



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 14, 2013.

Date of Meeting: October 9, 2012

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 5:34 p.m., on Tuesday, October 9, 2012, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Rothschild 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	Council Member Ward 5
Steve Kozachik	Vice Mayor, Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Lisa Cole, City Clerk’s Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild and Council Member Romero presented an Outstanding Program Award to Samuel Urias and Terry Bennett.
- b. Mayor Rothschild proclaimed October 11, 2012, as the “Day of the Girl.”
- c. Mayor Rothschild and Council Members Uhlich and Fimbres presented appreciation awards to the volunteers of the Summer Splash 2012 Campaign.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 365, dated October 9, 2012, 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.

Current event reports were provided by Council Members Romero, Cunningham, Uhlich, Fimbres, and Vice Mayor Kozachik. A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

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

Mayor Rothschild announced City Manager’s communication number 366, dated October 9, 2012, 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.

Current event report was given by Richard Miranda, City Manager. A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager’s communication number 376, dated October 9, 2012, 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. Corbett Brewing Company, Ward 6
417 N. Herbert Ave.
Applicant: Scott James Cummings
Series 3, City 62-12
Action must be taken by: August 27, 2012

Tucson Police Department and Revenue Investigations have indicated the applicant is in compliance with city requirements.

Planning & Development Services Department has indicated the applicant is not in compliance with city requirements.

(Continued from the Mayor and Council Meeting of September 19, 2012)

(This item was considered separately)

2. Kakusu, Ward 3
2502 N. Campbell Ave.
Applicant: Thomas Robert Aguilera
Series 12, City 42-12
Action must be taken by: July 15, 2012

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

3. Smashburger #1, Ward 2
4821 E. Grant Rd. #115
Applicant: Eric Laurence Wolf
Series 12, City 58-12
Action must be taken by: August 16, 2012

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

4. Falora Pizzeria and Espresso, Ward 6
3000 E. Broadway Blvd.
Applicant: Ari Shapiro
Series 12, City 73-12
Action must be taken by: September 24, 2012

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

5. Big Willy's Restaurant, Ward 6
1118-20 E. 6th St.
Applicant: Kevin Arnold Kramber
Series 12, City 76-12
Action must be taken by: October 15, 2012

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

6. El Tacotote, Ward 3
4811 N. Stone Ave.
Applicant: Hector Adolfo Heras
Series 12, City 77-12
Action must be taken by: October 15, 2012

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

7. Our Liquors, Ward 1
1116 W. St. Mary's Rd.
Applicant: Mahmoud Lutfi Abdul Halim
Series 9, City 78-12
Action must be taken by: October 19, 2012

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

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

c. Special Event(s)

1. Tucson Celtic Festival Association, Ward 3
4502 N. 1st Ave.
Applicant: Sharon Ann Caldwell
City T84-12
Date of Event: November 2, 2012 - November 4, 2012
(Cultural Festival)

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

2. Tucson Performing Arts Coalition, Ward 3
1102 W. Grant Rd.
Applicant: Brent Ahlstrom
City T85-12
Date of Event: October 13, 2012 - October 14, 2012
(Fundraiser)

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

3. Tucson Hebrew Academy, Ward 2
3800 E. River Rd.
Applicant: Julee Marie Dawson
City T86-12
Date of Event: October 28, 2012
(Fundraiser)

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

4. Tucson Screammers, Ward 3
1102 W. Grant Rd.
Applicant: Bobby Sutton Jr.
City T87-12
Date of Event: October 19, 2012 - October 20, 2012
(Haunted House)

Staff has indicated the applicant is in compliance with city requirements

5. Tucson Police Foundation, Ward 3
1102 W. Grant Rd.
Applicant: Robert LaMaster
City T90-12
Date of Event: October 25, 2012 - October 26, 2012
(Fundraiser)

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

6. Tucson Screammers, Ward 3
1102 W. Grant Rd.
Applicant: Bobby Sutton
City T91-12
Date of Event: October 27, 2012 - October 28, 2012
(Haunted House)

Staff has indicated the applicant is in compliance with city requirements

7. Most Holy Trinity Parish, Ward 1
1300 N. Greasewood Rd.
Applicant: Julie Camp Adamcin
City T92-12
Date of Event: October 27, 2012 - October 28, 2012
(Church Festival)

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

8. Sonoran Art Foundation, Inc., Ward 5
633 W. 18th St.
Applicant: Alexandra Suzanne Berger
City T93-12
Date of Event: November 2, 2012 - November 3, 2012
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements

9. Our Lady Queen of All Saints Parish, Ward 5
2915 E. 36th St.
Applicant: Darlene Dooley
City T94-12
Date of Event: October 27, 2012 - October 28, 2012
(Fundraiser)

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

10. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Meagan Elizabeth Crain
City T95-12
Date of Event: October 30, 2012
(Lecture)

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

d. Agent Change/Acquisition of Control

1. Zen Rock, Ward 6
121 E. Congress St.
Applicant: Kevin Arnold Kramber
Series 6, City AC18-12
Action must be taken by: October 22, 2012

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 Fimbres, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2-7, c1-10 and d1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

1. Corbett Brewing Company, Ward 6
417 N. Herbert Ave.
Applicant: Scott James Cummings
Series 3, City 62-12
Action must be taken by: August 27, 2012

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Planning & Development Services Department has indicated the applicant is not in compliance with city requirements.

(Continued from the Mayor and Council Meeting of September 19, 2012)

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b1, Corbett Brewing Company located in Ward 6.

Council Member Kozachik said there were some issues with the diagram of the premises and the approved site plan. He said he and the owner, Scott Cummings, had come to a solution allowing the Mayor and Council to pass the application to the Arizona Department of Liquor Licenses with a recommendation for approval contingent upon the approval of the Certificate of Occupancy.

Ernie Duarte, Director of the Planning and Development Services Department, said staff had received the site plan and discovered some issues that were not insurmountable. He said with time they could be resolved and the department would be able to change their recommendation to approval with the understanding the issues would need to be resolved prior to issuing a Certificate of Occupancy.

Scott Cummings, license applicant, said he concurred with that provision.

Mayor Rothschild asked the City Attorney if that action was acceptable.

Michael Rankin, City Attorney, said that was permissible.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for approval pending the issuance of the Certificate of Occupancy.

6. CALL TO THE AUDIENCE

Mayor Rothschild 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.

Mayor Rothschild 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.”

Comments were made by:

David Hill
Chris Gans

Robert Reus

Shannon Cain

Council Member Cunningham requested the City Manager to contact Channel 12 regarding Mr. Reus’ concern about video quality.

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

7. CONSENT AGENDA – ITEMS A THROUGH G

Mayor Rothschild 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 OCT09-12-367 CITY WIDE
- 2. Mayor and Council Regular Meeting Minutes of February 7, 2012

b. ASSURANCE AGREEMENT AND FINAL PLAT: (S11-050) SORRENTO SQUARE RETAIL CENTER

- 1. Report from City Manager OCT09-12-368 WARD 4
- 2. Resolution No. 21952 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of installation of all required improvements related to subdivisions for Sorrento Square Retail Center which involves the subdivision of vacant property for 10 lots on 17.42 acres; approving a final plat in case No. S11-050 and declaring an emergency.

(This item was continued to the meeting of October 16, 2012.)

c. PLANNING AND DEVELOPMENT SERVICES: IMPLEMENTATION OF THE SOLAR FEE WAIVER PROGRAM

1. Report from City Manager OCT09-12-369 CITY WIDE
2. Resolution No. 21951 relating to Development; approving solar permit fee waivers for installation of certain Solar Energy Systems; and declaring an emergency.

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

d. TUCSON CODE: AMENDING (CHAPTER 16) RELATING TO CONSTRUCTION ACTIVITY

1. Report from City Manager OCT09-12-373 CITY WIDE
2. Ordinance No. 11024 relating to Neighborhood Preservation; prohibiting excessive noise caused by construction activity by amending Tucson Code Section 16-31; establishing an effective date; and declaring an emergency.

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

e. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA BOARD OF REGENTS AND THE UNIVERSITY OF ARIZONA FOR THE REAL TIME SIGNAL TIMING AND TRAFFIC INFORMATION PROJECT

1. Report from City Manager OCT09-12-378 CITY WIDE
2. Resolution No. 21954 relating to Intergovernmental Agreements; Intergovernmental Agreement between the Arizona Board of Regents, the University of Arizona (University) and the City of Tucson for the Real Time Signal Timing and Traffic Information Project; and declaring an emergency.

f. GRANT APPLICATION: TO THE SAN CARLOS APACHE TRIBE IN SUPPORT OF ARIZONA STATE MUSEUM

1. Report from City Manager OCT09-12-379 CITY WIDE
2. Resolution No. 21955 relating to Finance; authorizing and approving a Grant Application to the San Carlos Apache Tribe in support of the Arizona State Museum and disbursement of gaming monies; and declaring an emergency.

g. TUCSON CODE: AMENDING (CHAPTER 4) TO PROHIBIT GIVING ANABOLIC STEROIDS TO RACING GREYHOUNDS

1. Report from City Manager OCT09-12-380 CITY WIDE

2. Ordinance No. 11027 relating to animals and fowl: amending the Tucson Code, Chapter 4, Article I, to prohibit giving anabolic steroids to any racing greyhound dog, by amending Section 4-3; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – g, with the exception of Item b, which was continued to the meeting of October 16, 2012, and Items c and d, which were considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM C

c. PLANNING AND DEVELOPMENT SERVICES: IMPLEMENTATION OF THE SOLAR FEE WAIVER PROGRAM

1. Report from City Manager OCT09-12-369 CITY WIDE
2. Resolution No. 21951 relating to Development; approving solar permit fee waivers for installation of certain Solar Energy Systems; and declaring an emergency.

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

Council Member Fimbres asked staff how many solar fee waivers were granted in fiscal year 2012.

Ernie Duarte, Planning and Development Services Department Director, said there had been six hundred twenty-seven solar fee waivers granted in fiscal year 2012 at an average cost of approximately two hundred ninety-eight dollars.

Council Member Fimbres asked if the current solar fee waiver program had been evaluated and what the findings had shown.

Mr. Duarte said an in-depth evaluation had not been conducted. He went on to say the fact that the two hundred thousand dollars that had been allocated by Mayor and Council had all been spent was indication of the popularity of the program. He said feedback from stakeholders had indicated that an overall assessment of the fees was needed so they were more in line with surrounding building safety jurisdictions. He said they were seeking direction from the Mayor and Council to move forward with that evaluation and bring back a fee schedule more in line with the other jurisdictions.

Council Member Fimbres asked where the two hundred ninety-eight dollars for these fee waivers came from and would it impact any department's budget.

Mr. Duarte said it amounted to unrealized revenue, that is, the City was not charging for inspections related to the permits issued.

Council Member Scott asked whether staff needed to conduct the evaluation in-house or include the stakeholders before passing this resolution.

Mr. Duarte said it could be done in-house.

Council Member Scott recommended that Mayor and Council move forward with the elevation and have staff return with their recommendations.

Mayor Rothschild asked how long the elevation would take.

Mr. Duarte stated it would take sixty to ninety days.

Mayor Rothschild indicated he had attended a solar round table and their primary concern was the requirement to renew the waiver. He stated he was concerned about not having a program in place if the Council waited the ninety day for the evaluation to take place.

Council Member Scott asked if what was in place now would stay in place until changes were made by Mayor and Council.

Mr. Duarte stated they would need the Council to take action to re-establish the program since it has expired.

Council Member Scott asked Mr. Duarte if it was a two part motion to retain this until it was evaluated and that would be his recommendation.

Mr. Duarte stated the direction staff sought was to re-establish the program that expired at the start of the fiscal year, and to receive direction to do an evaluation of the solar fees and return to Mayor and Council with fee adjustments as necessary.

Council Member Scott stated that would be her motion.

Mayor Rothschild stated there was a motion and a second and asked for any further discussion.

Vice Mayor Kozachik stated he received a letter from the Goldwater Institute. He asked if Mr. Rankin had read it and what his thoughts were.

Michael Rankin, City Attorney, stated that the issue raised was adopting the Resolution with an emergency clause. He stated the letter was a fundamental misunderstanding of the emergency clause which was a feature of our Resolutions and Ordinances as such they could go into effect immediately prior to publication. He stated that there was nothing compelling with the issues raised by the Goldwater Institute. He

stated that to carry out the motion by Council Member Scott, Council would need to approve the Resolution to establish the waiver program in the interim, with the additional direction to come back in the sixty to ninety day time frame with the recommended fee adjustments.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to pass and adopt Consent Agenda Item c to re-establish the Solar Fee Waiver Program and directed staff to complete an evaluation of solar fees and report back to the Mayor and Council with any recommended fee adjustments if necessary within ninety days.

7. CONSENT AGENDA – ITEM D

d. TUCSON CODE: AMENDING (CHAPTER 16) RELATING TO CONSTRUCTION ACTIVITY

1. Report from City Manager OCT09-12-373 CITY WIDE
2. Ordinance No. 11024 relating to Neighborhood Preservation; prohibiting excessive noise caused by construction activity by amending Tucson Code Section 16-31; establishing an effective date; and declaring an emergency.

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

Council Member Fimbres stated he pulled the item explain his vote. He said he had questions about the time frames proposed and how this would impact stakeholders. He said additional questions had been raised about how waivers were attained from the City Manager’s Office. He said he had received calls from people concerned about how this proposal was written so he could not support the proposal and would be voting “no.”

Council Member Scott asked if there were sufficient staff to handle the potentially huge number of people requesting a review of the noise ordinance as it applied to their project.

Michael Rankin, City Attorney, said the Tucson City Code already included the temporary exemption process and there had been around ten to twenty requests per year. He said the process was for the Zoning Examiner to review the request, the City Attorney approved it “as to form” and then it was signed and approved by the City Manager’s Office. He said it was unclear if this action would change the number of requests because the ordinance did not change the hours construction activity could take place, rather it changed the method noise would be measured to determine if there was a violation.

Mayor Rothschild said he had received a letter from David Godlewski of the Southern Arizona Home Builders Association (SABHA) asking that the City Manager

craft “a simple, straightforward and expedient process for exemptions to the ordinance for construction project activities and a six month review of the ordinance to determine whether there had been any unintended consequences.” He said he had talked to the City Manager and they believed they could do that.

Vice Mayor Kozachik said he was aware of at least one project this process had been applied to within Ward 6 and there had been no problem. He thanked Richard Miranda, City Manager, for crafting the new ordinance as had been described by Mr. Rankin.

It was moved by Vice Mayor Kozachik, duly seconded, that Consent Agenda Item d be passed and adopted and the proper action taken.

Council Member Uhlich offered a friendly amendment to the motion to include that a straight forward process for requesting exemptions be used and to include a six-month review. Vice Mayor Kozachik agreed to the friendly amendment.

The motion to approve Consent Agenda Item d, with the friendly amendment, was carried by a voice vote of 6 to 1 (Council Member Fimbres dissenting).

8. PUBLIC HEARING: REPEALING (CHAPTER 23) THE LAND USE CODE AND ADDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE

Mayor Rothschild announced City Manager's communication number 375, dated October 9, 2012, 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 the proposed Unified Development Code, Administrative Manual, and Technical Standards Manual. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations. He said staff wanted to make a brief presentation.

Ernie Duarte, Planning and Development Services Department Director, said this was a public meeting requesting adoption of the Unified Development Code (UDC) as well as the adoption of the administrative and technical manuals. He said it also called for the temporary re-adoption for three years of the current Land Use Code (LUC), partially to satisfy Proposition 207 concerns. Mr. Duarte gave a history of the steps taken to review the LUC and how the UDC was developed, much of it done with public input along the way. He also listed some of the general aspects of the UDC indicating that the new documents would be available online in early 2013 with enhanced online capability for the public and staff. He said staff recommended adoption of the new ordinance and that the UDC and its supplemental documents would become effective on January 2, 2013.

Mayor Rothschild called for those who wished to speak.

Comments in support of the Land Use Code and adding (Chapter 23 B) the Unified Development Code were made by Matt Stewart, Ruth Beeker, David Godlewski and Jason Wong.

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance 11025 by number and title only.

Ordinance No. 11025 relating to Planning and Zoning: amending the Tucson Code by adding a new City of Tucson Unified Development Code, Chapter 23B, and providing for repeal of the Land Use Code, Chapter 23, as well as, a transition period during which development may be pursued subject to the provision of either the City of Tucson Land Use Code or the City of Tucson Unified Development Code; repealing Chapter 23A, Development Compliance, Article I, General Provisions; Article II Review Procedures; amending Chapter 23A, Development Compliance, Article IV, Definitions, Division 2, Listing of Words and Terms; amending Ordinance 10943 to provide a sunset date for Unified Development Code Article III, General Procedures, Section 3.3.3.G.6, PDS Director approval procedure and Article VII, Section 8.5, Land Division, Land Split, and Subdivision Standards; Expiration Dates and setting an effective date.

Mayor Rothschild asked the Council's pleasure.

It was moved by Council Member Cunningham, duly seconded, to pass and adopt Ordinance 11025.

Mayor Rothschild asked if there was any discussion.

Council Member Uhlich thanked staff and members of the public for their hard work. She asked the City Attorney to address the issue of Proposition 207 claims if certain options in the LUC were not retained during the transition period.

Michael Rankin, City Attorney, said if the Mayor and Council decided not to repeal the options in the LUC and only retain them in the UDC, this would be provided for by Ordinance 11026. If the options were to be left in both the LUC and the UDC then Mayor and Council would not adopt that ordinance. He said he did not believe that repealing those provisions from the LUC but leaving them in the UDC created liabilities under Proposition 207 because they would be in place under the UDC which would go into effect. He said unless there was a particular instance where a property owner's rights were diminished and they had the option to use the UDC, which would include those flexible options, then there should not be any Proposition 207 liability issues. He said if

it was the Mayor and Council's wish to remove those provisions in both codes, then they could chose not to adopt the second ordinance.

Council Member Uhlich asked Mr. Duarte to elaborate on the staff's recommendation to repeal those provisions from the LUC.

Mr. Duarte said he believed staff had come up with a better code and were ready to use it. He said they recognized some of the concerns that had been raised and staff was not opposed to maintaining the flexibility of those certain provisions in the LUC during the three-year transition period.

Council Member Uhlich said the original recommendation was to repeal the provisions and asked why this was the inclination of the advisory group and staff. She also asked if it was staff's desire to encourage people to shift to the UDC.

Mr. Duarte said it was staff's desire to incentivize a shift to the use of the UDC, to be able to point to just one code during the development review process.

Council Member Uhlich asked staff for a clarification of the processes when various zones were in conflict with each other.

Jim Mazzocco, Planning and Development Services Department Project Manager and Planning Administrator, explained the process using the University Main Gate Urban Overlay District as an example. He gave specifics about how there was one provision in the Historic Perservation Zone that was over ridden by the Urban Overlay District.

Council Member Uhlich said she wanted to be clear that what she was asking was how would the new document be different from the LUC, specifically would the provisions for overlays be changed in the UDC.

Mr. Mazzocco said they did not change at all.

Council Member Romero asked staff to clarify the transition process going from the LUC to the UDC.

Mr. Duarte said the idea to have a three-year transition period was based on Proposition 207, to begin implementation of the UDC while still having the LUC in place.

Council Member Romero said that when the UDC becomes effective in January 2013 that developers would then be able to use either the LUC or the UDC. She also said that in order to attract the developers to use the UDC, that beginning in January they would have to use the UDC to take advantage of certain flexibility options only available under the UDC.

Mr. Duarte said that was correct, that in order for developers to use certain flexibility options such as the Design Development Option (DDO), Flexible Lot Design (FLD), and Parking Design Modification Request (PDMR), would transfer to the UDC, but would not be retained in the LUC should Mayor and Council chose to repeal those provisions from the code.

Council Member Romero asked if it was possible to continue using those flexible options during a transition period of one year and then use the flexibility options just under the UDC. She said this would give staff time to evaluate how this effected work loads and give developers an opportunity to actually transition from the LUC to the UDC.

Mr. Duarte said staff would not be opposed to that.

Mayor Rothschild clarified that the issues raised by Council Members Romero and Uhlich pertained to the provisions in Ordinance 11026 relating to the transition period and that Ordinance 11025 was designed to simply adopt the new UDC.

The motion to adopt Ordinance 11025 was passed and adopted by a roll call vote of 7 to 0.

Mayor Rothschild asked the City Clerk to read Ordinance 11026 by number and title only.

Ordinance No. 11026 relating to Planning and Zoning: amending certain portions of the Tucson Code by repealing Chapter 23; Article III Development Regulations, Division 3, Motor Vehicle and Bicycle Parking Requirements, Section 3.3.10, Parking Design Modification Request; Division 6, Development Incentives, Section 3.6.1, Flexible Lot Development; and Article V, Administration, Division 3, Special Development Applications, Sections 5.3.4 and 5.3.5, Design Development Options; and declaring an emergency.

Council Member Cunningham asked if it was possible to lengthen the transition period from three months to a year.

Vice Mayor Kozachik clarified that the transition period was three years, not three months.

Mayor Rothschild said it was his understanding that what Council Member Romero had suggested was that there be a review after a year the transition.

Council Member Romero said what she meant was that the transition period of one year was legally necessary under Proposition 207. She said what she was suggesting was to use the development flexibility options during that time.

Mr. Rankin said both codes would be available during the three-year transition period and what Council Member Romero was suggesting was to leave the flexibility

options in place for the first year for both codes. He said if that was the Mayor and Council's desire he would need to read the correction in to the ordinance.

Council Member Romero said there would also be a review and further action by Mayor and Council at the end of the year during which the flexibility options were available under both codes.

Mr. Rankin read into the record changes to the Ordinance. He corrected the dates referenced in Sections 1, 2 and 3 of Ordinance 11026, such that the provisions relating to parking design modification requests, flexible lot development and design development options would be repealed from the LUC effective January 1, 2014. He also stated he would make a correction to the WHERE AS clauses to reflect the above changes.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11026 as amended.

9. PUBLIC HEARING: DESIGNATING THE "EL CON" SIGN AS A HISTORIC LANDMARK SIGN

Mayor Rothschild announced City Manager's communication number 371, dated October 9, 2012, 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 to designate the "El Con" sign as a Historic Landmark Sign. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Mayor Rothschild recognized that staff had waived their option to give a presentation and said there were two cards from people who wished to speak.

Jude Cook, of Cook and Company Sign Makers, gave a history of the "El Con" sign and how it would be restored and replaced near its original location in front of the El Con Mall.

Ron Spark, a resident of El Encanto Neighborhood, expressed his pleasure at the restoration and replacing of the sign. He also asked Mayor and Council to consider amending the historic sign ordinance so other historic signs may be allowed to use other than original materials in their restoration.

Council Member Uhlich asked the City Manager to make sure Mr. Sparks' comments were shared with the Historic Preservation Foundation and the Tucson-Pima County Historical Commission.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Rothschild asked the City Clerk to read Resolution 21953 by number and title only.

Resolution No. 21953 relating to Historic Landmark Signs; approving Historic Landmark Sign designation for "El Con" sign under case T12SA00284; and declaring an emergency.

It was moved by Vice Mayor Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21953.

10. PUBLIC HEARING: ZONING (C9-06-03) LARSEN BAKER - GOLF LINKS ROAD, SR TO C-1, REACTIVATION, FIVE-YEAR TIME EXTENSION, ORDINANCE ADOPTION AND AMENDING ORDINANCE 10626 (CONTINUED FROM THE MEETING OF SEPTEMBER 11, 2012)

Mayor Rothschild announced City Manager's communication number 377, dated October 9, 2012, 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 reactivation and five-year time extension for property located at the southwest corner of Golf Links Road and Houghton Road. He said 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 7 to 0, to close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance 11018 by number and title only.

Ordinance No. 11018 relating to Zoning: reactivating Case No. C9-06-03, and amending the date for completion of conditions of rezoning in Ordinance 10626 in the area located at the southwest corner of Golf Links Road and Houghton Road in Case C9-06-03, Larsen Baker - Golf Links Road, SR to C-1; and setting an effective date.

Roger W. Randolph, City Clerk, said a three-fourths majority vote was necessary to adopt the ordinance.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11018.

11. ZONING: (C9-12-08) HERMAN VENTURES – GLENN STREET, MH-1 TO I-1 ZONE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 372, dated October 9, 2012, was received into and made part of the record. He also announced this

was a request to rezone the property on the north side of East Glenn Street, west of Fairview. He said the Zoning Examiner and staff recommend approval subject to certain conditions.

Mayor Rothschild asked if the applicant or representative was present and agreeable to the proposed requirements.

Erin Harris, representative of the owner, said they were agreeable to the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 11023 by number and title only.

Ordinance No. 11023 relating to zoning: amending zoning district boundaries in the area located on the north side of Glenn Street, approximately 120 feet west of Fairview Avenue in Case C9-12-08 Herman Ventures - Glenn Street, MH-1 to I-1 zone and setting an effective date.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11023.

12. ZONING: (C9-12-05) WILMOT PLAZA LC – BROADWAY BOULEVARD, R-1 TO C-1 ZONE, CITY MANAGER'S REPORT

Mayor Rothschild announced City Manager's communication number 370, dated October 9, 2012, was received into and made part of the record. He also announced this was a request to rezone approximately 2.6 acres located on the northeast corner of Broadway Boulevard and Wilmot Road. He said the Zoning Examiner and staff recommend approval subject to certain conditions.

Mayor Rothschild asked if the applicant or representative was present and agreeable to the proposed requirements.

Thomas Sayler-Brown, representative of the owner, said they were agreeable to the proposed requirements.

Council Member Cunningham expressed his appreciation to all the parties that had collaborated on this project.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager’s communication number 374, dated October 9, 2012, 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 Romero, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointments of June Berkey to the Veterans’ Affairs Committee representing the Women Marine Association and Michelle Pitot to the Tucson Commission on Gay, Lesbian Bisexual, and Transgender Issues as an At-Large member.

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

Council Member Cunningham announced his personal appointments of Barney Hilton Murray and Jason Tankersley to the Small, Minority, and Women-Owned Business Commission.

11. ADJOURNMENT: 7:19 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on October 16, 2012, 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 October, 2012, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:dp:agj