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# Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on March 7, 2017.

Date of Meeting: June 7, 2016

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 5:45 p.m., on Tuesday, June 7, 2016, 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:

Michael J. Ortega	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor Tim Twigg, Victory Worship Center, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild, assisted by Council Member Cunningham, proclaimed June 30, 2016 to be “Joan Lionetti, Keep Tucson Clean and Beautiful Forever Day.” -Joan Lionetti accepted the proclamation.
- b. Mayor Rothschild presented Certificates of Appreciation and Recognition to Sue Carpenter for her initiative in coordinating a CPR class for employees in the Office of the City Attorney and to Roi Lusk for his heroism in saving a life during the Phoenix half marathon.

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Rothschild announced City Manager’s communication number 176, dated June 7, 2016, 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, and Fimbres. 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 177, dated June 7, 2016, 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 Michael J. Ortega, 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 202, dated June 7, 2016, 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. Fresco Pizzeria & Pastaria, Ward 6  
3011 E. Speedway Blvd.  
Applicant: Mathew John Cable  
Series 12, City 22-16  
Action must be taken by: April 23, 2016

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

2. China Bamboo, Ward 2  
6910 E. Tanque Verde Rd.  
Applicant: Allen Chun Hua Lu  
Series 12, City 42-16  
Action must be taken by: June 3, 2016

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)

3. Plaza Liquors, Ward 3  
2642 N. Campbell Ave.  
Applicant: Mark Robert Thomson  
Series 7, City 37-16  
Action must be taken by: May 26, 2016

Tucson Police Department and Planning & Development Services Department have indicated the applicant is in compliance with city requirements.

Revenue Division-Investigations and City Clerk's office have indicated the applicant is not in compliance with city requirements.

(Continued from the meeting of May 17, 2016)

4. Plaza Liquors, Ward 3  
2642 N. Campbell Ave.  
Applicant: Mark Robert Thomson  
Series 9, City 38-16  
Action must be taken by: May 26, 2016

Tucson Police Department and Planning & Development Services Department have indicated the applicant is in compliance with city requirements.

Revenue Division-Investigations and City Clerk's office have indicated the applicant is not in compliance with city requirements.

(Continued from the meeting of May 17, 2016)

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)

Person/Location Transfer(s)

5. Tucson Museum of Art, Ward 1  
140 N. Main Ave.  
Applicant: Jared Michael Repinski  
Series 7, City 43-16  
Action must be taken by: June 19, 2016

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

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Patronato de Kino, Ward 1  
3700 S. La Cholla Blvd.  
Applicant: Oscar Humberto Stevens  
City T49-16  
Date of Event: July 2, 2016  
(Fundraiser)

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

2. Patronato de Kino, Ward 1  
3700 S. La Cholla Blvd.  
Applicant: Oscar Humberto Stevens  
City T50-16  
Date of Event: July 16, 2016  
(Fundraiser)

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

3. Salpointe Catholic High School, Ward 3  
1545 E. Copper St.  
Applicant: Margaret L. Gessner  
City T52-16  
Date of Event: October 21, 2016  
(Homecoming Celebration)

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

4. Blair Charity Group, Ward 2  
6503 E. Tanque Verde Rd.  
Applicant: Joseph Blair  
City T54-16  
Date of Event: June 10, 2016  
(Fundraiser)

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

5. Living Streets Alliance, Ward 6  
403 N. 6th Ave.  
Applicant: Emily Gail Yetman  
City T55-16  
Date of Event: June 25, 2016  
(Member Appreciation)

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

c. Agent Change/Acquisition of Control/Restructure

1. NOTE: There are no application(s) for agent changes scheduled for this meeting.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b2, 5b5, and 5c1 through 5c5 to the Arizona State Liquor Board with a recommendation for approval.

**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.”

Michael Rankin, City Attorney, gave direction regarding Item 13 on the regular agenda. He said it was a particular type of proceeding that was governed by a resolution approved by the Mayor and Council in 1992. He said the consideration of the appeal had to follow the proceedings as set forth in that resolution; which meant it was an appeal on the record and there were limited speakers who could address the Mayor and Council, specifically people who addressed the Sign Code Advisory and Appeals Board.

Mr. Rankin stated he was advising the Mayor and Council and those who intended to speak during “Call to the Audience,” regarding Item 13 that they could address the Mayor and Council. However, when the item proceeded for consideration of the appeal, the Mayor and Council must limit their consideration of the appeal to the proceedings under Item 13 themselves and would not be able to consider the comments made during “Call to the Audience” in making the determination of the appeal.

Mayor Rothschild said as he understood it, the Mayor and Council could hear the comments from “Call to the Audience”, but were not to consider the presentations.

Mr. Rankin replied that was correct.

Comments during Call to the Audience were made by:

Bill Ford  
Lori Allen

Chuck Frietas  
Cynthia Ayala

Clint Wright

Council Member Cunningham asked staff to follow up on Mr. Wright’s comments regarding his water bill.

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 H**

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 JUN07-16-197 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of November 9, 2015
3. Mayor and Council Regular Meeting Minutes of November 17, 2015
4. Mayor and Council Study Session Legal Action Report and Summary Minutes of June 23, 2015

- b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO THE TUCSON CITY COURT
  - 1. Report from City Manager JUN07-16-183 CITY WIDE
  - 2. Resolution No. 22576 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of Amendment No. 04 to the IGA between the Arizona Superior Court in Pima County (Court) and the City of Tucson (City) for Providing Jurors to the Tucson City Court; and declaring an emergency.
  
- c. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING PRETRIAL SERVICES TO THE TUCSON CITY COURT
  - 1. Report from City Manager JUN07-16-186 CITY WIDE
  - 2. Resolution No. 22577 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of Amendment No. 02 to the IGA between the Arizona Superior Court in Pima County (Court) and the City of Tucson (City) for providing Pretrial Services to the Tucson City Court; and declaring an emergency.
  
- d. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH 1107 RIVER ROAD LLC, OWNERS OF PARCEL NO. 108-19-014B
  - 1. Report from City Manager JUN07-16-206 WARD 3 AND OUTSIDE CITY
  - 2. Resolution No. 22580 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and 1107 River Road LLC, owners of Parcel No. 108-19-014B.
  
- e. TUCSON CODE: AMENDING (CHAPTER 10) FISCAL YEAR 2017 COMPENSATION PLAN SCHEDULES
  - 1. Report from City Manager JUN07-16-178 CITY WIDE
  - 2. Ordinance No. 11373 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service--Human Resources, Article II, Compensation Plan, Section 10-31, adopting salary schedules for Fiscal Year 2017; implementing Section 10-31; ratifying, reaffirming and reenacting Section 10-31(7), Providing percentages for calculation of compensation from salary schedules for employees in specified assignment positions; Section

10-31(8), Payment for uniform maintenance; Section 10-33, Language communication compensation; Section 10-33.1, Proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish; Section 10-34.1, assignment and incentive pay for maintaining paramedic certification and working as paramedics; Section 10-35, Fire battalion chief call back shift pay; Section 10-47, Recruiting referral compensation for commissioned personnel; Section 10-49, Holiday and BOI pay for commissioned officers of the Tucson police department for the position of lieutenant and assignment positions of captain and assistant chief; Section 10-52, Longevity compensation plan; Section 10-53, Pipeline protection program; compensation; Section 10-53.1, Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance; Section 10-53.2, Maintenance management program, assignment and incentive pay compensation; Section 10-53.3, Career enhancement program (CEP) incentive pay for commissioned police personnel through rank of captain; Section 10-53.4, Additional compensation for certain public safety command staff; Section 10-53.5, Honor guard assignment pay for fire commissioned personnel; Section 10-53.7, Certified crane operator assignment and incentive pay program; and Section 10-53.8, Certified compressed natural gas inspector assignment and incentive pay program; amending Section 10-34, Incentive pay for fire prevention inspectors; and amending Section 10-48, Supplement to military pay; all as part of implementation of the annual compensation plan for Fiscal Year 2017; setting an effective date; and declaring an emergency.

f. TUCSON CODE: AMENDING (CHAPTER 22) ARTICLE IV GROUP INSURANCE AND MEDICAL HEALTH PLANS; AND ARTICLE V LEAVE BENEFIT PLAN

1. Report from City Manager JUN07-16-201 CITY WIDE
2. Ordinance No. 11364 relating to Leave and Other Benefits; the Tucson Code, Chapter 22, Pensions, Retirement, Group Insurance, Leave Benefits and other Insurance Benefits, Article IV, Group Insurance and Medical Health Plans, amending Section 22-82, Employee's premium costs, amending Section 22-85, Applicability to existing, future employees, and amending Section 22-86 Medical insurance incentive allowance; Article V, Leave Benefit Plan, amending Section 22-90(4), Military Leave; and Article V, Leave Benefit Plan, repealing Section 22-90(5), supplement to Military leave; setting an effective date; and declaring an emergency.

- g. GRANT AGREEMENT: WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION MULTIMODAL PLANNING DIVISION FOR FEDERAL TRANSIT ADMINISTRATION SECTION 5310 OPERATING FUNDING
  - 1. Report from City Manager JUN07-16-180 CITY WIDE
  - 2. Resolution No. 22575 relating to Transportation; authorizing and approving the Grant Agreement between the City of Tucson and the Arizona Department of Transportation (ADOT) Multimodal Planning Division, acting for and on behalf of the State of Arizona, for Federal Transit Administration Federal Fiscal Year 2016 Section 5310 Operating Funding; and declaring an emergency.
  
- h. BOARDS, COMMITTEES, AND COMMISSIONS: EXTENDING THE TERM OF SERVICE FOR THE TRANSIT TASK FORCE
  - 1. Report from City Manager JUN07-16-185 CITY WIDE
  - 2. Resolution No. 22578 relating to Boards and Commissions; amending Resolution No. 21023 to extend the terms of the Transit Task Force and its members to June 2, 2017; and declaring an emergency.
  
- i. REAL PROPERTY: APPROVING A GROUND LEASE WITH VERIZON WIRELESS FOR A TELECOMMUNICATION ANTENNA AT 1150 S. VENICE AVENUE
  - 1. Report from City Manager JUN07-16-182 WARD 6
  - 2. Ordinance No. 11363 relating to Real Property; authorizing and approving the Ground Lease Agreement between Verizon Wireless, LLC (VAW) and the City of Tucson (City) for a telecommunication antenna at 1150 South Venice Avenue; and declaring an emergency.
  
- j. GRANT AGREEMENT: WITH PIMA COUNTY FOR FEDERAL TRANSIT ADMINISTRATION GRANT
  - 1. Report from City Manager JUN07-16-187 OUTSIDE CITY
  - 2. Resolution No. 22579 relating to Transportation; authorizing and approving the Grant Agreement between the City of Tucson (City) and Pima County (County) for Federal Transit Administration (FTA) Grant AZ-90-X130 funds for bus stop enhancements; and declaring an emergency.

- k. TUCSON CODE: AMENDING (CHAPTER 20) RELATING TO ONE-WAY STREETS AND ALLEYS, AND CONVERTING CORRAL STREET FROM TWO-WAY TRAFFIC TO ONE-WAY TRAFFIC
  - 1. Report from City Manager JUN07-16-199 WARD 6
  - 2. Ordinance No. 11368 relating to Motor Vehicles and Traffic; converting Corral Street between Scott Avenue and Stone Avenue from two-way to one-way traffic; amending Chapter 20, Article VI, Section 20-179 of the Tucson Code by adding new subsection 20-179(35); and declaring an emergency.
  
- l. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA FOR "PROJECT WET" WATER EDUCATION PROGRAM
  - 1. Report from City Manager JUN07-16-204 CITY WIDE AND OUTSIDE CITY
  - 2. Resolution No. 22582 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with the Arizona Board of Regents on behalf of the University of Arizona's Water Resources Research Center to continue water education for teachers through the Arizona Project WET Program; and declaring an emergency.
  
- m. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA FOR THE SMARTSCAPE WATER OUTREACH PROGRAM
  - 1. Report from City Manager JUN07-16-205 CITY WIDE AND OUTSIDE CITY
  - 2. Resolution No. 22583 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the University of Arizona Board of Regents on behalf of the University of Arizona Cooperative Extension, SmartScape Outreach Program: a landscape water conservation program; and declaring an emergency.
  
- n. FINAL PLAT: (S15-047) FRY'S #83, LOTS 1 THROUGH 4
  - 1. Report from City Manager JUN07-16-196 WARD 1
  - 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.

- o. ZONING: (D11-0024) DESIGNATING THE DEVELOPMENT PLAN FOR SPEEDWAY STONE AT THE NORTHEAST CORNER OF SPEEDWAY BOULEVARD AND STONE AVENUE, AS A PROTECTED DEVELOPMENT RIGHT PLAN
  - 1. Report from City Manager JUN07-16-203 WARD 3
  - 2. Resolution No. 22581 relating to Zoning: designation of the development plan for Speedway Stone DP (D11-0024) at the northeast corner of Speedway Boulevard and Stone Avenue as a protected development right plan; and declaring an emergency.
  
- p. INDUSTRIAL DEVELOPMENT AUTHORITY: APPROVING THE ADDITION OF THE PATHWAY TO PURCHASE PROGRAM AND AMENDMENTS TO THE JOINT REVOLVING TAXABLE SINGLE FAMILY MORTGAGE PROGRAM OF 2012
  - 1. Report from City Manager JUN07-16-213(2) CITY WIDE
  - 2. Resolution No. 22584 relating to Finance; approving amendments to the \$40,000,000 the Industrial Development Authority (“IDA”) of the City of Tucson, Arizona (“City”), and the IDA of the County of Pima Joint Revolving Taxable Single Family Mortgage Program of 2012 approving the addition of the Pathway to Purchase Program; approving the First Amendment to Amended & Restated Standards & Requirements; approving the First Amendment to the Amended & Restated Intergovernmental Agreement (“IGA”); approving Amendments to Program Documents related thereto; and declaring an emergency.

Michael Rankin, City Attorney, made an amendment to the communication under Item p. He said it was only an amendment to the communication, not the attached documents. He stated the first paragraph, under the background section, read incorrectly that the interest rates, with respect to the mortgages in question, said, “...in no event shall the initial rates exceed 10%”. He said it should just read, “...in no event shall the rates exceed 10%.”

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – p be passed and adopted and the proper action taken.

**14. ANNEXATION: RIVER AND KINO ANNEXATION DISTRICT, ORDINANCE ADOPTION**

(NOTE: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 184, dated June 7, 2016, was received into and made part of the record. He asked the City Clerk to read Ordinance 11365 by number and title only.

Ordinance No. 11365 relating to Annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona, pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing thereto the River and Kino Annexation District Property, more particularly described in the body of this ordinance.

Council Member Uhlich commented this item was discussed during Study Session and no questions were raised. She said she noted that a protest was filed regarding ingress and egress, particularly the left-hand turn impact out of the adjoining property. She said she thought the key in moving forward with the annexation and the subsequent two items was to ensure that as the development package was submitted for the property, those items would be looked at closely and included in the mitigation plan; which was part of the development.

Council Member Uhlich also noted that in and around the area, south of River Road, there were a lot of beautiful open spaces and historic ranch properties. She said it was legitimate to ask where the Mayor and Council wanted perhaps to set a boundary and partnership with property owners to preserve some of that space. She said that conversation could continue and would commit to making it happen.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11365.

**15. ZONING: (C15-15-05) ESTABLISHING ORIGINAL CITY ZONING FOR THE RIVER AND KINO ANNEXATION DISTRICT, COUNTY CR-1 AND SR TO CITY RX-1 AND SR, ORDINANCE ADOPTION**

(NOTE: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 193, dated June 7, 2016, was received into and made part of the record. He also announced this was a request to establish Original City Zoning within the River and Kino Annexation District, located south of the intersection of River Road and Camino Kino. He said the Zoning Examiner and staff recommend approval of RX-1 and SR zoning and extension of the Major Streets and Routes Plan scenic arterial street designation along River Road within the River and Kino Annexation District. He asked the City Clerk read Ordinance 11370 by number and title only.

Ordinance No. 11370 relating to Zoning: establishing original City Zoning located south of the intersection of River Road and Camino Kino in case C15-15-05, River and Kino Annexation District, County CR-1 and SR to City RX-1 and SR; 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 pass and adopt Ordinance 11370.

**16. ZONING: (C9-16-02) CLINE/DARLING – RIVER ROAD, SR TO O-2, CITY MANAGER'S REPORT**

(NOTE: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 189, dated June 7, 2016, was received into and made part of the record. He also announced this was a request to rezone approximately 3.13 acres from SR to O-2 zoning, located on the south side of River Road, east of the intersection with North Camino Del Obispo. He said the Zoning Examiner and staff recommend approval of the rezoning subject to certain conditions.

Mayor Rothschild asked if the applicant or representative was present and if they were agreeable to the conditions.

Brian Underwood, Planning Center Project Manager, on behalf of the property owners, Robert Darling and Edward Cline, said they were agreeable to the conditions.

Council Member Uhlich stated as noted earlier and as the development plan proceeded, the Mayor and Council would ensure to ask that the owner work with adjacent property owners and the Tucson Department of Transportation to ensure the ingress and egress and other issues were addressed.

It was moved by Council Member Uhlich, duly seconded, and passed by a voice vote of 7 to 0, to authorize the request for rezoning as recommended by the Zoning Examiner.

**17. ZONING: (C9-16-03) PEPPER VINER – PIMA STREET, SR TO R-1, CITY MANAGER'S REPORT, ORDINANCE ADOPTION**

(NOTE: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 188, dated June 7, 2016, was received into and made part of the record. He also announced this was a request to rezone property located on the southwest corner of Pima Street and Fremming Avenue, from SR to R-1 zoning. He said the Zoning Examiner and staff recommend the Ordinance be adopted.

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

Rob Longaker, WLB Group, on behalf of the owner, said they were in agreement.

Mayor Rothschild asked the City Clerk to read Ordinance 11371 by number and title only.

Ordinance No. 11371 relating to Zoning: amending zoning district boundaries in the area of the southwest corner of Pima Street and Fremming Avenue in case C9-16-03 Pepper Viner - Pima Street, SR Zone to R-1 Zone; and setting an effective date.

Roger W. Randolph, City Clerk, announced the item needed a three fourths majority vote.

Council Member Cunningham said this was the redevelopment of Van Horn School and his hat went to Pepper Viner. He said Mr. Viner's team spoke with many throughout the City to gain consensus on the project and that was something that had been done correctly.

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 11371.

(NOTE: Vice Mayor Kozachik departed at 6:42 p.m.; returned at 6:44 p.m.)

**18. ZONING: (SE-16-16) VERIZON – BROADWAY BOULEVARD, SR ZONE, WIRELESS COMMUNICATIONS FACILITY, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION**

(NOTE: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 192, dated June 7, 2016, was received into and made part of the record. He also announced this was a special exception land use request for property located west of Chimney Canyon Drive and south of Essex Village Drive in the SR zone. He said the Zoning Examiner and staff recommend approval of the special exception land use with conditions.

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

Shirley Crowder, Centerline Solutions, on behalf of Verizon Wireless, said they were in agreement with the proposed requirements.

Mayor Rothschild requested the City Clerk read Ordinance 11372 by number and title only.

Ordinance No. 11372 relating to Zoning; a special exception land use - wireless communications facility - SE-16-16 Verizon - Broadway Boulevard - located approximately 325 feet west of Chimney Canyon Drive and 530 feet south of Essex Village Drive; approving with conditions the construction of a wireless communication tower with twelve antenna panels concealed within an artificial palm tree, 50 feet in height, within an approximately 616 square foot lease area in the southwestern portion of the 4.57 acre site in the SR Zone; and setting an effective date.

Council Member Cunningham stated there was a right of way issue on this matter and inquired if it had been resolved.

Ms. Crowder replied it had been and that Mr. Howser was present and had applied for easement access with the City of Tucson.

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 11372.

**19. CITY MAGISTRATE: APPOINTMENT OF CITY MAGISTRATE AND FIXING COMPENSATION**

(NOTE: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 181, dated June 7, 2016, was received into and made part of the record. He requested the City Clerk read Ordinance 11366 by number and title only.

Ordinance No. 11366 relating to City Magistrates; appointing a City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11366, naming Michael P. Pollard as City Magistrate.

**8. PUBLIC HEARING: APPROVAL OF THE DEMOLITION PLAN AND PROPOSED REPLACEMENT PLAN FOR RIO NUEVO AREA (RNA) CASE 15-25 CATHEDRAL PARISH HALL**

Mayor Rothschild announced City Manager's communication number 198, dated June 7, 2016, 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 demolition of historic Parish Hall located at 192 South Stone Avenue.

Mayor Rothschild announced the public hearing was scheduled to last no more than one hour and speakers were limited to five-minute presentations. He asked if staff wanted to make a brief presentation before beginning the public hearing.

Michael Rankin, City Attorney, said it was the Mayor and Council's decision if they wished to have a quick introduction based on the discussion from Study Session. He reiterated the item was up for consideration of the applicant's request for approval of the *Demolition Plan* and associated *Replacement Plan*. He said the Mayor and Council had the opportunity to discuss the item during the Study Session and it might be useful to receive clarification of staff's recommendation.

Mr. Rankin stated staff's recommendation was for approval of the *Demolition Plan*, but with respect to the *Replacement Plan*, staff recommended that the approval be contingent on further refinement of the *Replacement Plan* in order to achieve greater compatibility with the surrounding context. He continued saying that there was

discussion during the Study Session whether the *Replacement Plan* refinements would come back to the Mayor and Council for review and approval or not.

Mr. Rankin said he wanted to make it clear that it was only if the refinements produced a major amendment/change, something like height, setback, or massing; which would trigger the requirement to come back to the Mayor and Council for review and approval. However, he said, if the refinements could be accomplished as minor amendments, mostly design, architectural features, finishes, etc., then that review and approval would occur at the administrative level, which would include the advisory groups, the Plans Review Subcommittee and the Design Review Board, before the matter went to the Planning and Development Services Director.

Mr. Rankin commented what he thought might have been confusing during Study Session was that the refinements anticipated as part of staff's recommendation were in fact, minor amendments as opposed to major amendments, the architectural features, etc. as he just described, and not changes to the height, massing, setbacks, etc. He stated he was concerned at the end of the Study Session, that the Mayor and Council had the expectation that if staff's recommendation was approved the Mayor and Council would certainly see the replacement again. He reiterated that only if the refinement process produced some kind of major amendment(s), would it come back to the Mayor and Council for review.

Mayor Rothschild said he understood staff's recommendation was to approve the *Demolition Plan* based on the finding that reasonable economic use of the property could not be made, contingent upon or subject to the condition that the applicant continue to refine the *Replacement Plan* to achieve a greater design compatibility with the surrounding context. He said he appreciated the difference between design being minor and major. He again stated that his understanding was that if staff's recommendation was approved there was a process where various boards looked at it again and determine if it was a major amendment instead of a minor amendment.

Mr. Rankin replied they could and let Ms. Ewing-Gavin respond.

Nicole Ewing-Gavin, Planning and Development Services Director, stated that was correct, that the intent was to and try and work with more minor types of refinements that could lead to greater compatibility. She said out of the process, perhaps a major may emerge and then it would be brought back to the Mayor and Council.

Council Member Uhlich questioned what the Diocese's role was in terms of accepting or if the Mayor and Council advised them to proceed with revisions and refinements in keeping with the City's processes and the Dioceses offered those and believed they did so in good will and to the extent they were able; what triggered major refinements and if that was decided by the PDSD Director.

Ms. Ewing-Gavin replied if those came up during the process of discussions with the boards and the design professional, and the Diocese was agreeable, then those would come forward to the Mayor and Council.

Council Member Uhlich said then it would essentially be by mutual agreement.

Ms. Ewing-Gavin advised that was correct.

Vice Mayor Kozachik said when the Tucson/Pima County Historical Commission (TPCHC) rejected the revised *Demolition Plan* by a vote of 6 to 0, the basis on which they rejected it, most of them were due to major amendments, height, massing and several other major objections. He said if the item was moved forward and the *Demolition Plan* was approved contingent on a successful redesign, and the design team (Diocese) was unwilling to relent on any of the major issues, then the Mayor and Council would not see it again based on the information given because no major changes would have been made; and the result would be an administrative approval based on a 0 to 6 loss at the Historic Commission and the Mayor and Council would not be a part of the conversation after the meeting.

Ms. Ewing-Gavin stated staff would look to see if there could be some consensus built around refinements that were more minor, potentially even major that would be acceptable to the Diocese.

Vice Mayor Kozachik said he understood that, however, if the answer was that no major changes were being made, then the Mayor and Council was left out of the conversation.

Ms. Ewing-Gavin replied that was correct. She said she thought that if the Mayor and Council felt major changes were needed, then that direction needed to be provided that evening.

Mayor Rothschild inquired if it was possible to pass the motion, contingent upon the applicant making refinements to the plan compatible and regardless of whether they were major or minor, that it come back to the Mayor and Council.

Mr. Rankin said that was why the issue was being raised, because if the Mayor and Council felt that the *Replacement Plan*, in order to be acceptable, was going to require major amendments or major changes, then they should not approve staff's recommendation, but instead give direction that they go through the process to make the revisions to the *Replacement Plan* and those refinements would come back to the Mayor and Council for further review and approval.

Council Member Romero said that the direction given during Study Session gave and lended itself with the opportunity to come back to the Mayor and Council if it had to come back.

Ms. Ewing-Gavin replied that was staff's recommendation.

Council Member Cunningham asked if the Ordinance was passed and it could not come back to the Mayor and Council and the process went on, then something came up that was neither major nor minor, in a gray area, which always seemed to happen in these types of cases, what was to stop someone from putting it on as a Study Session item.

Mr. Rankin replied nothing would stop the Mayor and Council from placing an item on a Study Session, however staff needed to carry out the direction of the Mayor and Council as taken during the regular session. He said he wanted to make sure that everyone's expectations were fully met.

Council Member Cunningham said he understood, however, if some major thing, that was not major enough came up, did the Mayor and Council still have the authority to bring it back to the table if necessary.

Mr. Rankin advised that if the Mayor and Council wanted to make it clear, that they had an expectation that it was coming back, then it should be made clear that evening.

Council Member Uhlich said she thought, from looking at the overall plan, she wanted to hear what the public and stakeholders had to say. She said recognizing this element was one piece of an entire block worth of historic structures and other developments and taking that into account and while this was an action on one particular piece, she would be thinking of it in the broader context.

Council Member Scott said she thought it should be noted that the Mayor and Council made a comment during Study Session that anything that move forward on this item had to include some language about Ochoa Street.

The following individuals spoke in either support or opposition of the demolition of the historic Parish Hall located at 192 South Stone Avenue:

Pat Lopez	John Burr	Bishop Gerald Kicanas
Ann Lawrence	Pedro Gonzales	Demion Clinco
John Shaheen	Laura Tabili for Beth Grindell	
Laura Talibi	Fe Tom	Clara Dupnik
Ken Scoville	Vanessa Schmidt	Laura Fairbanks
Delfina Alvarez	David King	Kegan Tom
Marcel Dabdoub		

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

Council Member Romero asked for a summary of what was discussed at the Study Session regarding staff's recommendation. She said she thought it was important

that staff restate their recommendation based on the input of the Mayor and Council with the addition of Ochoa Street.

Ms. Ewing-Gavin replied staff's recommendation was for; 1) approval of the *Demolition Plan*, based on the finding that reasonable economic use of the property could not be made and 2) approval of the proposed *Replacement Plan*, with the condition that the applicant continue to refine the *Replacement Plan* to achieve greater design compatibility with the surrounding context. She said the nature of the refinement process would focus on more minor refinements, which allowed the Diocese to achieve the space needed at that site. She stated in additional condition could be added stating that the issues related to Ochoa Street need to be resolved in terms of the width and the two-way use of the street, as well as, access to the adjacent property owner's garage.

It was moved by Council Member Romero, duly seconded to approve staff's recommendation as noted by Ms. Ewing-Gavin.

Council Member Romero said many people knew of the work that had been done and completed to preserve the Marist College. She stated her office and her predecessor, in conjunction with the City of Tucson Community Development Block Grants (CDBG) funds, had paid for the tarps currently covering the holes on the Marist College. She continued stating they had gathered historic preservationists, the Diocese, the Ward 1 council office, as well as many others, to have the discussion on how to save the Marist College.

Council Member Romero said the decision was made to use CDBG funds, \$1.2 million, to assist with the restoration of the Marist College. She stated that one of the ideas was to partner with a private developer; however, there was not a lot interest nationwide, but there were a couple of interested parties locally to build a hotel and probably add a restaurant and bar. At that time, there was a lot of push back from the community as well as concern by the Diocese that it was not very compatible with the history and culture of the services that the Diocese provided.

Council Member Romero stated that in thinking about their hesitance to have a hotel and bar in the square, was something they had to re-think. She said one of the biggest concerns the Diocese had at the time was the community push back and understandably they took a step back thinking this was not the right approach to investing and saving the building. She stated that, at that time, she was upset that a lot of historic preservationists present at the evening's meeting did not step forward to fight for the Marist College when she and the Diocese were being hung out to dry and also that a fellow council member who was against the last proposal was also against the current proposal being presented.

Council Member Romero stated that as she hears from the community, the barrio that used to be at the Tucson Convention Center, the people and the generations of families who were ushered out and basically had their land taken away, and the center of what the Diocese was for many of those families that had to go through the pain of

loosing their generational home; she said those families were there to tell the Mayor and Council that the proposal was important to them because the Church was the center of spiritual and social life for many of those families.

Council Member Romero said she was thinking about the rest of the square, not just the Marist College, and the Diocese wanting to breathe life into reinvesting and reusing the area; to ensure families of the entire Tucson Community had that culture. She said the buildings were important, however, the culture, the tradition of leaving the church and celebrating on cathedral square after a ceremony such as a wedding, quinceañera, baptism, confirmation, and funeral, and having the space to be able to stay on the church grounds, as it had always been done was important to preserve. She continued saying as important as adobe and concrete was that tradition to breathe life into what had been there for hundreds of years. She stated it was the Diocese's and the members of the Diocese right to be a part of downtown and downtown revitalization like everyone else.

Vice Mayor Kozachik said the Marist College was a wonderful project and he appreciated comments with respect to the funding. He said he often heard that the Mayor and Council did not care about public hearings, but he appreciated the comments made by everyone and the reality was that the Diocese had outgrown their space. However, his question was not necessarily a programmatic need in his mind, and he was not opposed to the proposal; but wanted to ensure it was done correctly. He said his issue was major compatibility design elements and those had been the nature of his questions that had yet to be answered. He asked staff what the role of the design professional was and who would select that person.

Ms. Ewing-Gavin replied the role was to meet with the design team for the project, work with the Tucson-Pima County Historical Commission (TPCHC) Plans Review Subcommittee, the Design Review Board (DRB) and try to look for areas that could be refined to improve compatibility. She stated it was bringing everyone's expertise to the project, as well as, hearing from the different perspectives to see where things might be able to move in a consensus fashion.

Mayor Rothschild asked Bishop Kicanas who the architect or consultant was on the Marist College and was it Corky Poster.

Vice Mayor Kozachik responded it was Corky Poster since he was already involved in the sensitive redesign in the facade. He said he was not going to drive that answer but was an appropriate name to consider or someone who was equally as sensitive to what was already going on in the area. He said with respect to the redesign of the Marist, he appreciated the comment that the Diocese agreed to any cross width that would accommodate the La Placita garage needs. He continued saying there was inconsistent language in the materials, where it went eighteen to twenty feet with and without parking; and just because he was asking questions, did not mean that he was opposed to it, he was just looking for clarification so that the needs of everyone in the immediate area were taken care of.

Vice Mayor Kozachik stated that the motion was for approval of the *Demolition Plan*, based on the finding that reasonable economic use of the property could not be made; contingent on the approval of the *Replacement Plan*, and refining the *Replacement Plan*, to achieve greater design compatibility with the surrounding context. He said again, based on the material, the TPCHC Plans Review Committee voted 6 to 0, and reiterated that with their objections they were major in nature.

Vice Mayor Kozachik said his sense was that the way to ensure everyone was coming back to the table and in the spirit of good faith, as a way to say they would do everything they could to hammer out a good deal, required at least consideration of some major design elements. He said for that reason, he was asking for a friendly amendment to the motion, that the process come back to the Mayor and Council for final approval and that they not rely on administrative approval.

Council Member Romero said it had been discussed at Study Session, that staff actually had that discretion on deciding if something needed to return to the Mayor and Council for approval. She said she thought staff and administrators needed that authority. She stated she did not want to take any additional steps if it was not absolutely necessary. She continued to say if there were conversations with the stakeholders and modifications that needed to be made, and everyone agreed, then the approval was there.

Mayor Rothschild said he heard Vice Mayor Kozachik say he was not going to drive the conversation as to who the consulting architect was. He said, however, it went a long way with him if the Diocese agreed to working with Mr. Poster because of his past work with the Marist College. He said he had the respect of the Mayor and Council and was historically sound with those that had concerns. He said his only remaining concern, due to confusion, was distinguishing between what was design and what was volume and mass. He said he did not want to come back to the Mayor and Council if it was not necessary, but he at least wanted the ability, whether through Corky Poster or someone else, to have a trigger from someone to say something was going to be built, but wanted the Mayor and Council to have the final say.

Council Member Uhlich stated challenges like this had surfaced in Ward 3 and ultimately came down to “if not this, then what?” She said she appreciated the advocacy to preserve the structures and the preservationists work hard and raise funds to preserve the history and the historic structures. She said the challenge with this was the life and use of these structures that were the historic significance and that was what made this place. She said she wanted to honor that and given that, the Diocese and parishioners, as well as others that had weighed; already imagined what uses were needed at the site in conjunction with the redevelopment and reuse of the Marist College, the office building, and the new senior housing. She said in Ward 3, the challenge was always that they would like to tell the owners what they wanted, but it really was the owners who knew what would work, what they could afford, and what was viable.

Council Member Uhlich stated she did not think it was appropriate to bring this back to Mayor and Council, because what that meant was that the Mayor and Council was saying to change the mass, change the height, therefore change the use, therefore change the viability of the entire proposal, therefore it triggered too many things. She said she thought it was appropriate to allow for the conversation to continue; the design elements to be revisited. She said she learned a lot through the work downtown about just the façade itself. She compared her tour of the parish hall with the Bishop and the architect, there were many features inside the building that were discussed could be preserved through design which would reflect and pay homage to the architectural significance of the space. She said the real significance of this space was the life that was going to be lived there and shared there and she believed the Mayor and Council should proceed with staff's recommendation and would not support the amendment to the motion.

Michael J. Ortega, City Manager, said he understood the sensitivity of the issue, but suggested that staff would work closely on the "design tweaking." He assured the Mayor and Council that, because of the conversations held, staff would air on the side of bringing it back to the Mayor and Council if there was an issue that was more significant. He stated the difficulty with design versus mass, there was a point, in his opinion, if the conversation were to shy away from design and begin having larger conversations; he would bring that back to them.

Mayor Rothschild replied saying he appreciated Mr. Ortega's comments. He made the suggestion to Bishop Kicanas to have Corky Poster as the consulting architect in this matter and had that added to the motion.

Bishop Kicanas was agreeable to the request.

Council Member Romero accepted adding the request to her motion.

Council Member Cunningham wanted to know if it was unprecedented for historical cathedrals to add on, stating one of the most prominent cathedrals was The Holy Cross Cathedral in Boston, that was built in 1866 and added on to in 1877, 1890, built a high school in 1927, and a gymnasium in 2013. He said Tucson would not be the only historical cathedral to add on. He advised that also went for the offices at St. Peter's Roman Catholic Church in Manhattan built in 1836 with an office built in 1980; and the same was true for the National Cathedral in Washington D.C. which had been added onto constantly for the last eighty-three years. He said he did not think any historical "things" were being broken.

Council Member Cunningham stated regarding the Marist College, he had approximately fifteen people come to him and tell him that something had to be done with the structure, so he was happy with the idea of having the opportunity to help the Marist College. He then stated he thought it was a mistake for the Mayor and Council to be in a situation where they were micromanaging the project; they needed to let everyone do their job. He said he felt two architects on the project was unnecessary. He said he

was glad that both parties agreed to the additional architect, and hoped it showed good faith.

Council Member Cunningham continued with reflecting on whether the Church was working in good faith for the community, and did not think the Church would do something to offend neighbors, the historic preservationists; in fact, he thought this would be a collaborative process and there needed to be faith in everyone that that happened. He said if there were things about the façade that the historical preservation aspect needs or features inside the building that needed to be saved and placed in the new building, let that happen and have faith and work together to make that happen.

Council Member Cunningham said he was inclined to vote for the motion as is and if something really major came up, then a discussion could be had, but he felt the church was acting in good faith for the community and did not feel this was unprecedented for historical development.

Mayor Rothschild stated Council Member Fimbres requested to have the motion read.

Roger W. Randolph, City Clerk, stated the motion was to approve the *Demolition Plan* based on the finding that reasonable economic use of the property could not be made and to approve the proposed *Replacement Plan* with the recommended conditions, also adding that Corky Poster would be the consulting architect.

Council Member Romero added to the motion, the section on Ochoa Street.

Mayor Rothschild confirmed that it was contingent on the condition that the applicant continued to refine the *Replacement Plan* to achieve greater design compatibility with the surrounding context, including the two additional conditions that Corky Poster be the consulting architect and an agreement be made with the adjacent property owner with regard to Ochoa Street.

Vice Mayor Kozachik advised that Corky Poster would be the design consultant on Phase 2 of the project.

Mr. Ortega wanted to clarify comments in regards to Ochoa Street. He said he understood it would be a two-way street and TDOT would be working on the width design; so it was not necessarily an agreement with the property owner.

Vice Mayor Kozachik stated that conversations at the dais mattered, the public hearings mattered and he appreciated everyone's input. He trusted that everyone had good faith in this matter.

The motion, as amended, was passed by a roll call vote of 7 to 0.

**RECESS: 8:15 p.m.**

**RECONVENE: 8:21 p.m.**

**MAYOR AND COUNCIL: All present**

**STAFF: All present**

**13. APPEAL: (T16SA00085) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION - CENTURY THEATRES, 1300 EAST TUCSON MARKETPLACE BOULEVARD**

(NOTE: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 190, dated June 7, 2016, was received into and made part of the record. He said this was an appeal of a decision of the Sign Code Advisory and Appeals Board.

Roger W. Randolph, City Clerk, announced the City Attorney would outline the order of the Appeal.

Michel Rankin, City Attorney, stated this was an appeal to the Mayor and Council relating to the applicant's request for the approval of special sign permit. He said pursuant to Tucson Code, Section 3-42, it allowed for approval of signs that were designed and designated as an integrated architectural feature. He commented that in deciding this appeal, the Mayor and Council were limited to considering the record of the proceedings as presented to the Sign Code Advisory and Appeals Board (Board) rather than to consider new evidence. He continued saying, the consideration of the appeal was governed by the rules approved by the Mayor and Council under Resolution 15967, approved in 1992.

Mr. Rankin said under the Resolution, the process for the appeal was as follows:

- The appellant may address the Mayor and Council either in person or through a representative or attorney to argue for the approval of the sign, based upon the facts that were in the record;
- The affected neighbors who appeared before the Board may argue in opposition to the request, based upon the facts in the record. Under the governing Resolution, only one designated spokesperson may speak for the affected neighbors. However, in this particular case, one of the affected persons who appeared at the Board hearing did not get timely notice of the opportunity to submit written arguments against the appeal, therefore, that person, Kathi McLaughlin, will be allowed to address the Mayor and Council with comments as well in opposition.
- After the opposition was heard, the appellant had the opportunity to provide rebuttal to the Mayor and Council and after that the Mayor and Council could permit, but did not have to, additional rebuttal from the opposition.
- The Mayor and Council can direct questions to the speakers during their presentations, but the total time for each speaker was limited to ten minutes, unless the Mayor and Council extended that time. The ten minutes includes the initial presentation and rebuttal.

- After hearing from the speakers, the Mayor and Council makes a decision on the appeal; the decision will be based on the transcript of the Board proceedings, exhibits presented to the board, and the argument that was heard during the meeting.
- The Mayor and Council may uphold the decision of the Board that the request be denied, or they could reverse or modify the decision and grant the appeal,
- Lastly, if the Mayor and Council decide to grant the appeal, reasonable conditions may be attached to the approval.

Mayor Rothschild clarified the applicant was the appellant, however, at the administrative level the appellant's position was supported three to one. He explained the reason for appearance by the appellant was because, the majority vote was four, albeit not the majority of who was there, but the majority of the entire Board where the requirement was a four to zero vote.

Mr. Rankin replied that was correct and that in order for a special permit to be issued under the *Code*, it had to receive four affirmative votes in order to be approved.

Mayor Rothschild asked how many people were on the Board.

Mr. Rankin replied it was a 7 member board, but there were a number of vacancies, and was currently populated by only four members.

Council Member Fimbres reiterated that the vote was three to one, three in favor of granting the permit and one opposed.

Mr. Rankin replied that was correct, however, despite that there were more in favor than opposed, and there were not enough votes in favor for the permit to be approved, so it was deemed a denial, which triggered the appeal to the Mayor and Council.

Rory Juneman, Lazarus, Silvyn, and Bangs, representing the property owner Cinemark Theatres stated that as mentioned previously on April 13, 2016, they asked the Sign Code Advisory and Appeals Board (SCAAB) to approve a spire sign as part of an integrated architectural feature on the new Century Theatres in the Bridges complex. He referred to a picture of the spire that was in the materials. He then stated three of the four SCAAB members voted in favor of approval, but the *Code* required four positive votes for approval. He said with only four members serving on the SCAAB, the requirements were not met for a unanimous decision. He said the appeal was made to show why the spire should be approved.

Mr. Juneman stated to the Mayor and Council he felt the spire should be approved as it was an integrated architectural feature. He continued by saying the spire was a part of the Theatre's internal structure, supported by a twenty-four inch diameter eighty-foot tall steel pole, which was attached to the Theatre's foundation and tied to its walls. He

said this structure was approved with the Theatre's building permit and was also a key part of the architectural design.

Mr. Juneman said Cinemark had taken an architectural element that was common in historical movie theatres, the vertical marquee, and modernized it to fit within in a twenty first century theatre, located in a major commercial center. He made reference to the transcripts and said the SCAAB did not raise an issue as to whether the spire was an integrated architectural feature. He said in addition to being an integrated architectural feature, the spire simply fit within the development. He advised it was part of a fourteen screen movie theatre, located in a large three hundred and fifty acre mixed used development.

Mr. Juneman stated the Bridges development was regulated by a Planned Area Development (PAD), which allowed for heights in some areas up to one hundred forty feet. He commented that the theatres were next to Interstate 10 (I-10) in a busy retail commercial area and the sign was appropriate for the area. He said he thought it was best illustrated by the surrounding neighbors' support for the spire with twenty letters of support given at the initial hearing and no protest letters. He stated there was one person opposed to the spire who lived approximately two and a half miles from the theatre.

Mr. Juneman indicated that the spire also had a functional purpose of guiding new customers to the theatre. He said because the theatre was next to I-10, it would attract customers from all over the region who would not be familiar with the area. He stated Cinemark designed the spire at a height that would assist new customers to easily find the theatre through the Bridges winding internal roads and potentially confusing traffic circle. He said he wanted to stress that the height was appropriate under the *Code*, and did not set any dimensional limitations, including height limitations, on an integrated architectural feature. He reported the SCAAB's denial, based on height was an error, due to the fact that the *Code* did not define what too high was. He declared the main concern at the hearing was about the height of the spire blocking mountain views, however the spire's narrow design and location within the three hundred fifty acre development, would not block mountain views.

Additionally, Mr. Juneman explained the sign must comply with the Outdoor Lighting Code, since it was a condition of approval. He commented that another concern at the hearing was that approval would set precedence for future signs which was not the case. He urged this was not the case, due to each integrated architectural feature had to be reviewed independently as the spire was. He said in the SCABB's review of the spire, the issue was not whether it was an integrated feature; one member had concerns about the height. He stated they showed the height was appropriate in the location, fit with the theatre, and made sense.

Mr. Juneman concluded his statement by saying how excited Cinemark Theatre was about coming to the Bridges and the Southside. He said Cinemark believed the sign was critical to its success because of how similar spires had greatly improved way-finding at other locations throughout the country. He stressed how much the neighbors

around the Bridges greatly supported the theatre and the sign. He asked the Mayor and Council to consider his request and support the sign and grant the appeal.

Kathi McLaughlin stated she had some handouts for the Mayor and Council and was considered new evidence.

Mayor Rothschild responded that his understanding was that they could not consider new evidence.

Mr. Rankin affirmed that the Mayor and Council could not consider new evidence since this was an appeal on the record, under the rules that applied. He said the Mayor and Council could hear arguments based on the record of evidence that was presented to the Sign Code Advisory and Appeals Board (SCAAB), but there could not be introduction of new evidence or new exhibits. He said in looking at her materials, it looked as if some of the material was taken from the exhibits that were part of the submittal, so those would be appropriate to look at since they were part of the record already. He said he was unsure if there were other materials in the packet that went beyond what had already been placed on the record.

Ms. McLaughlin replied the materials would have been what she would have submitted had she been given the opportunity, if she had received the notice.

Mr. Rankin acknowledged even if the notice had been received, the only material the Mayor and Council could consider was exhibits and material that was in the record and placed in front of the Mayor and Council.

Mayor Rothschild suggested Ms. McLaughlin make her argument, however, the Mayor and Council was unable to view any new material at the meeting. He said she was only free to argue the facts she had.

Ms. McLaughlin, a registered architect and a member of the Citizen Sign Code Committee (CSCC), said signs had been her interest and the subject of thousands of hours of her volunteer work since 1985 when she was appointed to the CSCC and successfully fought the billboard industry in Tucson's billboard referendum. She reported that she was not against the Century Theatres; she was against a one hundred foot tall spire sign which she felt was totally inappropriate. She stated the sign was for one single business out of many tenants on the site, and was not a landmark for the southside, but an advertisement for Century Theatres.

Ms. McLaughlin stated the Design Review Committee for this development did not have any published design criteria that she could locate in the PAD15 file. She further noted it was made up of several individuals who were chosen by the same developers who were promoting the special permit appeal. She said two months ago she requested the design criteria and the minutes from the meeting in which the sign was approved by the site committee and had not received anything.

Ms. McLaughlin claimed the SCAAB's special permit process had no specific standards of any kind against which to measure the appropriateness of the proposed sign. She stated the applicant made up their own definition of integrated architectural feature, which was, according to the applicant, simply a sign structure bolted to the column of a building. She indicated nothing about the design was integrated with the architectural design of the building, which was the intent stated in the *Code*, but rather that the sign was a giant red illuminated spear intended to draw attention to one single business. She said that was not fair to other businesses, particularly other movie theatres. She stated to that point, no other business had ever been provided the same opportunity for an outrageously tall sign. She declared she was a firm believer in an even playing field and making every effort possible to ensure the sign code was extended to every business for an equal chance for signage and visibility, however, the playing field for this particular sign was so skewed it was unsupportable.

Ms. McLaughlin announced that every business in the city would expect the same treatment. She said the sign would be taller than any typical business sign allowed under the *Sign Code*. She referred to her samples for comparison of the proposed sign to other signs nearby in the City. She reported that the theatre building itself, given the increased wall signage allowed by the recent variance granted by SCAAB; was a large two-sided billboard, eight oversized movie posters, each thirteen feet wide by nineteen feet tall, displayed on the south and west sides of the building and intended to attract the attention of the drivers along I-10, which was two thousand square feet of posters; two and half times more advertising space than any other business was allowed.

Ms. McLaughlin referenced the claims of applicant stating the sign had historic precedent, like Tucson's Rialto and Fox theatres. She stated that for the applicant to equate historic icons to the one hundred foot tall spire sign was ridiculous. She said despite the applicant's claim, the sign was a very definition of a roof sign, which was a prohibited sign type in the *Sign Code* and was defined as a sign that was erected upon, against or directly above a roof or on top of or directly above the parapet of a building.

Ms. McLaughlin said she had many issues with the proposed sign not meeting the stated criteria and intent of the PAD15 zoning; which was the document that identified and regulated every aspect of the development. She gave the following questions for the Mayor and Council to consider;

- Why bother with the zoning?
- Why not repeal the *Unified Development Code* and the PAD15 document and simply give developers whatever they want?

Ms. McLaughlin continued her argument and stated that on pages 39 to 40, under side opportunities, constraints, and PAD responses, there was a statement that read, "This PAD proposal includes specialized buffering and setback elements for residential uses, which recognize the constraints of a nearby salvage yard, railroad tracks, and the interstate; and which protect future residents from their impacts." She said if future residents were to be protected from the railroad and the interstate, then why were we then

inflicting upon them a one hundred foot tall, red-illuminated sign. She said on page F-10, it stated that the tallest way-finding sign was approximately eight feet tall yet the applicant had the Mayor and Council believing nobody would be able to find the theatre without a one hundred foot tall spire sign. She said people were having no trouble at all locating the existing establishments on the property and having this sign was not compatible with the enjoyment of open space and natural resources.

Ms. McLaughlin continued to refer to the zoning documents regarding the case to further her argument of the sign height being unnecessary. She said the PAD zoning clearly limited the building height to sixty feet and in order to increase building height from sixty feet to one hundred feet, constituted a major amendment to the PAD15 document and also required a separate process of approval by the Mayor and Council. She said the most interesting was the segment in the zoning documents entitled, "Commercial Development Standards for SubAreas A, D, E, &F." She said the theatre parcel was in subarea A; the maximum building height noted for buildings in subarea A was sixty feet. She stated that at the SCAAB hearing and again here at the meeting tonight, the Applicant was insisting that the spire sign was an integral part of the building. She said the PAD15 zoning clearly limited the building height to sixty feet. Increasing the building from sixty feet to one hundred feet constituted a major amendment to the PAD15 document and therefore required a separate process for approval by the Mayor and Council

Ms. McLaughlin stated that she had spent the last three decades volunteering on committees whose focus was for good and fair signage for all Tucson businesses and if a one hundred foot tall sign was allowed then all the effort on the part of many, to the benefit of Tucson, would have been wasted and stated why. She concluded by urging the Mayor and Council to reject the appeal and if not, she urged that they limit the grant to no more than sixty feet building height allowed in the PAD15 document.

Mr. Rankin advised the Mayor and Council he was able to review the written materials which Ms. McLaughlin submitted, and found that much of it could be entered in to the record. He stated there was an initial page, which was an exhibit that was part of what was considered by the Board. He said there were only three pages that had to be removed and the rest of the documents were excerpts from the PAD document for the Bridges itself and there was no objection to that.

Mayor Rothschild questioned if the Mayor and Council already had those documents as part of the item or were they documents they would receive to look at.

Mr. Rankin replied he was not sure about the depiction of different signs and the applicant's exhibit G on how those were tracked in the material the Mayor and Council had already received, but would take a more detailed look.

Mr. Juneman rebutted that the term, integrated architectural feature, was not defined in the *Code*; so he deferred to a common usage definition. He said they showed at the hearing that the support pole and sign was tied to the foundation and wall, which he

felt was integrated into the building. He reiterated that the spire sign had historic roots in theatres. He stated for over a century, theatres used vertical marquis to attract motorists to their theatre, and Century Theatres were doing that in this three hundred fifty acre mixed development along the freeway. He advised it was an appropriate feature for the location and might not be appropriate in other locations.

Mr. Juneman referenced that the *Zoning Code* and *Sign Code* were two separate codes; the *Zoning Code* did not permit signs and deferred to the *Sign Code*. He said in this case an integrated architectural feature did not have a height limitation or dimensional limitations because each building had different architectural elements. He declared that the *Sign Code* stated that this type of matter was reviewed by the Board who determined whether it was appropriate or not. He said in that decision, three members deemed the sign appropriate and one did not, not due to the sign not being an integrated architectural feature, there was simply a concern about the height blocking the mountain views.

Council Member Uhlich inquired about the light illumination and if the sign met the dark sky ordinance or not. She also asked if the allowable light emitted from the sign was related to the size of the sign.

Ms. Ewing-Gavin responded that the sign had to be compliant with the dark sky ordinance and the lighting code and asked the Sign Code Administrator to clarify the size.

Russlyn Wells, Planning and Development Services Department, Sign Code Administrator, advised the sign was restricted in terms of the amount of lumens it could have and needed to conform to the *Outdoor Lighting Code*.

Council Member Uhlich asked if the size of the sign created an additional entitlement for lumens.

Ms. Wells replied it did not.

Council Member Uhlich questioned the applicant about the implications of reducing the height of the sign to sixty feet instead of one hundred feet.

Mr. Juneman clarified that under the PAD, with the allowed exceptions; the height for a spire feature could go up to about seventy-seven feet, although through allowed code exceptions and without a major amendment to the PAD, it was a minor administrative amendment. He stated Century Theatres had fourteen of these spire signs around the country and the vast majority of them were in the ninety to one hundred foot range. He said they found that in major commercial centers, that had buildings surrounding them, the ninety to one hundred foot range was the optimal range for way-finding for the sign.

Council Member Uhlich wondered if the purpose for the sign was for way-finding within the development versus from the highway or major arterials.

Mr. Juneman stated the sign was not illuminated towards the freeway and was not intended to attract visibility from the freeway, it was intended to attract motorists once they exited onto Kino Parkway to assist with navigation.

Council Member Cunningham asked if there were any other movie theatres in town with a sign this size.

Mr. Juneman replied not in Tucson.

Council Member Cunningham stated the *Sign Code* was set up so that square footage was proportionate to the square footage on the sign, and due to the sign being long and narrow, would there be a variance off of the square footage allowed as well.

Mr. Juneman said he wanted to clarify that the size of the sign. He said the integrated architectural feature was the spire and not all considered a sign. He stated the sign area was the Century letters that would be on the sign, so the sign area was the box around the letters and the remaining space was the spire, the integrated architectural feature. He said in regards to the lumens, he said in the *Outdoor Lighting Code*; lumens were calculated on an acre/whole property basis and the lumens on the property had to stay within those guidelines.

Council Member Cunningham wanted to know what the *Sign Code* called for in square footage and if the proposed sign was in compliance. He said if it was not in compliance and a variance was being granted, he wanted to know big a variance they would be granting.

Mr. Juneman replied the sign area for the Century Theatres on the spire was about one hundred sixty-five square feet and was underneath the total cap for signage on the front of the theatre. He stated they were in compliance with the total sign area under the *Sign Code*; however, what they were asking for was the additional height on the spire feature not on the sign.

Council Member Cunningham clarified that they were looking for the twenty-six feet which was the difference between the seventy-four feet allowed and the one hundred feet being requested.

Mr. Juneman responded that the *Zoning Code* did not allow for a sign to be placed on a spire; it was a situation where the *Sign Code* and the *Zoning Code* were completely separate and could not be used in conjunction. He said they had to use the *Sign Code* to allow for the integrated architectural feature to put a sign on.

Council Member Cunningham stated he wanted to know if the neighbors wanted the sign to be the beacon in their neighborhood or if they felt this would be something that would denigrate the neighborhood.

Mayor Rothschild commented that in the record there were approximately twenty letters in support of the sign.

Mr. Juneman added there was a Design Review Committee for The Bridges that included two neighborhood representatives. He said there was unanimous support from the Bridges Design Review Committee for the spire sign as well.

Ms. McLaughlin stated she wanted to make a comment. She said she had to go back to the Broadway Village Development where she requested documents from the Ward 6 Office. She said the Broadmoor Neighborhood Association was paid ten thousand dollars by the developer of that property. She stated she was not saying that had happened in this case, but she had already submitted a request for public records on this project.

Council Member Fimbres explained his motion stating that for more than ten years, the four affected neighborhoods, Pueblo Gardens, Las Vistas, Western Hills and South Park had worked with the developers to turn The Bridges from a dumping site with growing weeds and garbage to the beautiful marketplace that was now there. He said these four affected neighborhoods had no grocery store, no pharmacy, and no opportunities, however, now through the work with the developers there was a Costco, Walmart Super Center, Culvers Restaurant, Mattress Store, Starbucks, and soon the Cinemark Century Theatres, Lin's Chinese Buffet, Planet Fitness, and the first Dave and Busters in Pima County.

Council Member Fimbres said these four neighborhoods were the leaders and key cheerleaders for changes at The Bridges. He stated their overwhelming support was shown through their letters to SCAAB to approve this proposal and were also joined by the Tucson Market at the Bridges design committee. He declared this spire was not a precedent setting case and the Mayor and Council previously voted to allow St. Mary's Hospital to place a new cross on its building on September 19, 2012. He said the spire was contextual in the terms of size of the overall development of The Bridges and would not obstruct a scenic view since the theatre was being built on a parcel along I-10.

Council Member Fimbres said the spire was deemed an integrated architectural feature being constructed within the building and extended from the foundation through the roof. He confirmed the decision was solely for the spire at the Cinemark Theatre. He stated the Mayor and Council previously voted to approve the amended development agreement in 2010 which resulted in development and jobs for the Tucson's Southside. He commented it would be sad if the Mayor and Council voted to rescind the decade long work of the four affected neighborhoods, developers and the City.

It was moved by Council Member Fimbres, duly seconded, that Mayor and Council reverse the decision of the Sign Code Advisory and Appeals Board and grant the Appellant's request.

Council Member Uhlich addressed Ms. McLaughlin, and said she appreciated what she said about the Mayor and Council being careful and taking actions that could entitle all businesses to expect the same treatment. She said she thought Council Member Fimbres was right in his ability to differentiate what made this particular site different from any other site of development in terms of it being a large PAD, the work of the neighborhoods to draw commercial development, and the unique features and landscape of the location. She acknowledged the work of Ms. McLaughlin and the effort that went into presenting the materials. She stated that she was inclined to support the motion.

Council Member Romero asked if there was every any conversation amongst the stakeholders, neighbors, developers, and Council Office with regards to bringing the spire sign down to less than eighty feet.

Mr. Juneman replied that discussion was never brought up by the neighbors; they had always been in support of the spire. He stated that under the Board rules they did not have to do a neighborhood meeting; however, they did a voluntary neighborhood meeting and gained support there. He said there was never a request from the immediate neighbors to reduce the height and the other body that could have made that request would have been the Design Review Committee for The Bridges, but said they were in full support. He stated they never came to any stakeholder discussions of reducing the height.

Council Member Romero wondered if there was a particular reason why Mr. Juneman stated throughout the country there were only fourteen other Century Theatres that had a sign this tall.

Mr. Juneman stated it was a new architectural element for Cinemark and Century branded theatres and had only begun implementing those at new theatres since 2012.

Council Member Romero stated she supported and respected the opinion and input of the neighborhoods in the area and Council Member Fimbres. She said that particular area was very similar to Ward 1 and she understood the hunger of the surrounding residents wanting to see retail and commercial development and investment in the neighborhoods. She commented they had recently approved a Planned Area Development plan on Irvington and I-19 and the needs of those neighborhoods were similar as well.

Council Member Romero commented that it reminded her of what the neighborhoods wanted to see and how they worked with developers to see what they needed in the area. She said she was glad to see the support and wanted to make sure that it was appropriate development for the area. She said she would be supporting the motion because the residents in the area wanted to see it happen. She said she

appreciated the differentiation, as Council Member Uhlich mentioned, of why this particular sign made sense in the area and probably would not in other areas.

Council Member Cunningham said he did not like the spire and thought it was too big. He stated he wanted to make sure the Mayor and Council knew what they were doing. He advised by voting for the spire it was the beacon of architecture in that neighborhood for at least the next fifty years and would be the defining piece of the neighborhood. He said he backed the neighbors, but wanted to be sure everyone understood the spire would be the inspiration of the neighborhood, and he said he had some misgivings with the lighting and the dark skies; however, he would support the motion.

Council Member Kozachik shared the same concern regarding the dark skies; however the questions were answered appropriately. He said with respect to precedent, every case was unique and would rise and fall on its own merits, and we did not have many three hundred and fifty acre sites around Tucson in which a spire this size could be considered in.

The motion to grant the Appellant's appeal and reverse the decision of the Sign Code Advisory and Appeals Board was carried by a voice vote of 7 to 0.

Mayor Rothschild gave a brief explanation of how the process would proceed on the remaining agenda items. He question why the privilege tax and Reid Park Zoo, which were part of the budget, were being considered afterwards.

Michael Rankin, City Attorney, informed the Mayor and Council that they could be considered before or after. They were independent decisions about whether they were going to approve those items with respect to the Zoo and if rejected either before or after the budget adoption, then there would be a hole in the budget one way or another.

**12. PUBLIC HEARING: 2017 BUDGET AS TENTATIVELY ADOPTED ON MAY 17, 2016**

(NOTE: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 210, dated June 7, 2016, 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 Budget as tentatively adopted on May 17, 2016.

Mayor Rothschild announced the public hearing was scheduled to last no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone wishing to speak on the item.

Brent Davis spoke in opposition to the surcharge on the bed tax in the budget.

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

Mayor Rothschild announced the Mayor and Council would recess the regular meeting and convene a special meeting for the purpose of adopting the budget.

**RECESS: 9:17 p.m.**

**RECONVENE: 9:37 p.m.**

(Note: See minutes of the Special Mayor and Council Meeting of June 7, 2016 regarding the Final Budget Adoption for Fiscal Year 2016.)

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:

Michael J. Ortega	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

**11. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 19) RELATING TO LICENSES AND PRIVILEGE TAXES**

(NOTE: This item was taken out of order.)

Mayor Rothschild announced City Manager's communication number 209, dated June 7, 2016, 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 Truth in Property Taxation.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone wishing to speak on the item.

There was no one.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing and direct staff to perform all functions required by law.

Mayor Rothschild stated adoption of the primary and secondary property tax ordinances were scheduled for June 21, 2016, the next meeting.

**9. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 19) RELATING TO LICENSES AND PRIVILEGE TAXES**

Mayor Rothschild announced City Manager's communication number 200, dated June 7, 2016, 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 proposed amendments to Chapter 19 of the Tucson Code relating to licenses and privilege taxes.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone wishing to speak on the item.

There was no one.

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 11369 by number and title only.

Ordinance No. 11369 relating to Taxation; adopting the 2017 Tax Amendments to the Tucson Code, Chapter 19; relating to Article I, Division 5, Tax on Hotels Renting to Transients, Section 19-66 – Tax Imposed; nature and source of transient rental occupational license tax; and Article III, Public Utility Tax, Division 4, Public Utility Tax, Section 19-1070 – Telecommunication Services; and Section 19-1080 - Utility Services; setting an effective date; and declaring an emergency.

Vice Mayor Kozachik stated that he had spoken with operators as well and they understand the City began with a \$42 million deficit and even the Tucson Police Department (TPD) had gone into their pocketbook for a net of \$8 million. He said they were not happy but understood everyone needed to play a role in this.

It was moved by Vice Mayor Kozachik, duly seconded, and passed by a roll call vote of 7 to 0 to pass and adopt Ordinance 11369.

**10. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 21) RELATING TO CHANGES IN FEES FOR ADMITTANCE TO THE REID PARK ZOO**

Mayor Rothschild announced City Manager's communication number 191, dated June 7, 2016, 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 proposed changes to the schedule of fees for admittance to the Reid Park Zoo.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone wishing to speak on the item.

There was no one.

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 11367 by number and title only.

Ordinance No. 11367 relating to Parks and Recreation; increasing Reid Park Zoo admission fees by amending Chapter 21, Section 21-51, of the Tucson Code; providing an effective date for the increase; and declaring an emergency.

Vice Mayor Kozachik said he was looking forward to the two new exhibits and the one hundred fifty thousand in capital improvements.

It was moved by Vice Mayor Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11367.

**11. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 19) RELATING TO LICENSES AND PRIVILEGE TAXES**

(Note: This item was taken out of order and considered after item 8.)

**12. PUBLIC HEARING: 2017 BUDGET AS TENTATIVELY ADOPTED ON MAY 17, 2016**

(Note: This item was taken out of order and considered after Item 8.)

**13. APPEAL: (T16SA00085) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION - CENTURY THEATRES, 1300 EAST TUCSON MARKETPLACE BOULEVARD**

(Note: This item was taken out of order and considered after Item 8.)

**14. ANNEXATION: RIVER AND KINO ANNEXATION DISTRICT, ORDINANCE ADOPTION**

(Note: This item was taken out of order and considered after Item 7.)

**15. ZONING: (C15-15-05) ESTABLISHING ORIGINAL CITY ZONING FOR THE RIVER AND KINO ANNEXATION DISTRICT, COUNTY CR-1 AND SR TO CITY RX-1 AND SR, ORDINANCE ADOPTION**

(Note: This item was taken out of order and considered after Item 7.)

**16. ZONING: (C9-16-02) CLINE/DARLING – RIVER ROAD, SR TO O-2, CITY MANAGER'S REPORT**

(Note: This item was taken out of order and considered after Item 7.)

**17. ZONING: (C9-16-03) PEPPER VINE – PIMA STREET, SR TO R-1, CITY MANAGER'S REPORT, ORDINANCE ADOPTION**

(Note: This item was taken out of order and considered after Item 7.)

**18. ZONING: (SE-16-16) VERIZON – BROADWAY BOULEVARD, SR ZONE, WIRELESS COMMUNICATIONS FACILITY, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION**

(Note: This item was taken out of order and considered after Item 7.)

**19. CITY MAGISTRATE: APPOINTMENT OF CITY MAGISTRATE AND FIXING COMPENSATION**

(Note: This item was taken out of order and considered after Item 7.)

**20. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Rothschild announced City Manager's communication number 207, dated June 7, 2016, was received into and made part of the record. He asked if there were any personal appointments.

There were no personal appointments.

**21. ADJOURNMENT:** 9:41 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, June 21, 2016, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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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 7<sup>th</sup> day of June 2016, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:km:agj