



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on July 6, 2011.

Date of Meeting: March 22, 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 5:44 p.m., on Tuesday, March 22, 2011, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Pro Tempore Fimbres 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	Mayor Pro-Tempore, Council Member Ward 5
Steve Kozachik	Council Member Ward 6

Absent/Excused:

Robert E. Walkup	Mayor
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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 Minister Marie Rutan, Gideon Missionary Baptist Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Pro Tempore Fimbres, assisted by Council Member Uhlich, presented a Certificate of Appreciation to David Sanders in recognition of his community and faith based work throughout the years.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro Tempore Fimbres announced City Manager's communication number 108, dated March 22, 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 artist and resident, was awarded a five thousand dollar individual artist grant from the Arizona Commission on the Arts. She invited the public to the Eleventh Annual Cesar Chavez March and Rally, and to an evening with Dolores Huerta, Co-Founder of the United Farm Workers of America.
- b. Council Member Cunningham announced the first annual wine tasting even, "Toast to Tucson" sponsored by the Arizona Alumni Basketball Foundation. He also reported on several Ward 2 events; the Neighborhood Legislature and Business Roundtable, the Metropolitan Tucson Convention Visitors Bureaus (MTCVB), "Clean and Beautiful Day," a field trip to Fourth Avenue Street Fair, Spring Leisure Classes, and opening day ceremonies for Tucson Little League.
- c. Council Member Uhlich reported on and invited the public to the following Ward 3 events; an Open House regarding construction at the intersection of Grant and Oracle Road, the grand opening and dedication for the new Gospel Rescue Center for Women and Children, and Greenfest 2011.
- d. Council Member Scott announced and invited the public to several Ward 4 events; the partnership between the City of Tucson, Pima County, and Sherwin Williams Company to train at-risk youths to combat graffiti, a homework program graffiti abatement demonstration Sherwin Williams' national debut of its new art graffiti resistance coating, the 23rd Annual Nam Jam/Car Show Chili Cook-Off and Concert, and the FBI's Holocaust Remembrance Exhibit: "Enduring Eyes - Remembering the Holocaust to Protect the Future."
- e. Council Member Kozachik invited the community to attend the "Festival En El Barrio Viejo" event.

- f. Mayor Pro Tempore Fimbres reported on the following events; an open house to discuss fare increase recommendations by the Transit Task Force sponsored by Sun Tran and Department of Transportation, 22nd Annual LULAC Educators Banquet, and he congratulated the Pima Community College Women's Basketball Team for finishing as a national runnerup.

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

Mayor Pro Tempore Fimbres announced City Manager's communication number 109, dated March 22, 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, congratulated the University of Arizona Wildcats for reaching the "Sweet Sixteen" in the NCAA Tournament, and alumni in the community from Kansas University for Kansas also reaching the "Sweet Sixteen."

5. LIQUOR LICENSE APPLICATIONS

Mayor Pro Tempore Fimbres announced City Manager's communication number 119, dated March 22, 2011, 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. Java Edge, Ward 2
8898 E. Tanque Verde Rd.
Applicant: Sheryl Anne Thornton
Series 12, City 127-10
Action must be taken by: February 12, 2011

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

- 2. QuikTrip #1496, Ward 4
6385 E. Golf Links Rd.
Applicant: Troy Charles DeVos
Series 10, City 5-11
Action must be taken by: April 4, 2011

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

3. The Onyx Room, Ward 3
106 W. Drachman St.
Applicant: Johnnie Clarence Bryant
Series 12, City 6-11

Action must be taken by: April 9, 2011

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)

Person Transfer(s)

NOTE: There are no application(s) for person transfers scheduled for this meeting.

c. Special Event(s)

1. The Centurions of St. Mary's Hospital-Carondelet, Ward 6
Congress St. & 5th Ave.
Applicant: Stan Spackeen
City T14-11
Date of Event: May 7, 2011
(Fundraiser)

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

Public Opinion: Written Argument in Favor Filed

2. Artsake Foundation, Ward 6
Congress St. between 4th & 6th Ave.; 5th Ave. between Toole Ave. & Broadway Blvd.
Applicant: Jeb Bley Schoonover
City T16-11
Date of Event: April 16, 2011
(Fundraiser)

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

3. Sonoran Art Foundation, Inc., Ward 5
633 W. 18th St.
Applicant: Alysa Phiel
City T18-11
Date of Event: April 9, 2011
(Fundraiser)

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

4. Ancient Order of Hibernians, Ward 6
300 E. 7th St.
Applicant: Scott James Cummings
City T19-11
Date of Event: April 6, 2011
(Fundraiser)

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

5. The Education Foundation-The Art Institute of Tucson, Ward 1
140 N. Main Ave.
Applicant: Julie A. Pulliam
City T20-11
Date of Event: April 25, 2011
(Fundraiser)

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

6. Ben's Bells Project, Ward 6
300 E. Congress St.
Applicant: Jeannette Louise Maré
City T22-11
Date of Event: April 9, 2011
(Fundraiser)

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

7. Arizona Media Arts Center, Ward 6
127 E. Congress St.
Applicant: Claudia Jespersen
City T23-11
Date of Event: April 15, 2011 - April 16, 2011
(Fundraiser)

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

8. Arizona Basketball Alumni Foundation, Ward 2
5151 E. Grant Rd.
Applicant: Joseph Blair
City T27-11
Date of Event: April 1, 2011
(Fundraiser)

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

d. Agent Change/Acquisition of Control

1. Rubio's Fresh Mexican Grill, Ward 6
5870 E. Broadway Blvd. #532
Applicant: Nicholas Charles Boutin
Series 12, City AC5-11
Action must be taken by: February 6, 2011

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

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 6 to 0 (Mayor Walkup absent/excused), to forward liquor license applications 5b1 through 5b3, 5c1 through 5c8, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Pro Tempore Fimbres 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, and the "call to the audience" was scheduled to last thirty-minutes.

Mayor Pro Tempore Fimbres also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

- a. Mikki Niemi expressed his concerns with the City's budget.
- b. Robert Reus spoke about his petition to change the City's form of government.
- c. Raj K. Kohli spoke in support of his proposal for a Tucson Fountain Plaza in the downtown area.
- d. John Renney spoke in support of the proposal for a Tucson Fountain Plaza in the downtown area.
- e. Loren Charles spoke in support of the proposal for a Tucson Fountain Plaza in the downtown area.

- f. Keith Van Heyningen expressed his concerns with the City's budget and expenses.
- g. Shannon Cain read an installment of "*Tucson, the Novel: An Experiment in Literature and Civil Discourse.*"
- h. Phillip Gaillard spoke in opposition to the Pawn Shop Ordinance and asked the Mayor and Council to review its effectiveness.

7. CONSENT AGENDA – ITEMS A THROUGH F

Mayor Pro Tempore Fimbres 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. PUBLIC HEALTH: PROMOTING PUBLIC AWARENESS OF VALLEY FEVER
 - 1. Report from City Manager MAR22-11-110 CITY WIDE
 - 2. Resolution No. 21703 Relating to promoting public awareness of Valley Fever within the City of Tucson; and declaring an emergency.

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

- b. APPROVAL OF MINUTES
 - 1. Report from City Manager MAR22-11-113 CITY WID
 - 2. Mayor and Council Regular Meeting Minutes of December 21, 2010
- c. FINAL PLAT: (S10-044) MISSION DISTRICT BLOCKS 1 TO 5, COMMON AREA "A" AND PUBLIC STREETS

- 1. Report from City Manager MAR22-11-114 WARD 12.
- 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.

- d. REAL PROPERTY: AUTHORIZATION TO ACQUIRE RIGHT-OF-WAY FOR THE KINO PARKWAY OVERPASS AT 22ND STREET IMPROVEMENT PROJECT

- 1. Report from City Manager MAR22-11-115 WARD 5

2. Resolution No. 21704 relating to Transportation; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain additional rights-of-way needed for the Kino Parkway Overpass at 22nd Street Improvement Project, as part of the 22nd Street RTA Corridor Project; and declaring an emergency.
- e. **PLANNING AND ZONING: ADOPTION OF THE *PLAN TUCSON PUBLIC PARTICIPATION PROGRAM***
1. Report from City Manager MAR22-11-116 CITY WIDE
 2. Resolution No. 21705 relating to Planning and Zoning; adoption of a Public Participation Program for use in preparing a new City of Tucson General Plan (referred to as "Plan Tucson"); and declaring an emergency.
- f. **REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH THE RIO NUEVO DISTRICT FOR PROPERTY LOCATED AT 133 WEST WASHINGTON STREET AND THE TUCSON PRESIDIO MUSEUM BUILDING**
1. Report from City Manager MAR22-11-121 WARD 1
 2. Resolution No. 21706 relating to Real Property; authorizing and approving the lease of certain real property located at 133 W. Washington Street from the Rio Nuevo Multipurpose Facilities District; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Mayor Walkup absent/excused), that Consent Agenda Items a – f, with the exception of Item a, which was considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM A

- a. **PUBLIC HEALTH: PROMOTING PUBLIC AWARENESS OF VALLEY FEVER**
1. Report from City Manager MAR22-11-110 CITY WIDE
 2. Resolution No. 21703 Relating to promoting public awareness of Valley Fever within the City of Tucson; and declaring an emergency.

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

Council Member Romero introduced Dr. John Galgiani, Professor of Medicine from the University of Arizona and Director of the Valley Fever Center for Excellence to speak.

Dr. John Galgiani, Professor of Medicine from the University of Arizona, and Director of the Valley Fever Center for Excellence, explained the problems associated with Valley Fever infections in the region and the importance of the Valley Fever Corridor Project.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 6 to 0 (Mayor Walkup absent/excused), that Consent Agenda Item a be passed and adopted and the proper action taken.

8. PUBLIC HEARING: BINGO LICENSE - ST. FRANCIS DE SALES CHURCH, 1375 SOUTH CAMINO SECO, CITY NUMBER 202

Mayor Pro Tempore Fimbres announced City Manager's communication number 111, dated March 22, 2011, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a request for a bingo license at St. Francis De Sales Church, located at 1375 S. Camino Seco Road. He asked if the applicant or representative were present and if they had any comments before beginning the public hearing. There was no one.

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

There were no speakers.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Mayor Walkup absent/excused), to close the public hearing.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Mayor Walkup absent/excused), to forward the bingo license application to the Arizona Department of Revenue for approval.

9. PUBLIC HEARING: TUCSON CODE - AMENDING (CHAPTER 23) THE *LAND USE CODE*; RELATING TO THE MOTOR VEHICLE AND BICYCLE PARKING REQUIREMENTS (CONTINUED FROM THE MEETING OF MARCH 8, 2011)

Mayor Pro Tempore Fimbres announced City Manager's communication number 117, dated March 22, 2011, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a proposed amendment to the *Land Use Code* relating to motor vehicle and bicycle parking requirements. He said, before beginning the public hearing, staff wanted to make a brief presentation.

Ernie Duarte, Planning and Development Services Director, said the public hearing was continued from the March 8, 2011, Mayor and Council meeting, so that staff and stakeholders could review several bicycle parking related issues. He then gave a

brief presentation of his staff's research on Bicycle Parking Best Practices, and their contact with the League's Director of the Bicycle Friendly America Program and the lead author of the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines. He said both experts supported the idea of being in the spirit of the Best Practice Guidelines, and they were impressed with how closely Tucson's draft code had followed the Bicycle Parking Best Practices Guidelines.

Mr. Duarte also briefed the Mayor and Council on his staff's meetings with representatives from the Tucson Pima County Bicycle Advisory Committee and the Parking Code Subcommittee of the *Land Use Code*, to discuss several issues regarding the March 8, 2011 draft. He explained that the group was able to reach consensus on several issues, which he listed; and stated that staff recommended approval of the draft Ordinance with the latest revisions.

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

Kylie Walzak, Tucson-Pima County Bicycle Advisory Committee (TPCBAC) and Living Streets Alliance member, spoke in support of the proposed revisions to the motor vehicle and bicycle parking requirements.

Ian Johnson, Tucson-Pima County Bicycle Advisory Committee (TPCBAC) and the Living Streets Alliance member, spoke in support of the proposed revisions to the motor vehicle and bicycle parking requirements. He also read a prepared statement from Karen Berchtold, TPCBAC Chair, in support of the proposed revisions.

Rick Grinnell, Smart United Business Strategies, spoke in support of the proposed revisions to the motor vehicle and bicycle parking requirements.

Scott Soelter spoke in support of the proposed revisions to the motor vehicle and bicycle parking requirements.

Jason Wong, Land Use Code Parking Subcommittee member, spoke about their meeting with members of the TPCBAC, where they were able to reach an agreement on improving bicycle parking in Tucson. He also spoke in support of the reduction of motor vehicle parking requirements.

Rich Rodgers spoke in support of the proposed parking requirements in the *Land Use Code*.

Walter Hoge spoke in support of the proposed changes to the *Land Use Code*. He also applauded everyone who participated in the process.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Mayor Walkup absent/excused), to close the public hearing.

Mayor Pro Tempore Fimbres asked the City Clerk to read Ordinance 10886 by number and title only.

Ordinance No. 10886 relating to planning and zoning; amending certain portions of the Tucson Code, Chapter 23, the Land Use Code, Chapter 23, Article II, Division 8, Overlay zones, Section 2.8.12.4.C; Article III, Development Regulations, Division 3, Motor Vehicle and Bicycle Parking Requirements; Article III, Division 5, Performance Criteria, Sections 3.5.4.26, 3.5.7.1, and 3.5.9.1; Article III, Division 6, Development Incentives, Section 3.6.1.5; Article III, Division 7, Landscaping and Screening Regulations, Section 3.7.2.4; Article V, Division 3, Special Development Applications, Sections 5.3.5 and 5.3.12.8; Article VI, Division 2, Listing of words and terms; amending certain portions of the City of Tucson Development Standards, Sections 1-05.2.0, 2-09, 3-05, 2-01.3.9, 2-05.2.4, 2-06.3.3, 3-01.5.4, 3-05.1.2, 12-01.1.0, 12-02.1.0; and declaring an emergency.

Council Member Romero commented on the process that led to the proposed amendments to the *Land Use Code* relating to motor vehicle and bicycle parking requirements.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 10886.

Council Member Kozachik spoke about the comments he received in opposition to the proposed changes due to the affect the parking requirements would have on downtown businesses. He said he expected comments in opposition to the proposed amendment and was surprised there were none.

Council Member Scott asked for clarification on whether there would be some flexibility built into the amendment for those businesses that would be adversely affected by some of the requirements.

Mr. Duarte said the provisions of the *Land Use Code*, specifically the motor vehicle and bicycle parking code provisions, were prospective in that new development was affected. They would not be retroactive and would not affect existing businesses or buildings that were not going through a change of use designation. He added that in instances where people sought relief, the *Land Use Code* and Development Standards had built in administrative and public hearing variance provisions through the Board of Adjustment (BAJ).

Council Member Scott asked if the Ordinance would apply city-wide, and if anyone who had a new business would have to meet the new requirements. She also asked if there was an expensive appeal process if the parking requirements affected businesses adversely.

Mr. Duarte replied it would apply for all new developments city-wide, and the Board of Adjustment appeal variance process cost was about six hundred seventy five dollars for an application, notice, and a public hearing.

Council Member Romero also commented about the addition of more flexibility to the process, and how some of the provisions were removed from the parking requirements.

Mr. Duarte agreed that a lot of flexibility had been inserted into the provision. He asked Adam Smith, Planning and Development Services Department, to speak about some of the other areas where more flexibility had been added.

Adam Smith, Planning and Development Services Department Lead Principal Planner, spoke and explained the two other areas of the parking code that allowed some flexibility.

Council Member Romero thanked everyone who worked with staff and participated in the process, in particular, those in the different committees and subcommittees. She also thanked staff from the Planning and Development Services Department for their contributions and work in making changes to the Ordinance.

Council Member Scott commented on applicability, and asked if the rules would apply to the University of Arizona Science and Technology Park if another one million square foot building came to the area. She referred to issues that occurred with regards to a Target Center and the required number of bicycle racks and their proximity. She remembered that they went ahead with the program and the bicycle racks were installed, but it was overkill for them because of their proximity to more vehicular than bicycle access.

Mr. Smith said, in regards to larger industrial or retail uses, a cap was introduced. Therefore, for industrial uses, there was a cap on the number of short term and long term parking spaces, in the event that there was another million square foot industrial use or regional size mall. The number of spaces would be capped. Mr. Smith added that it did not mean the developer could not provide more than the cap, but it would just create a safeguard for the developer and would hopefully prevent the need to go for variances through the Board of Adjustment process.

Ordinance 10886 was declared passed and adopted by a roll call vote of 6 to 0 (Mayor Walkup absent/excused.)

10. APPEAL: (T10SA00344) APPEAL OF SIGN CODE ADVISORY AND APPEALS BOARD DECISION - TUCSON JEWISH COMMUNITY CENTER, 3800 EAST RIVER ROAD

Mayor Pro Tempore Fimbres announced City Manager's communication number 112, dated March 22, 2011, 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 (SCAAB).

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

Mike Rankin, City Attorney, said this was an appeal from the SCAAB's denial of the requested variance, which was for a 720 square-foot wall sign. He said the Mayor and Council would consider the appeal based on the record that was presented to the Board. He added that although no new evidence would be allowed, parties to the appeal may explain to the Mayor and Council or provide arguments to the Mayor and Council on why the decision should be affirmed, reversed, or modified.

Mr. Rankin advised the Mayor and Council that after reviewing the record of the proceedings before the Board and hearing the arguments, they would have the authority to affirm, reverse or modify the SCAAB's decision.

Mr. Rankin stated if the Mayor and Council chose to reverse the Board's decision and grant the requested variance, the findings contained in Section 3-126 of the *Sign Code*, laid out in Attachment M in the Council's materials, must be made in order to support the variance. Mr. Rankin said that in granting a variance, the Mayor and Council could also impose reasonable conditions, such as those recommended by staff.

Mr. Rankin noted that the applicable rules for appeals to the Mayor and Council limit who may appear and offer arguments and testimony during the course of the hearing. The appellant and/or the applicant could appear either in person or through representation, and affected neighbors who might be opposed to the requested variance may also testify before the Mayor and Council.

Mr. Randolph announced the order of the appeal was as follows:

- 1) The appellant, Kenneth D. Light, President of the Tucson Jewish Community Center, located at 3800 East River Road, would present his case first.
- 2) The opposition of the appeal would be presented by an affected neighbor or one designated representative of the affected neighbors, speaking in support of the Sign Code Advisory and Appeals Board decision.
- 3) Rebuttal by the appellant.
- 4) Other rebuttal as permitted by the Mayor and Council.
- 5) Questions by the governing body of the party filing the appeal or direct questions to staff in order to establish reasons for granting or denying the appeal.
- 6) Discussion by the Mayor and Council with possible action.

Mr. Randolph stated that the time limit for each side of the argument was ten minutes. Both parties could use that time in any way they decided to either in direct

address or in rebuttal. He said it was their choice, but the maximum time limit for each side was ten minutes.

Mr. Randolph also announced the evidence to be considered was the verbatim transcript of the Sign Code Advisory and Appeals Board Hearing, and no new evidence or testimony was allowed. He stated the Mayor and Council might also consider the arguments of the parties in reaching a decision.

Kenneth D. Light, President of the Tucson Jewish Community Center (JCC), stated he would not go into great detail on the documents in the Mayor and Council's materials. He commented on the process involved. Mr. Light said that at the initial hearing before the SCAAB there were only four members in attendance and a unanimous vote of four was needed to grant their appeal. Unfortunately, they only received three of the four votes and therefore they were asking for a reconsideration due to input they received at that hearing, leading them to believe they could show a better view of the sign, where it was located, and scaled down to the recommendations the City staff suggested.

Mr. Light stated that when they came back approximately two months later, they were refused permission to re-appeal, so they had no alternative but to ask for the Mayor and Council's consideration. He then introduced the incoming Chair of their Board of Directors, and asked him to say a few words.

Tom Warne, incoming Chair of the Tucson Jewish Community Center (JCC), explained the scope of the Tucson JCC. He said the Tucson JCC was on 27.64 acres. The side of the building where they wanted the sign placed was 575 lineal feet and 1,300 lineal feet along Alvernon Way. He added that part of the Center was in the City of Tucson limits, and part of the land was in Pima County. He pointed out that River Road was along the scenic route, which was 750 feet from the sign; and the sign was not visible from the scenic view. He pointed out that the sign was only visible from Alvernon Way, which was elevated above grade, and then went into the Alvernon Way bridge.

Mr. Warne said the Tucson JCC was truly a community center. Approximately fifty percent of their membership was non-Jewish. Mr. Warne described all the programs that were available to the community, and said the sign would help greatly to inform the community as to what they were doing.

Mr. Randolph said next would be any oppositions to the appeal, presented by an affected neighbor or a designated representative of the affected neighbors.

Mr. Rankin clarified that persons could appear if they were an affected neighbor who appeared before the Board, or if they were speaking on behalf of affected neighbors who appeared before the Board.

Pamela Powers said she lived near Dodge Boulevard, and used the Rillito River bike path to bicycle to work. She said she really enjoyed the nice scenic route on that

path and expressed her concerns that the sign would ruin the scenery and the architecture of the Tucson JCC. She asked for clarification on how big the sign would be. She was also concerned about the view from Brandy Fenton Park, and asked if that view would be ruined with the sign.

Mr. Randolph announced the next step was any rebuttal by the appellant.

Mr. Light thanked Ms. Powers for voicing her concerns. He said that was a consideration their Board of Directors spent a lot of time talking about, and said they also valued the quality of life and the aesthetic appreciation of the environment. He said on a scale, it was a miniscule piece, even though it sounded like a large sign; and said it was a large sign, even scaled down to the size that City staff suggested. He said he did not believe it could be seen from Brandy Fenton Park, because of the vegetation. He recognized Ms. Powers' concerns, but said he believed the impact of the sign would be minimal.

Mr. Randolph said next would be any rebuttal as permitted by the Council. There was none.

Mr. Randolph announced that, at this point, the Mayor and Council could question the parties who presented information, or take action on the matter.

Council Member Cunningham asked Mr. Light what the original size of the proposed sign was, and how far off the sign was from the shoulder along Alvernon Way.

Mr. Light replied that the original size was 750 square feet, and it was approximately 275 feet from the shoulder.

It was moved by Council Member Cunningham, duly seconded, to reverse the decision of the Sign Code Advisory and Appeals Board and grant the appellant's request.

Mr. Rankin clarified for the record that imbedded within any motion to reverse the Board's decision and grant the appeal included making the findings required under the *Code*, and asked that the motion would reference Attachment M.

Discussion was held about clarifying the motion, as it pertained to Attachment M.

Council Member Cunningham clarified his motion, duly seconded, to reverse the decision of the Sign Code Advisory and Appeals Board and approve the variance for the staff recommended 575 square foot sign, with the findings under the Tucson Code § 3-126.

Council Member Uhlich voiced her reasons for supporting the vote.

The motion to reverse the decision of the Sign Code Advisory and Appeals Board, and approve the variance for the staff recommended 575 square foot sign, with the

findings under the Tucson Code § 3-126 was passed by a roll call vote of 6 to 0 (Mayor Walkup absent/excused).

11. INTERGOVERNMENTAL AGREEMENT: WITH THE RIO NUEVO DISTRICT FOR DISTRICT GOVERNANCE AND OPERATION

Mayor Pro Tempore Fimbres announced City Manager's communication number 118, dated March 22, 2011, was received into and made part of the record. He asked the City Clerk to read Resolution 21707 by number and title only.

Resolution No. 21707 relating to the Rio Nuevo Multipurpose Facilities District; authorizing and approving the Amended and Restated Intergovernmental Agreement between the City of Tucson and the Rio Nuevo District for District Operations; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution 21707.

Council Member Kozachik asked the City Attorney about allegations that were made last year that the City applied inappropriate expenditures towards a match requirement. He wanted to make sure that in adopting the Resolution, all parties were in agreement with what constituted a match.

Mike Rankin, City Attorney, replied that he could not speak for the individual members of the Board, but said the City had kept a running total since the inception of the District in the collection of the TIF (Tax Increment Financing). He added that they firmly believed the running total was an accurate reflection of the City's eligible match expenditures. Mr. Rankin said there was nothing in the agreement that would create a method for disputing the City's calculation of its match contributions to date.

Further discussion was held and Mr. Rankin responded to questions from Council Member Kozachik about sections of the agreement pertaining to expenditures, the City's match requirement, Tax Increment Financing (TIF), who the City's liaison would be, and the process for potential improvements to the Tucson Convention Center.

Resolution 21707 was declared passed and adopted by a roll call vote of 6 to 0 (Mayor Walkup absent/excused).

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Pro Tempore Fimbres announced City Manager's communication number 120, dated March 22, 2011, was received into and made part of the record. He asked if there were any personal appointments to be made.

Council Member Cunningham announced his personal appointment of Joseph Blair to the Tucson Convention Center Commission.

13. ADJOURNMENT: 7:28 p.m.

Mayor Pro Tempore Fimbres announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 5, 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 22nd day of March 2011 and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:sac:ds