



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on November 8, 2017.

Date of Meeting: February 22, 2017

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 5:33 p.m., on Wednesday, February 22, 2017, 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	Vice Mayor, 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	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 Randy Reynolds, Community Renewal, after which the Pledge of Allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager’s communication number 50, dated February 22, 2017, 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 Vice Mayor Romero and Council Members 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 51, dated February 22, 2017, 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 52, dated February 22, 2017, 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. Broadway Pizza, Ward 6
4558 E. Broadway Blvd. #101
Applicant: Marcos Diego Ortiz
Series 12, City 98-16
Action must be taken by: February 24, 2017

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

2. Twisted Tandoor, Ward 3
4660 E. Camp Lowell Dr.
Applicant: Aric Kaiser Mussman
Series 12, City 1-17
Action must be taken by: March 3, 2017

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

3. Villa Peru Restaurant, Ward 3
1745 E. River Rd. #165
Applicant: Frida Hortencia Hunt
Series 12, City 2-17
Action must be taken by: March 5, 2017

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/Location Transfer(s)

4. Cinemark Tucson Marketplace, Ward 5
1300 E. Tucson Marketplace Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 7, City 3-17
Action must be taken by: March 9, 2017

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 both the applicant's capability qualifications reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Santa Cruz Parish, Ward 5
1220 S. 6th Ave.
Applicant: Rebecca Marie Lujan
City T5-17
Date of Event: May 20, 2017 - May 21, 2017
(62nd Annual Fiesta de la Familia)

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

2. North Fourth Avenue Merchants Association, Ward 6
4th Ave. from 8th St. to University Blvd.
Applicant: Monique Marie Vallery
City T7-17
Date of Event: March 24, 2017 - March 26, 2017
(Fundraising Civic Event)

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

3. Tucson Children's Museum, Inc. dba Children's Museum Tucson, Ward 6
200 S. 6th Ave.
Applicant: Autumn Bradley Rentmeester
City T9-17
Date of Event: April 8, 2017
(Yelp-"Pley" Event 2017)

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

4. Saint Thomas the Apostle Roman Catholic Parish Tucson, Ward 6
134 S. 5th Ave.
Applicant: Michelle Lynn Garmon
City T10-17
Date of Event: March 4, 2017
(Silent Dinner Fundraising Event)

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

5. Santa Cruz Catholic Church, Ward 5
1220 S. 6th Ave.
Applicant: Rebecca Marie Lujan
City T13-17
Date of Event: March 4, 2017
(8th Annual Car Show)

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

6. Rillito Park Foundation, Inc., Ward 3
4502 N. 1st Ave.
Applicant: Jaye Howard Wells
City T15-17
Date of Event: March 4, 2017
(Fundraiser)

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

- d. Agent Change/Acquisition of Control

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

It was moved by Vice Mayor Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b4 and 5c1 through 5c6 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.”

Comments were made by:

Christopher Gates
Shawn Burke
Colette Altaffer
Dan Linhart

Lena Rothman
Rolande Baker
Jim Parks

Bonnie Poulos
William DuPont
Dan Porzio

Vice Mayor Romero directed staff to schedule a round table meeting with community groups involved at the rally.

Council Member Kozachik directed staff to provide the drainage report from the civil engineer for Ms. Altaffer.

Mayor Rothschild directed staff to provide a memo to Mr. Porzio for clarity of development meetings relating to Houghton Road.

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 E

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 FEB22-17-60 CITY WIDE
 - 2. Mayor and Council Regular Meeting Minutes of July 6, 2016
 - 3. Mayor and Council Study Session Legal Action Report and Summary Minutes of July 6, 2016

- b. FINAL PLAT: (S16-040) GRADE SCHOOL, LOTS 1 TO 7
 - 1. Report from City Manager FEB22-17-53 WARD 5
 - 2. Staff recommends that the Mayor and Council approve the plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- c. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR CONTINUATION OF THE CONSORTIUM AGREEMENT FOR THE ADMINISTRATION OF THE PIMA COUNTY SECTION 8 HOUSING VOUCHER PROGRAM
 - 1. Report from City Manager FEB22-17-54 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 22712 relating to Intergovernmental Agreements (IGA); approving and authorizing an IGA between Pima County and the City of Tucson (City) for the continuation of the Consortium Agreement for the administration of the Pima County Section 8 Housing Voucher Program; and declaring an emergency.

- d. CITY VEHICLES: ANNUAL APPROVAL OF EXEMPTION OF CERTAIN CITY VEHICLES FROM BEARING IDENTIFYING MARKINGS
 - 1. Report from City Manager FEB22-17-55 CITY WIDE
 - 2. Resolution No. 22713 relating to City Vehicles; pursuant to A.R.S. Section 38-538.03(B), exempting certain City motor vehicles from the requirement that they bear markings identifying them as City vehicles; making this exemption effective from February 28, 2017 through and including February 27, 2018, and declaring an emergency.

e. **TRANSPORTATION: ADOPTION OF THE BICYCLE BOULEVARD MASTER PLAN**

1. Report from City Manager FEB22-17-62 CITY WIDE
2. Resolution No. 22714 relating to Transportation; adopting the City of Tucson (City) Bicycle Boulevard Master Plan; and declaring an emergency.

(NOTE: Council Member Kozachik departed at 6:25p.m.)

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Kozachik absent/excused), that Consent Agenda Items a – e be passed and adopted and the proper action taken.

8. PUBLIC HEARING: SWAN AND VALENCIA EAST ANNEXATION DISTRICT

(NOTE: Council Member Kozachik returned at 6:27 p.m.)

Mayor Rothschild announced City Manager's communication number 56, dated February 22, 2017, was received into and made part of the record. He also announced this was the time and place legally advertised for the proposed Swan and Valencia East Annexation District. He said the public hearing was scheduled to last no more than one hour and speakers were limited to five-minute presentations.

Mayor Rothschild reminded the Council this was an area that had thirteen hundred, eighty-four taxable parcels with twelve thousand, and ninety-eight property owners. He also reminded those present for the item that this was not the time for the determination of the annexation but only the determination to go out and begin collecting signatures to determine whether or not the residents in the area wished to be annexed.

Comments in support or opposition to the Swan and Valencia Annexation were made by:

George DeGon

Elaine Hubbell

Raj K. Kohli.

Discussion ensued regarding state shared revenues and state sales tax and how the City received funding from those two areas.

Mayor Rothschild asked the City Attorney and staff from the Annexation Department to get with Ms. Hubbell on her concerns.

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

It was moved by Council Member Fimbres, duly seconded, and carried by voice vote of 7 to 0, to move forward with this item.

11. ANNEXATION: JOHN AND DOROTHY JONES ANNEXATION DISTRICT, ORDINANCE ADOPTION

(NOTE: This item was taken out of order at the request of Council Member Kozachik)

Mayor Rothschild announced City Manager's communication number 59, dated February 22, 2017, was received into and made part of the record. He asked the City Clerk to read Ordinance 11438 by number and title only.

Ordinance No. 11438 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 John and Dorothy Jones Annexation District property, more particularly described in the body of this 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 11438.

Roger W. Randolph, City Clerk, announced since Items 9 and 10 were related they would be considered together. First would be the public hearing on Item 9 and at the end of the hearing, the Mayor and Council would move to consider Item 10. He said if the Historic Preservation Zone (HPZ) boundaries were approved, then the Mayor and Council would return to Item 9 for final consideration of the rezoning.

9. PUBLIC HEARING: ZONING (C9-16-13) TRINITY PRESBYTERIAN CHURCH PAD (H) – UNIVERSITY BOULEVARD AND 4TH AVENUE, C-3 AND R-3 TO PAD (H) ZONE, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 57, dated February 22, 2017, 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 replace the underlying zoning with PAD (H) for a mix of land uses. He said this was a companion case to C9-16-12 West University HPZ Boundary Amendment.

Mayor Rothschild said the Zoning Examiner and staff recommend approval of the PAD (H) Zoning. He asked if the applicant or representative was present and agreeable to the proposed requirements as set forth.

Randi Dorman, R+R Develop on behalf of the developer stated they were in agreement with the proposed requirements. She provided information and gave a brief presentation on behalf of the property owner, Trinity Presbyterian Church.

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

The following individuals spoke either in support or opposition to the request:

Ani Weinman	Tom L. Brown	George Jenson
Kenny Langoile	Stacey Bouffard	Scott Henderson
Tom Warren	Richard Mayers	Eric Oxman
Chris Gans	Mark Erman	John Burr
Larry Medlin	Peter Wilke	Walter Lovejoy
David Weinman	John Burcher	Liu Nai Lin
Shawn Burke	Fred Ronstadt	

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

Ms. Dorman acknowledged change was hard for everyone and said she understood that. She stated that was the reason they worked so hard with the neighborhood. She said there were a few comments made that were not factually correct. She indicated the traffic study that was referenced used the wrong chart and should be Chart 1A of the Planned Area Development (PAD). She said she wanted to reinforce that they spent over a year and a lot of money to do the rezoning process. The comments made about them being able to do a good project at thirty-six feet, were mal-informed, otherwise they would have done that over a year ago. She said she would be happy to speak to those constituents individually and explain that further.

Ms. Dorman continued stating that a parking study had been done and there was more than sufficient parking on the site for fifty-five residential units. As far as the historic landmark issue, she said it was relatively new, but was included for the 1924 building. She said regarding the remaining buildings, was up to the church. She commented they were highly supportive of creating a new process and from the very beginning said they would have much preferred to do a variance.

Ms. Dorman said they did not plan on doing structured parking and had been asked to exclude it and had put it as a special exception. She said before their first zoning hearing, the West University Neighborhood Association (WUNA) gave them a list of twenty-four requests the night before the meeting which included structured parking. She said it was agreed that it could stay as a special exception and was surprised to hear that it was a major concern when she thought it had been taken care of.

Mayor Rothschild announced they would now have discussion on Item 10.

10. ZONING: (C9-16-12) WEST UNIVERSITY HISTORIC PRESERVATION ZONE BOUNDARY AMENDMENT – UNIVERSITY BOULEVARD AND 4TH AVENUE, HC-3 AND HR-3 TO C-3 AND R-3, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 58, dated February 22, 2017, was received into and made part of the record.

Council Member Kozachik thanked everyone for their work through this lengthy process. He said the Infill Incentive District (IID) had not resulted in the District. He said the District was a project that occurred under a prior mayor and city staff that did not involve any public process or mayor and council vote and was concocted at the time by a group of people who felt they needed to demonstrate a win coming out of the recession and resulted in the IID, not the reverse. He said the current process was good, had significant public processes, and the Mayor and Council had successfully gone back and revisited the IID for changes.

Council Member Kozachik stated that as far as the Historic Preservation Zone (HPZ) process it needed to be revisited and he already had conversations with staff regarding the need to move the process forward on a very inclusive basis as to how to do HPZs without having to go through the process again. He asked that future boundary amendments be placed on hold until the process of historic rezoning was discussed as there was currently no benefit of a well vetted design process.

Council Member Kozachik continued stating this was a good project compared to what it could be and the City was yet again in the same situation where they were “backed into a corner.” He said this was typical of Ward 6 and it was not going away; they wanted to get it right because of the surrounding neighborhoods such as the University of Arizona, well established historic neighborhoods, development along the StreetCar route, etc. He said this was the first time they had really been confronted with the issue of re-drawing a boundary on an HPZ and there was a precedent setting basis for that and this project was a poster child for doing that. He said it had gone through four plus years, a couple dozen public meetings and processes, and multiple zoning examiner meetings.

Council Member Kozachik stated with all that being said, he wanted to try and draw some of the promises and commitments made together with what the Mayor and Council was agreeing to such as capping the cubic yards to fifty-five or fifty-six thousand cubic yards instead of the proposed versus what was allowed.

Ms. Dorman replied they had demonstrated what could be built there today and compared to what they had planned to build, which were the plans they had been moving forward with. She said in the first draft of the PAD, they had put in a ten percent volume reduction, and WUNA told them that was not enough, so they doubled it to twenty percent. She stated their plan was to go higher than that, but they also felt they should not have zero wiggle room in the PAD for unforeseen circumstances.

Mayor Rothschild mentioned that he wanted more certainty regarding proposed numbers on the zoning and also had concerns that if the project did not work, future zonings would be based on the project by right. He said he wanted to make the project work, but at the same time have certainty for everybody.

Ms. Dorman added that in addition to changing the volume reduction, they also voluntarily added additional design review steps. She said the design of the building was contingent upon both the volume, as well as, going through various design reviews.

Council Member Kozachik made reference to the structured parking and stated that it did not sound like Ms. Dorman objected to it because they had not envisioned it anyway. He said he understood the difference between the special exception process and just an exclusion, but in as much as, it was not a part of the proposal anyway, if it alleviated some of the concerns, why not.

Ms. Dorman responded she would very carefully be open to structured parking, but did not have any real plans for it. She said they would cautiously consider it in exchange for height, but felt they had put in a lot and had come to the hearing giving a lot.

Council Member Kozachik asked staff questions regarding adjacencies. He said one concern was about the historic character of the surrounding area. He asked how the historicity of the site was being preserved within the guidelines of the PAD (H).

Jim Mozzacco, Zoning Examiner, replied there were a couple of things that made this more historic. He said while it was being removed from the HPZ, by moving the boundary within the PAD document, there was a process that reinstated the historic status of the Trinity Church and a historic process it went through. He stated all of the buildings still had to go through the historic review process because they were in a HPZ. He said even the new modern buildings had to go through the neighborhood advisory board, the plans review subcommittee, and the IID. He said they were being looked at both from a historic design review and an infill design review.

Council Member Kozachik stated another adjacency that was important was Time Market and Building #2. He said that was a three-story building and parking setback. He said there were concerns about massing on the face on University Blvd which was immediately adjacent to Time Market.

Ms. Dorman responded there would be parking. She said the first floor would be elevated and the two stories above it were offices and in residential, you could do a shorter floor to ceiling height, but for office and commercial use, it was the higher ceilings they desired. She said that was why they needed the fifty feet for larger space and mechanical space.

Mr. Mozzacco explained the process of determining and adjusting setbacks. He said in relationship to historic surroundings, you look at what was around you and figure out the correct setback so that the new building blended in.

Mayor Rothschild asked the architect of the project to speak and answer questions regarding setbacks with respect to Time Market.

Rob Poulos, Architect, said that in the Mayor and Council Materials, page 80, it talked about the process. He said the idea was to continue the fifteen foot courtyard that was part of Time Market, replicate it on the other side and then the building stepped up from that point at ten feet, then another twenty feet, to get a two-story building. He said the height would be limited to thirty feet from that point.

Mayor Rothschild asked staff if the zoning was amended and approved, was there still a design phase that would go forward. He asked if the Mayor and Council would be able to see the design again.

Mr. Mazzocco replied that currently, as written, they would not, but it did not mean they could not.

Council Member Kozachik said the Mayor and Council were agreeing to maximum design standards. He said he wanted to hear that fifty-eight thousand cubic yards was an acceptable envelope, thirty feet would not be exceeded in the immediately adjacent structure to Time Market, the structured parking was excluded and the setback was on Fourth Avenue only.

Mayor Rothschild reiterated that, at the beginning of the discussion, Ms. Dorman was asked if she was agreeable to the proposed conditions and requirements, to which her response was "yes." He said now there were three or four points presented by Council Member Kozachik that he heard Ms. Dorman respond by saying, "yes, that's what we are planning on doing." He asked how much of the "wobble room" she was willing to do.

Ms. Dorman responded that they always wanted the project to be a great precedent-setting project with assurances in place for the neighborhood and her as well. She said they were open to increasing the reduction on the volume, the structured parking was not needed, and the setback on Fourth Avenue only was okay. She clarified that directly next to Time Market, there was an area that had to be thirty feet before it went up to fifty feet.

Mr. Poulos stated that in the PAD document, they could not build within the first ten feet, the next twenty feet, they could go thirty feet high, which was two-story, and then they would have the office buildings.

Council Member Kozachik asked if the thirty feet to the south was immediately adjacent to Time Market.

Ms. Dorman replied it was, but that building also had fifty feet on it.

Council Member Kozachik stated what they should codify in the PAD (H) was what was being agreed upon, the portion of Building 2, which was immediately adjacent to Time Market, did not exceed thirty feet.

Mr. Poulos answered in the affirmative and stated that was in the PAD document.

Ms. Dorman pointed out that the illustration in their materials on the left hand side was what the building would look like.

Council Member Kozachik stated he wanted to make a motion and to include the four bullet points in the PAD (H). He asked staff for direction on how to do that since the two items were being considered together and one was about redrawing the boundaries and the other was about the PAD (H).

Michael Rankin, City Attorney, suggested that those conditions should be part of the approval of the PAD (H). He said because of the process, the HPZ portion needed to be done first procedurally and include the conditions to the approval of the PAD (H).

Council Member Uhlich stated she wanted to make sure on the adjacency question. She asked if Time Market was only thirty feet deep off University Boulevard. She said that the motion could not state the adjacency to Time Market could go up to fifty because the first tier was thirty feet, ten feet at no height, thirty feet for twenty feet which was thirty feet into the structure and there was still adjacency to Time Market, but would then step to fifty feet after the thirty foot tier.

Ms. Dorman replied that was the way it was currently written in the PAD.

Council Member Uhlich said she just wanted that clear because if they said the adjacent structure to Time Market could not exceed thirty in the motion; that conflicted with how she saw it in her mind. She said she wanted to make sure the wording was clear in the document in terms of what was being contemplated.

Mr. Rankin reiterated that on page 80 of the document itself, it was clear that it was what Council Member Uhlich had described.

Council Member Uhlich stated that in terms of the Design Review process, the four bullet points would not come back to the Mayor and Council for review. She asked if those processes were advisory or binding. She said this was where the District and Main Gate unraveled a bit because the design pieces were either not implemented ultimately or some things escaped that process that probably would have strengthened the project. She said there was a good design team in place who cared about the process, but it needed to be clear that they were advisory processes and not suggest that anybody would be able to veto from this point forward what the design of the process should be.

Mr. Mazzocco replied they were advisory. He said the Planning and Development Services Director made the final decision that they were in compliance with the PAD document.

Council Member Uhlich said this was a very important decision and carving something out of the HPZ concerned her. She said it was not intended to be precedent setting, or on the edge of the HPZ, but set into it allowed for erosion in ways she did not think were being anticipated. She talked about the notion of a false choice. She asked about the current R3 and C3 and if the rendering was accurate. She questioned if the development could go right up to the edge of someone's yard without any setbacks and asked what those setbacks were in the current conditions. She asked if it was a thirty-six foot structure, would the minimum setback from any adjacent lot line be eighteen feet.

Mr. Mazzocco stated it was a product of the height and its calculation of the height. He said without the *Zoning Code* before him, he would say that sounded about right.

Council Member Uhlich said she appreciated making a choice and the desire for more open space, which meant more height and massing, but she did not like the idea of false choice and wanted to be clear. She said if this was not allowed, what would be possible on the site. It would include some degree of buffering and setback. She asked if duplexing came in to play and would it be preserved or still be removable.

Mr. Mazzocco replied that R3 was the most intensive residential zone and C3 was the most intensive commercial zone. He said he did not think they were too far off.

Vice Mayor Romero stated that her concern was about removing this area from the HPZ. She asked if there was a possibility of not moving forward with any other amendments to the HPZ before a process and/or protocol could be established. She said she wanted to add definitive language moving forward on the process

Mr. Rankin stated he did not think the City was in a position for the Mayor and Council to give direction that any applications already in the pipeline could not move any further. He said the *Code* was set up such that the applications proceed along a certain timeline and steps. He said the direction was understood with respect to pursuing an alternative path for this type of relief without having to go through a boundary amendment to an HPZ. He said she could give direction to staff in connection with whatever the Mayor and Council decided to do to initiate the process.

Mayor Rothschild commented that the Mayor and Council could not freeze the process, but could direct staff to start addressing the problem and return to the Mayor and Council with a solution.

Council Member Cunningham stated his concerns regarding removing anything from a HPZ, and if the process were to stop, what would happen to the conditions of the church. He also stated that he was in support of the project.

Council Member Scott thanked the developers for being so supportive with everyone's concerns regarding the project.

Mayor Rothschild asked the City Clerk to read Ordinance 11439 by number and title only.

Ordinance No. 11439 relating to Zoning: amending Ordinance 5920 by amending zoning district boundaries in the area located at the southwest corner of University Boulevard and 4th Avenue in case C9-16-12, West University Historic Preservation Zone Boundary Amendment, HC-3 and HR-3 to C-3 and R-3; and setting an effective date.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 1 (Council Member Uhlich dissenting), to pass and adopt Ordinance 11439.

Mayor Rothschild asked the City Clerk to read Ordinance 11437 by number and title only.

Ordinance No. 11437 relating to Zoning: amending zoning district boundaries in the area located at the southeast corner of University Boulevard and 4th Avenue in case C9-16-13, Trinity Presbyterian Church PAD (H) - University Boulevard and 4th Avenue, C-3 and R-3 to PAD (H) - 31; and setting an effective date.

It was moved by Council Member Kozachik to pass and adopt Ordinance 11437 with the following additional conditions:

1. Cap the overall volume and mass at fifty-eight thousand cubic yards;
2. Exclude the Structured Parking;
3. Stepback to the height adjacent to 4th Avenue only; and
4. Building height adjacent to Time Market would not exceed thirty feet.

Council Member Cunningham questioned if someone was removed from the HPZ, could they get back in.

Council Member Kozachik stated all of the historic conditions would be dropped back on top of the application.

Council Member Uhlich explained that if it was not in the HPZ and the PAD was not adopted, then the HPZ protections were not in place anymore. She said the HPZ protections would be removed and the zoning would be R3 and C3 without the HPZ stipulations. She asked if that was correct.

Mr. Rankin replied he had thought about that earlier and how these scenarios could play out by doing an amended boundary first and then act on the PAD. He said the action taken by the Mayor and Council to take it out of the HPZ did not go into effect for thirty days, so in the event that the Council did not approve the PAD (H), then he

recommended bringing back a reconsideration at the next Mayor and Council meeting to undo the decision so that the (H) stayed in place.

Mayor Rothschild stated for clarification that if approved, everything stayed in place.

Mr. Rankin said if they approved the PAD (H), they were done.

Mayor Rothschild reiterated that the Mayor and Council, with the exception of the change made, were actually preserving the rest of the HPZ.

Mr. Rankin responded affirmatively stating that it was built into the PAD.

Ordinance 11437 was passed and adopted by a roll call vote of 7 to 0.

It was moved by Vice Mayor Romero, duly seconded, and passed by a roll call vote of 7 to 0, to direct staff to initiate a text amendment process to provide a mechanism for height adjustments in the HPZ without the need for amending HPZ boundaries.

11. ANNEXATION: JOHN AND DOROTHY JONES ANNEXATION DISTRICT, ORDINANCE ADOPTION

(NOTE: This item was taken out of order and discussed after item 8.)

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 61, dated February 22, 2017, 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 Uhlich, duly seconded and carried by a voice vote of 7 to 0, to approve the reappointments of: Robert Brisley and Mary Jo McClure to the Fort Lowell Historic Zone Advisory Board (FLHZAB), and Martin Belden and William Burks to the Veterans' Affairs Committee (VAC).

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

There were none.

13. ADJOURNMENT: 9:01 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on March 7, 2017 at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 22nd day of February 2017, and do hereby certify that it is an accurate transcription.


DEPUTY CITY CLERK

RWR:amo:sh