AVENUE AND SIMPSON STREET THE “ROSENDO S. PEREZ PARK”

1. Report from City Manager MAR9-10-94 WARD 6
2. Resolution No. 21488 relating to parks and recreation; authorizing and approving naming the park located on the northwest corner of South Main and Simpson Street the “Rosendo S. Perez Park”; and declaring an emergency.

E. PARKS AND RECREATION: NAMING THE PARK LOCATED ON WEST SIMPSON STREET “EL PARQUE DE SAN COSME”

1. Report from City Manager MAR9-10-93 WARD 6
2. Resolution No. 21489 relating to parks and recreation; authorizing and approving naming the park next to the new Fire Central Headquarters (located on West Simpson) “El Parque de San Cosme”; and declaring an emergency.

F. TRANSPORTATION: ACQUISITION OF RIGHT-OF-WAY FOR THE GRANT AND SILVERBELL ROAD BUS PULLOUT

1. Report from City Manager MAR9-10-96 WARD 1

2. Resolution No. 21490 relating to transportation; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property needed for the Regional Transportation Authority (RTA) Bus Pullout at Grant and Silverbell Roads; and declaring an emergency.

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

G. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE STATE OF ARIZONA FOR THE ARMORY PARK PROJECT UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

1. Report from City Manager MAR9-10-99 WARDS 5 AND 6
2. Resolution No. 21491 relating to Intergovernmental Agreements; authorizing and approving Amendment No. One to the Intergovernmental Agreement between the City of Tucson and the State of Arizona for the American Recovery and Reinvestment Act of 2009 (ARRA 2009) Armory Park project; and declaring an emergency.

H. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE HOUGHTON ROAD/VALENCIA ROAD INTERSECTION

1. Report from City Manager MAR9-10-98 WARD 4
2. Resolution No. 21492 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment Number 4 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the Houghton Road Corridor Project: improvements to the Houghton Road/Valencia Road intersection; and declaring an emergency.

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

I. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR NINETEEN APPROVED HAWK PEDESTRIAN CROSSING SIGNALS

1. Report from City Manager MAR9-10-100 CITY-WIDE
2. Resolution No. 21493 relating to Intergovernmental Agreements; approving and authorizing Amendment Number 1 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the Design and Construction of Nineteen HAWK Pedestrian Crossing Signals; and declaring an emergency.

J. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO THE STARR PASS BOULEVARD/MISSION ROAD INTERSECTION

1. Report from City Manager MAR9-10-97 WARD 1
2. Resolution No. 21494 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment Number 1 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Improvements to Starr Pass Boulevard/Mission Road Intersection; and declaring an emergency.

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

K. TUCSON CODE: AMENDING (CHAPTER 10A) RELATING TO THE CITIZEN TRANSPORTATION ADVISORY COMMITTEE MEMBERSHIP

1. Report from City Manager MAR9-10-106 CITY-WIDE
2. Ordinance No. 10767 relating to Boards and Commissions; reducing the Citizen Transportation Advisory Committee's total membership from sixteen to twelve and its at-large membership from eight to four; amending Tucson Code Section 10A-241; and declaring an emergency.

L. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE UNIVERSITY OF ARIZONA WATER RESOURCES RESEARCH CENTER TO ENHANCE WATER EDUCATION VIA PROJECT WET

1. Report from City Manager MAR9-10-107 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21497 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment Number 1 to the Intergovernmental Agreement between the City of Tucson and the University of Arizona regarding "Project WET"; and declaring an emergency.

M. INTERGOVERNMENTAL AGREEMENT: WITH YUMA COUNTY SHERIFF'S OFFICE FOR SHARING OF LAW ENFORCEMENT INFORMATION (CONTINUED FROM THE MEETING OF FEBRUARY 23, 2010)

1. Report from City Manager MAR9-10-101 CITY-WIDE
2. Resolution No. 21495 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Yuma County Sheriff's Office (YCSO) regarding sharing of law enforcement information; and declaring an emergency.

N. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE THOMAS O. PRICE SERVICE CENTER WIRELESS INTEGRATED NETWORK PROJECT

1. Report from City Manager MAR9-10-109 CITY-WIDE
2. Resolution No. 21496 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. 2 to the Intergovernmental Agreement between Pima County and the City of Tucson for Architectural Design Review Services Associated with Renovation of the Thomas O. Price (TOPSC) Service Center for the Pima County Wireless Integrated Network Project (PCWIN); and declaring an emergency.

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

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

Upon roll call, the results were:

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

Nay: None

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

7. CONSENT AGENDA – ITEM C

C. INTERGOVERNMENTAL AGREEMENT: WITH THE TUCSON UNIFIED SCHOOL DISTRICT FOR WIDE AREA NETWORK CONNECTIVITY

1. Report from City Manager MAR9-10-104 CITY-WIDE
2. Resolution No. 21487 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Tucson Unified School District for the provision of wide area network connectivity; and declaring an emergency.

Roger W. Randolph, City Clerk, announced that the first item to be considered separately was at the request of Council Member Kozachik.

Council Member Kozachik said in reading the contract presented to the Mayor and Council, the Intergovernmental Agreement (IGA) was for a one thousand dollar per month connection fee for two years, for construction, maintenance and replacement costs of a wide-area network between the City of Tucson and Tucson Unified School District (TUSD). He said what stuck out at him was that there was no protection built into the IGA, that he could see, that guarded the City of Tucson against any costs associated with maintenance and replacement exceeding the one thousand dollar per month. He asked staff to address that issue.

Ann Strine, Information Technology (IT) Director, said IT was very excited to be bringing the IGA forward to the Mayor and Council. It had been ten years that they had been trying to move something with TUSD, so that TUSD could take advantage of the City's fiber network that went close to very many of their schools. For the last seven or eight years, she said they had a similar IGA with Pima Community College. IT had some experience with the maintenance amount that it would take to cover the IGA. She said it was also a two-year agreement and could not be renegotiated it at the end of the two years, or any year thereafter without a ninety day notice.

Ms. Strine said Carl Drescher, Information Technology Network Services Administrator, could speak more directly to any of the Mayor and Council's concerns.

Carl Drescher, Information Technology Network Services Administrator, said they had seven years experience in working with Pima Community College on the same sort of IGA. He pointed out that the IGA with TUSD did not include any construction costs. TUSD was bearing all construction costs for any new fiber, and would also purchase all electronic equipment at their end. He said the City's role in the IGA was to provide the point-to-point connectivity across the fiber. IT would also provide staff time, as far as, monitoring the system in case anything happened, and fix breaks of the fiber cable as they occurred.

Council Member Kozachik asked why the City would not write into a contract some protection for the City that would result from maintenance or replacement costs that would exceed the monthly lease rate.

Mr. Drescher replied that the initial term of the IGA was for two years, which begins July 1, 2010. During that time, there were a number of connections IT would have to work with TUSD on, so the services really would not begin until the end of that two year period. There was an annual renewal on the IGA at that point and time, where the rates could be renegotiated.

Ms. Strine added that IT was managing the fiber network, not the equipment that was on-site at any of the TUSD schools. She said on the fiber network side was managed and repaired by IT regardless, because that was the fiber network that supported the City. TUSD was being allowed to ride along on the City's network, which helped TUSD tremendously in their expenses, and brought them much faster connectivity between their

schools and the internet. She said it was a minimal cost, and not much of a risk to the City, as the City was already maintaining the fiber for its own purpose.

Michael Letcher, City Manager, said the City already had the overhead associated with the wide-area network, and infrastructure that they had to pay. It was already an embedded cost for the City to maintain, regardless of whether TUSD was connected or not. The IGA provided the City with revenue from a user which benefited both TUSD and the City. He commented that the City was not able to replace software and hardware, as mentioned in the Budget Options Balancing System (BOBS) report. He said the revenue generated from the IGA helped the City to replace equipment needed; it was a cost the City had to cover anyway. He added that staff could report back to the Mayor and Council on the IGA after a year or so.

Council Member Kozachik asked for confirmation that, in as much as, the City already maintained the backbones, it would not constitute any added financial vulnerability to the City.

Mr. Drescher replied it would not, and as stated, it would help the City to offset a lot of its costs.

It was moved by Council Member Kozachik, duly seconded, that Consent Agenda Item C be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Item C was declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEMS F, H, and J

F. TRANSPORTATION: ACQUISITION OF RIGHT-OF-WAY FOR THE GRANT AND SILVERBELL ROAD BUS PULLOUT

1. Report from City Manager MAR9-10-96 WARD 1
2. Resolution No. 21490 relating to transportation; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property needed for the Regional Transportation Authority (RTA) Bus Pullout at Grant and Silverbell Roads; and declaring an emergency.

H. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE HOUGHTON ROAD/VALENCIA ROAD INTERSECTION

1. Report from City Manager MAR9-10-98 WARD 4
2. Resolution No. 21492 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment Number 4 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the Houghton Road Corridor Project: improvements to the Houghton Road/Valencia Road intersection; and declaring an emergency.

J. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO THE STARR PASS BOULEVARD/MISSION ROAD INTERSECTION

1. Report from City Manager MAR9-10-97 WARD 1
2. Resolution No. 21494 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment Number 1 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Improvements to Starr Pass Boulevard/Mission Road Intersection; and declaring an emergency.

Roger W. Randolph, City Clerk, announced that Consent Agenda Items F, H, and J would be considered together.

Council Member Kozachik said Consent Agenda Items F, H and J were all Intergovernmental Agreements (IGAs) with respect to transit relating to the Regional Transportation Authority (RTA) monies. He said in the past several months, he had brought those items up and did not want to be redundant in asking the Transportation Director that if the project broke the budget, was there a general fund obligation going forward. He said the answer was consistently that the City would go back to RTA for further funding. However, he said, a couple of weeks ago during a Tucson Water presentation with respect to their financial package, it included approximately \$48 million dollars worth of bonds related to transportation work. He asked if Items F, H and J were incorporated in that amount, or were those projects an additive to the bond package that had already been presented to the Mayor and Council.

Jim Glock, Transportation Department (TDOT) Director, said he believed Items F, H and J were not necessarily part of the bond package that Tucson Water had. He said he could not be absolutely sure unless he pulled the plans out and determined whether or not their water relocation activity was occurring as a result of those items. He said he believed the bond package was looking ahead, and those projects were far closer to

implementation. Therefore, any water relocation costs borne would be within the current Capital Improvement Program for Tucson Water.

Jeff Biggs, Tucson Water Director, said that if those projects were within the next five years, they were included in their Financial Plan and Capital Improvement Program, which included the \$48 million dollars. He did not know the specifics of those projects, but they were included.

Council Member Kozachik said his concerns were that he sent a note to Tucson Water and to the RTA asking what projects they envisioned going forward that would be included in the umbrella of the \$48 million dollars. He was troubled to see that the two lists he received looked like people were looking at different project lists. He said by way of request, he was not sure if it should go to the City Manager or another department, but asked when the Mayor and Council received agenda items looking forward, and were for IGA's related to RTA projects, could staff also include other costs associated with the IGA, such as Tucson Water costs or other utility costs that may at some point affect rate payers or the general fund. He said it felt like a game of twenty questions, and when the twentieth question was asked if was it affecting general fund dollars, the answer was no; but when the twenty first question was asked if it affected rate payers or some other taxpayer issues moving forward, and the answer then was that there may be water related costs that were not being addressed.

Council Member Kozachik said he was not sure how to ask the question, but when the Mayor and Council was being asked to approve an IGA, all the costs associated with the IGA, specifically for RTA or other utility related costs, should be provided to the Mayor and Council so that they knew what they were really voting on.

Mike Letcher, City Manager, said Council Member Kozachik made a great point. He said, unless it was impossible for TDOT to do, staff could include additional information about impacts under financial considerations.

Mr. Glock said that utilities were in the City's public right-of-way, which fell under the responsibility of the TDOT. Part of TDOT's business was to accommodate roadway improvements that were needed for the general population of the community. He said they had a franchise agreement with Tucson Electric Power, a license agreement with Southwest Gas and Cox Cable and would be extraordinarily difficult to articulate the financial impact with each and every one of those utilities, and then to the respect of rate payers for these particular IGAs.

Mr. Letcher clarified that he believed Council Member Kozachik was speaking specifically to Tucson Water, not the other utilities.

Mr. Glock replied he was anticipating the twenty third question and said they could articulate the Tucson Water aspect of the impact in their communication.

Council Member Kozachik asked if the City was on the hook for relocating utilities related to franchise agreements.

Mr. Glock replied they were not.

Council Member Kozachik said he was talking about the utilities for which the City was obligated as a City, or other costs. He said he was trying to get his arms around the fact that the Mayor and Council summarily approved IGAs relating to RTA projects, and not until two weeks ago did he realize that they had \$48 million dollars in water related bonds that the rate payers were going to have to anticipate. He said when the Mayor and Council voted on these, they should be able to have, in front of them, all the costs associated with the road project. He said, maybe at that point, the Mayor and Council might decide that the road project was not as important as they thought it was, if they thought it would result in several other costs.

Mr. Glock said they could certainly do that. He pointed out that the list Mr. Biggs shared with the Mayor and Council regarding the \$48 million dollars, included projects above and beyond RTA's supported projects. They anticipated other projects along Interstate-10, and impact fee related projects that could very well have an impact on their system. He said one of the things they had to give Tucson credit for, was that when they saw a roadway project that was going to crack open the roadway, it gave them access to their facilities that could have been down there for fifty years or better, and they were availing themselves the opportunity to upgrade them to future utility sizes that was needed for more modern materials, so the reliability of the system was greater.

Mr. Glock said to necessarily segregate out those costs that were only specific to the impact of the roadway projects to the Tucson Water system versus what they were doing over and above the minimum required in getting out of the way of a storm drain or something of that nature could get relatively complex. But he said they could certainly make an attempt to offer some articulation of that in their write-ups.

Council Member Kozachik said he was not trying to fine-tune it to the point where they said they were told it would cost seventy thousand dollars, and it actually cost eighteen-five thousand dollars or something like that. He wanted to make sure the Mayor and Council knew that it was not necessarily the litany of costs associated with those projects.

Mr. Glock commented that it was a conversation that occurred in advance of the Election in 2006, what the Water and Wastewater impacts would be; and the legislation specifically prohibited the legislation for paying for some of those utility relocation costs associated with that. He said the point Council Member Kozachik made was not one that had not been voiced before, and staff was certainly in a position to be able to articulate that in their write-ups as they moved forward.

It was moved by Council Member Kozachik, duly seconded, that Consent Agenda Items F, H and J be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Items F, H and J were declared passed and adopted by a roll call vote of 7 to 0.

8. ZONING: (C9-09-13) QUIKTRIP - GOLF LINKS ROAD, SR (C-1 ORDINANCED) TO C-2 ZONING, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 110, dated March 9, 2010, was received into and made part of the record. He also announced this was a request to rezone a 1.56 acre property located at the southwest corner of Golf Links Road and Houghton Road. The Zoning Examiner and staff recommended approval subject to certain conditions. He asked if the applicant or a representative was present and if they were agreeable to the proposed requirements.

The Applicant replied they were agreeable to the proposed requirements.

Mayor Walkup asked the City Clerk to read Ordinance 10768 by number and title only.

Ordinance No. 10768 relating to zoning: amending zoning district boundaries in the area located at the southwest corner of Golf Links Road and Houghton Road in Case C9-09-13, QuikTrip – Golf Links SR (C-1 ordinance) to C-2; and setting an effective date.

Council Member Scott asked staff to report to the Mayor and Council what was special and unique about the process and how it was applicable to other things like that in the future.

Ernie Duarte, Planning and Development Services Department Director, said in this particular case, the Zoning Examiner recommended a direct ordinance approach. By recommending the direct ordinance approach, assuming the Mayor and Council passed the item, they had an opportunity to shave about three to four months off the total development time. He said it eliminated the two-step process of coming to the Mayor and Council for authorization, the applicant going back and working on the development plan, and then returning to the Mayor and Council for the ordinance adoption. He said

they were taking action on both items at the evening's meeting, authorization and direct ordinance adoption. He said it was a good thing for the development.

Council Member Scott said that was the first time it had happened and she thanked staff for the availability of that tool.

It was moved by Council Member Scott, duly seconded, to approve the request for rezoning as recommended by the Zoning Examiner and pass and adopt Ordinance 10768.

Council Member Uhlich noted there were other similar requests that had come before the Mayor and Council recently, including one in Ward 3; but it was something to note the degree to which it was cutting time off of the developments that was significant.

Vice Mayor Glassman said he was not sure if there had been any in Ward 2, but told Mr. Duarte he thought it was a good idea.

Upon roll call, the results were:

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

Nay: None

Ordinance 10768 was declared passed and adopted by a roll call vote of 7 to 0.

9. TUCSON CODE: AMENDING (CHAPTER 7) RELATING TO THE CURRENT PAWN SHOP ORDINANCE

Roger W. Randolph, City Clerk, announced this item was continued to the meeting of March 23, 2010, at the request of staff.

10. CITY MAGISTRATES: APPOINTMENT OF SPECIAL CITY MAGISTRATES

Mayor Walkup announced City Manager's communication number 103, dated March 9, 2010, was received into and made a part of the Record. He asked the City Clerk to read Ordinance 10764 by number and title only.

Ordinance No. 10764 relating to City Magistrates; appointing Kenneth B. Bowman as Special City Magistrate to serve upon call by the Presiding Magistrate of the City Court; fixing compensation; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 10764.

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

Upon roll call, the results were:

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

Nay: None

Ordinance 10764 was declared passed and adopted by a roll call vote of 7 to 0.

Mayor Walkup asked the City Clerk to read Ordinance 10765 by number and title only.

Ordinance No. 10765 relating to City Magistrates; appointing David G. Dingeldine as Special City Magistrate to serve upon call by the Presiding Magistrate of the City Court; fixing compensation; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 10765.

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

Upon roll call, the results were:

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

Nay: None

Ordinance 10765 was declared passed and adopted by a roll call vote of 7 to 0.

Mayor Walkup asked the City Clerk to read Ordinance 10766 by number and title only.

Ordinance No. 10766 relating to City Magistrates; appointing Judy Drickey-Prohow as Special City Magistrate to serve upon call by the Presiding Magistrate of the City Court; fixing compensation; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 10766.

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

Upon roll call, the results were:

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

Nay: None

Ordinance 10766 was declared passed and adopted by a roll call vote of 7 to 0.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 91, dated March 9, 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 Kozachik, duly seconded and carried by a voice vote of 7 to 0, to approve the appointments of Linda Rosenfield to the Armory Park Historic Zone Advisory Board; Council Member Regina Romero to the Metropolitan Education Commission; Maryann Beerling to the Metropolitan Housing Commission; Val Little to the West University Historic Zone Advisory Board; and to reappoint James Phillips, Noah Sensibar, and Matthew Williams to the West University Historic Zone Advisory Board.

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

Council Member Fimbres announced his personal appointments of Felipe Lundin to the Tucson Convention Center Commission and Delores Grayam to the Human Relations Commission.

12. ADJOURNMENT: 6:41 p.m.

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

DEPUTY CITY CLERK

RWR:sac:ds