



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on December 9, 2008

Date of Meeting: August 6, 2008

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 5:35 p.m., on Wednesday, August 6, 2008, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero
Rodney Glassman
Karin Uhlich
Shirley C. Scott
Nina J. Trasoff
Robert E. Walkup

Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Vice Mayor, Council Member Ward 6
Mayor

Absent/Excused:

Steve Leal

Council Member Ward 5

Staff Members Present:

Mike Letcher
Michael Rankin
Roger W. Randolph
Richard Miranda

Deputy City Manager
City Attorney
City Clerk
Assistant City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Rabbi Samuel M. Cohon, Temple Emanu-El, after which the Pledge of Allegiance was led by the Girl Scout Cadet Troop 565.

Presentations:

- a. Mayor Walkup presented a Copper Plaque to Jerry Gary as an Extraordinary Volunteer, in recognition of his many years of outstanding service to the Tucson Almaty Sister City Committee and to the community.
- b. Mayor Walkup proclaimed the month of September to be "Emergency Preparedness Month." Deputy Fire Chief Raymond Kline and Police Lieutenant Wes Dison accepted the proclamation.
- c. Mayor Walkup proclaimed August 20, 2008 to be the "233rd Anniversary of Tucson." Sharon Chadwick, from the Tucson-Pima County Historical Commission, accepted the proclamation.

10. TRANSPORTATION: RENAMING NORTH JONES AVENUE FROM THE NORTH SIDE OF EL CON MALL TO EAST FIFTH STREET AS "NORTH GUAPO WAY"

(Note: Item 10 was taken out of order.)

Mayor Walkup announced City Manager's communication number 406, dated August 6, 2008, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10574 by number and title only.

Ordinance No. 10574 relating to transportation; renaming North Jones Avenue, from the north side of El Con Mall to East 5th Street, to "North Guapo Way"; and declaring an emergency.

Vice Mayor Trasoff commented this was one of those items that tugs at your heart strings, and also reminds you about what a wonderful and special community Tucson is. She said in January a young man riding his bicycle on the eastside with a friend was killed. She said it was a tragedy, which touched many; and those who knew the family felt it even more deeply. Vice Mayor Trasoff spoke about the young boy's father, stating he was a good family man who had volunteered tireless endless hours with his neighborhood innumerable other ways; but said no family should suffer that kind of loss.

Vice Mayor Trasoff said it was interesting to note it was not the family who came to the Mayor and Council asking they rename the street. It was a neighbor, who said the Council should do this because of this boy known as "Guapo," which meant "handsome" in Spanish. Vice Mayor Trasoff said people in the neighborhood loved the young boy

who grew up on that street, where he learned to play basketball, ride his bike, skateboard, and where he hung out.

Vice Mayor Trasoff commented it was not up to his neighborhood to decide it was all right to rename the street, because the street was part of the neighboring neighborhood, which was enthusiastically in support. Vice Mayor Trasoff announced in memory of Jose Rincon, Jr. “Guapo” they would be renaming Jones Avenue to “North Guapo Way.” She stated the family had prepared a plaque that would go up on the wall of their property, along what used to be “Jones;” and hopefully would soon become “North Guapo Way.”

Vice Mayor Trasoff said she was delighted the community came together this way. On behalf of the family, she gave special thanks to Lucy Amparano from the Transportation Department for her efforts in helping them walk through the process and making this happen so smoothly and so easily. She also thanked everyone who helped make the renaming of the street a reality, from the neighbors, to the family, to the Department of Transportation staff, and to her staff for their work on this.

Vice Mayor Trasoff said it was nice to know that the Mayor and Council could do something, but wished that Mayor and Council did not have to. But given the circumstances, it was an appropriate way to remember a special young man and what he meant to his family and his community.

It was moved by Vice Mayor Trasoff, duly seconded, to pass and adopt Ordinance 10574.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10574 was declared passed and adopted by a roll call vote of 6 to 0.

Vice Mayor Trasoff asked Gabriela Rincon to come up to the podium and speak on behalf of the family.

Gabriela Rincon stated she was the older sister of “Guapo” Jose Rincon Jr. and being a year apart she had the closest relationship a brother and sister could have, which involved countless cherished memories. She said Jones Avenue was a place where some

of those memories were made. When Jones was first closed off there, were temporary metal diamond signs placed on the street. She said that was around the time her parents got an electric golf cart. She said that as everybody test-drove it up down Jones, she and Guapo would sit in the back seat. When the drivers would carefully maneuver through the posts and finally breathe a sign of relief, Gabriela and her brother would lean over and bang the signs, causing the driver to think he or she crashed into the signs.

Ms. Rincon said their reaction was priceless and they would die laughing at the reaction of the driver, and could not wait do it again to the next person. She said that the next year they received a go-cart for Christmas. Jones became the test drive street and they had a blast going up and down street, laughing, eating bugs and getting hit by plants.

Ms. Rincon said another thing she remembered when Jones first closed, was walking to the movie theater and being too lazy to go down to Dodge. Instead, they would crawl underneath the drainage holes on the Palo Verde side and walk into the movies covered in dirt. She said that security must have seen them at some point, because eventually they installed wrought iron bars, and covered the hole.

Ms. Rincon said she also remembered the time when they decided to train for a triathlon. They figured out that going up and down the stretch of street six times equaled a mile. They did it one time and quickly retired their triathlon career. But the most significant thing she remembered was the basketball hoop her parents installed. It became his playground and he spent countless hours practicing by himself, even in the intense heat. She would join him sometimes, but she knew he was better than she was. She also knew how proud he was of her the first time she beat him in a game of knock out; however, she thought he let her win.

Ms. Rincon stated sometimes when she was alone, she liked to go out there and remember all the good times they had on the street. The renaming of the street was very comforting to her because she felt it was his street. She thanked Mayor and Council for officially making Jones Avenue his.

Vice Mayor Trasoff asked the family to come up the podium. Mayor Walkup and Vice Mayor Trasoff presented the family members with a miniature street sign for North Guapo Way.

Roger W. Randolph, City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 393, dated August 6, 2008, was received into and made a 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.

No report was given.

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

Mayor Walkup announced City Manager's communication number 394, dated August 6, 2008, was received into and made a 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.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 395, dated August 6, 2008, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

1. Buffalo Wild Wings Grill and Bar, Ward 1
1390 W. Irvington Rd.
Applicant: Chris Nicholas Miller
Series 12, City 42-08
Action must be taken by August 2, 2008
Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.
Development Services has indicated the applicant is not in compliance with city requirements.

This Item was continued to the meeting of September 3, 2008.

2. Circle K Store #3391, Ward 5
3301 S. 6th Ave.
Applicant: Kim Kenneth Kwiatkowski
Series 9, City 43-08
Action must be taken by: August 7, 2008
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Written Arguments Opposed Filed.

This item was considered separately.

3. Courtyard By Marriott, Ward 6
201 S. Williams Blvd.
Applicant: Sandra Denise Hallinan
Series 11, City 46-08
Action must be taken by: August 18, 2008
Staff has indicated the applicant is in compliance with city requirements.
4. Grand Buffet, Ward 1
1690 W. Valencia Rd.
Applicant: Yun Gan Lu
Series 12, City 47-08
Action must be taken by: August 21, 2008
Staff has indicated the applicant is in compliance with city requirements.

Person Transfer(s)

5. Laffs Comedy Caffe, Ward 6
2900 E. Broadway, Ste. 160
Applicant: Gary Don Bynum
Series 6, City 44-08
Action must be taken by: August 8, 2008
Staff has indicated the applicant is in compliance with city requirements.

Location Transfer(s)

6. Peter Piper Pizza, Ward 1
5385 S. Calle Santa Cruz,
Applicant: Donald Robert Baxla
Series 7, City 45-08
Action must be taken by: August 17, 2008
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event(s)

1. Arizona Theatre Company, Ward 6
330 S. Scott Ave.
Applicant: Sandra B. Um
City T43-08
Date of Event: September 27, 2008
(Annual Fundraising Gala)
Staff has indicated the applicant is in compliance with city requirements.

2. Comite de Festividades Mexicanas, Ward 1
 3700 S. La Cholla Blvd.
 Applicant: Mercedes M. Guerrero
 City T46-08
 Date of Event: September 13 & September 14, 2008
 (To celebrate Mexican Independence Day)
 Staff has indicated the applicant is in compliance with city requirements.
3. Tucson Breakfast Lions Club, Ward 5
 4823 S. 6th Ave.
 Applicant: Wayne Francis Locke
 City T47-08
 Date of Event: August 30 & August 31, 2008
 (Fundraiser)
 Staff has indicated the applicant is in compliance with city requirements.
4. Satori, Inc., Ward 3
 3727 N. 1st Ave.
 Applicant: Phyllis L. Gold
 City T50-08
 Date of Event: September 6, 2008
 (Annual fundraiser silent & live auction)
 Staff has indicated the applicant is in compliance with city requirements.
5. Tucson's Young Professionals, Inc., Ward 1
 140 N. Main Ave.
 Applicant: Kelly Perks
 City T53-08
 Date of Event: September 5, 2008
 (To promote community event in downtown Tucson)
 Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

NOTE: There are no agent changes scheduled for this meeting.

It was moved by Council Member Glassman, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Leal absent/excused), to forward liquor license applications 5b3 through 5b6, and 5c1 through 5c5 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

New License(s)

2. Circle K Store #3391, Ward 5
3301 S. 6th Ave.
Applicant: Kim Kenneth Kwiatkowski
Series 9, City 43-08
Action must be taken by: August 7, 2008
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Written Arguments Opposed Filed.

Roger W. Randolph, City Clerk, announced the first application to be considered separately was item 5b2, located in Ward 5. Staff indicated the applicant was in compliance with City requirements.

Council Member Uhlich said she would facilitate this item in Council Member's Leal's absence. Council Member Uhlich asked to hear from those who had concerns first, and asked Lupe Rodriguez to come forward.

Lupe Rodriguez, representing the Fairgrounds Neighborhood Association, said she spoke to several people from the Circle K on July 30, 2008, about the concerns they had. She stated that Mr. Flores, whose neighborhood was right across the street from the proposed Circle K, withdrew his protest. She took her information back to the Fairgrounds Neighborhood Association, and they all agreed that the corner was a very big eyesore along 6th Avenue and it would serve the purpose for buying gasoline and other products sold at Circle K.

Ms. Rodriguez said what concerned them the most, Circle K could not address and they understood it was out of their control. It was the saturation of liquor licenses in their area. She said the loitering of the homeless and the teenagers was going to be a problem later on, when school was out. She said they were very concerned about those two things and hoped Circle K would be diligent about taking care of the problem. She announced that at this time the Fairgrounds Neighborhood Association was withdrawing their protest letter.

Harvey Encinas, representing Luz South Side Coalition, said his job as an environmental prevention coordinator was to reduce substance abuse problems like underage drinking in the south side of Tucson. He wanted to share the Coalition's concerns about adding another liquor license to an already over-saturated area of liquor licenses, and alcohol vending establishments. He stated they clearly knew that alcohol availability was a major predictor of the occurrence of violent crimes such as domestic violence, rape and murder.

Mr. Encinas said they were also concerned with the amount of alcohol advertisements that Circle K would bring into the community. He said research showed that increases in alcohol ads led to increases in underage drinking. He stated that if Circle K was granted a liquor license, the Coalition was requesting that the best practices be put in place, particularly in the way alcohol ads, such as banners and posters were aimed in targeting and enticing young people to drink. He said those types of ads were very common, especially in convenience stores like Circle K, where they were displayed in areas where young kids were easily exposed to them, like right next to the candy and soda displays or even the gas pumps. They asked that if Circle K was granted a liquor license, they would need to pay very close attention to not display these powerful negative advertisements in areas where youth would excessively be exposed to them.

Jesus Duran, representing Bravo Park Neighborhood Association, said he also had deep concerns with underage drinking, and all of the negative advertisements that seemed to come up all over the billboards and the stores that sold liquor. He said there were a lot of saturated areas in that specific neighborhood that could cause problems for the minors. Another problem he noticed was that the Primavera Foundation shelter was going to be directly behind the Circle K, and that could be an issue also. He also said there were three schools in the neighborhood that were going to be affected by it, an elementary, middle school, and a high school, directly in the one mile radius. He said this would be a difficult position for Circle K. It would probably be built anyway, but at this point he said he would still oppose the liquor license.

Council Member Uhlich asked if the representative or the applicant was present.

Jordan Horn, representative of Circle K Stores, thanked Mayor and Council for letting her speak. She said the Circle K representatives met with the neighbors, had a chance to hear all their concerns, and had tried to address them.

Ms. Horn stated she had recapped the meeting with a letter that the Mayor and Council had received, which was reviewed and shared with the neighbors who had signed off and agreed those were the items discussed and the commitment Circle K had made. She said some of the concerns discussed were the loitering, the homeless shelter and the three schools nearby.

Ms. Horn stated Circle K had signed an agreement with the Tucson Police Department (TPD) to allow TPD to come onto their private property to arrest any trespassers, loiterers or panhandlers. She said it was already part of their policy to call in any trespassers, loiterers, or panhandlers right away to the police department. She said they also had a no-chase policy. Their employees, for their safety, were not to attempt to ask those individuals to leave, but they would call the police department.

Ms. Horn said as far as the three schools were concerned, Circle K was over six hundred feet away from the first school, which by state law they were required to be only three hundred feet away. She stated regarding the homeless shelter, there were some

homeless people residing in the two vacant buildings there. She said they were hoping with the development of a twenty-four foot building and a new gas canopy being a well-lit site, the homeless would be pushed off the property and hopefully to the homeless shelter. They would not allow them onto their site, especially not to stay. She said it would be a very lit, safe property that would take away two vacant buildings that were currently offering shelter, and eliminating that.

Ms. Horn commented about the signage, as far as making it appealing to young adults and the underaged. She said that Circle K had a very strict policy on training for their employees. Every employee went through multiple in-house trainings above and beyond the state requirements, computer training, and also orientation by a member of their team. The managers were also fingerprinted and their background checked for each store with liquor licenses.

Ms. Horn said on top of that, they had a beer cave within their new forty-five hundred square foot property. What the beer cave did was, push all the beer sales into a cooler. There would be no reason for anyone under twenty-one to be in the cooler. There was nothing in there that they could buy. That would keep the displays off the floor and in the cooler away from them. She stated Circle K did not do any type of alcohol signage on the pump toppers. Also, they did not put any large banners, because they were against the sign code and that was what they followed.

Council Member Uhlich stated she believed Council Member Leal had been in communication with the applicant and the neighbors; and believed Council Member Leal had an expectation that all protests would be withdrawn. She said it sounded to her that there were still some lingering concerns. She appreciated their willingness to go on record with their commitments to the neighborhood on the issues that were raised. Given the fact that there were still some unresolved protests, she suggested that Mayor and Council forward this liquor license application with a neutral recommendation to the State Board.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Leal absent/excused), to forward liquor license application 5b2 to the Arizona State Liquor Board with a neutral recommendation.

6. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Dave Croteau spoke about re-thinking the Downtown Links. He also spoke about the Arts District and asked the Mayor and Council to lead Tucson to a sustainable future.

- b. Richard Basye spoke on the Downtown Links. He said he had a proposal for the Mayor and Council and the Downtown neighbors that would improve traffic flow and increase safety.
- c. Mark Berman, representing Benjamin Supply, spoke against the Downtown Links, because it would force Benjamin Supply out of the downtown area. He also said Downtown Tucson Partnership had sent out a letter, which included the warehouse district; but he and other property owners did not receive the letter.
- d. Michael Toney spoke about Rio Nuevo and his complaint in Superior Court that was dismissed.
- e. Joseph Sweeney spoke about Federal Program 287G, which allowed the City of Tucson to be cross-trained by the Federal Government, so that they could do Immigration responses. He also spoke about the need for illegal aliens to be controlled in the City of Tucson.
- f. Reverend Bishop Chicago spoke about peace, reality, and drug-free schools in Tucson.
- g. John Kromko spoke about the Barraza-Aviation Parkway and the requirement that the railroad needed a seventeen and one half foot clearance. He asked for documentation stating there was indeed this requirement.
- h. Ken Scoville read two guest editorials that were published in the Arizona Daily Star; the editorials were on growth and development in Tucson.
- i. Terrence McMahon spoke about the Barraza-Aviation Parkway clearance requirement made by the Transportation Department and the Railroad. He also spoke about the flooding from the new and expanded the storm drainage that emptied into the Tucson arroyo.
- j. Larry Lopez, President of the Tucson Police Officers Association (TPOA), stated that the TPOA promoted their concerns through television and radio commercial, stating crime in Tucson was on the rise due to budget restraints.
- k. Robert Shatz thanked the Mayor and Council and acknowledged their wonderful support for "Tucson Meet Yourself;" and spoke about upcoming events in October 2008, at "Tucson Meet Yourself."
- l. Priscilla Storm spoke in favor of Consent Agenda Item R relating to the "U Visa Program."

7. CONSENT AGENDA – ITEMS A THROUGH AA

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. REAL PROPERTY: ACQUISITION OF PROPERTY FOR A WATER BOOSTER AND PRESSURE REDUCING VALVE STATION LOCATED NEAR RUTHRAUFF ROAD AND LA CHOLLA BOULEVARD
 - 1. Report from City Manager AUG6-08-397 OUTSIDE CITY
 - 2. Resolution No. 21030 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located near the Ruthrauff Road and La Cholla Boulevard intersection to relocate a Tucson Water booster and pressure reducing valve station; and declaring an emergency.
- B. TUCSON CODE: AMENDING (CHAPTER 7) RELATING TO AGE RESTRICTIONS, EXEMPTIONS AND SECURITY REQUIREMENTS FOR DANCE HALLS
 - 1. Report from City Manager AUG6-08-402 CITY-WIDE
 - 2. Ordinance No. 10571 relating to businesses regulated; regulating dance halls; amending definitions; amending age restrictions; amending prohibited activities and additional responsibilities of licensee; amending security requirements for dance hall events; and providing for review of the ordinance; by amending Chapter 7, Article XV, Sections 7-350, 7-351, 7-354(a)(6), 7-358, and 7-366(a); and declaring an emergency.

Roger W. Randolph, City Clerk, announced that the City Attorney had an amendment to read.

Michael Rankin, City Attorney, said there was a minor revision to one of the sections in Ordinance No. 10571, and read the correction into the record. Under Section 7-366(a)(9) revision was to read as follows: “(9) The applicant shall be required to provide security personnel for crowd and traffic control and patron security in all parking areas used for the event, at a level as determined by the Chief of Police.”

- C. PARKS AND RECREATION: NAMING THE SENIOR CENTER BUILDING IN MORRIS K. UDALL PARK THE “CAROL W. WEST SENIOR ADDITION” AND REPEALING RESOLUTION NUMBER 20951
1. Report from City Manager AUG6-08-403 WARD 2
 2. Resolution No. 21027 relating to Parks and Recreation: authorizing and approving the naming of the Senior Center Building in the Morris K. Udall Park/Center to the “Carol W. West Senior Addition”; repealing Resolution number 20951; and declaring an emergency.
- D. REAL PROPERTY: APPROVING A GROUND LEASE AGREEMENT WITH T- MOBILE WEST CORPORATION FOR A WIRELESS CELLULAR ANTENNAE AT 1220 NORTH GREASEWOOD ROAD
1. Report from City Manager AUG6-08-398 WARD 1
 2. Ordinance No. 10573 relating to real property; authorizing and approving the Ground Lease Agreement between the City of Tucson and T-Mobile West Corporation for a certain portion of right-of-way located at 1220 North Greasewood Road, Tucson, Arizona; and declaring an emergency.
- E. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE “ADKINS STEEL” PARCEL AT HISTORIC FORT LOWELL
1. Report from City Manager AUG6-08-405 WARD 2
 2. Resolution No. 21028 relating to Intergovernmental Agreements; authorizing and approving an Amendment to the Intergovernmental Agreement between Pima County and the City of Tucson for the Rehabilitation, Restoration and Management of the “Adkins Steel” Parcel at Historic Fort Lowell; and declaring an emergency.
- F. ASSURANCE AGREEMENT AND FINAL PLAT: (S06-205) LAS SENDAS (RCP), LOTS 1 TO 77 AND COMMON AREAS “A”, “B”, “C”, AND “D”
1. Report from City Manager AUG6-08-407 WARD 1
 2. Resolution No. 21029 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S06-205 and approving the final plat for Las Sendas (RCP), Lots 1 through 77 and Common Areas “A” through “D” and declaring an emergency.

3. Staff recommends that the Mayor and Council approve the assurance agreement and 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.
- G. GRANT APPLICATION: TO THE GILA RIVER INDIAN COMMUNITY IN SUPPORT OF PLANNED PARENTHOOD ARIZONA
1. Report from City Manager AUG6-08-422 CITY-WIDE
 2. Resolution No. 21041 relating to Finance; authorizing and approving a Grant Application to the Gila River Indian Community in support of Planned Parenthood Arizona and disbursement of gaming monies; and declaring an emergency.
- H. REAL PROPERTY: ACQUISITION OF WATER LINE EASEMENT FOR THE HONEYWELL MANUFACTURING COMPLEX
1. Report from City Manager AUG6-08-408 WARD 1
 2. Resolution No. 21031 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, a Tucson Water line easement to the Honeywell facility located near Drexel Road and the Santa Cruz River; and declaring an emergency.
- I. GRANT AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE FOR THE VICTIMS' RIGHTS PROGRAM
1. Report from City Manager AUG6-08-404 CITY-WIDE
 2. Resolution No. 21032 relating to grants; approving and authorizing execution of a Grant Agreement with the Arizona Attorney General's Office for the FY 2009 Victims' Rights Program (VRP); and declaring an emergency.
- J. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE PROVISION OF TWICE-A-DAY INITIAL COURT APPEARANCES
1. Report from City Manager AUG6-08-410 CITY-WIDE
 2. Resolution No. 21034 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson, Arizona Superior Court in Pima County, Pima County Consolidated Justice Court, and Pima County for the Provision of twice-a-day initial appearances; and declaring an emergency.

K. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO TUCSON CITY COURT

1. Report from City Manager AUG6-08-409 CITY-WIDE
2. Resolution No. 21035 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment #02 to the Intergovernmental Agreement between the Pima County Superior Court and the Tucson City Court for providing jurors to the Tucson City Court; and declaring an emergency.

L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO WORLD CARE FOR THE “TOOLS FOR SCHOOLS” PROGRAM

1. Report from City Manager AUG6-08-414 WARD 4
2. Resolution No. 21036 relating to Finance; approving and authorizing the allocation of Three Thousand Two Hundred Fifty Dollars (\$3,250) from the Ward 4 Office Community Support Fund, Account No. 001-183-1898-268, to World Care to support the “Tools for Schools” Program; and declaring an emergency.

This is a request by Council Member Scott. Allocation of funds is as follows: Council Member Scott - \$3,250.00

Roger W. Randolph, City Clerk, announced as discussed in the study session the dollar amount of this Community Support Fund Transfer had been revised to \$750.00.

M. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE QUINCIE DOUGLAS BRANCH LIBRARY TO SUPPORT NATIONAL NIGHT OUT

1. Report from City Manager AUG6-08-413 WARD 5
2. Resolution No. 21037 relating to Finance; approving and authorizing the allocation of Two Hundred Dollars (\$200) from the Ward 5 Office Community Support Fund, Account No. 001-183-1898-268, to the Quincy Douglas Branch Library to support National Night Out; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows: Council Member Leal - \$200.00

N. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO CALPULLI
TEOXICALLI TO SUPPORT THE BARRIO RUN

1. Report from City Manager AUG6-08-412 WARD 5
2. Resolution No. 21038 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from Ward 5 Office Community Support Fund, Account No. 001-183-1898-268, to Calpulli Teoxicalli to support the Teoxicalli Barrio Run; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows: Council Member Leal - \$100.00

O. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO LUZ SOCIAL
SERVICES, INC. TO SUPPORT NATIONAL LATINO AIDS AWARENESS
DAY

1. Report from City Manager AUG6-08-411 WARD 5
2. Resolution No. 21039 relating to Finance; approving and authorizing the allocation of Two Hundred Fifty Dollars (\$250) from Ward 5 Office Community Support Fund, Account No. 001-183-1898-268, to Luz Social Services, Inc. to support funding the National Latino AIDS Awareness Day event to be held on October 15, 2008; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows: Council Member Leal - \$250.00

Roger W. Randolph, City Clerk, announced that as discussed in the study session, Council Member Romero would be adding \$250.00, making the total \$500.00.

P. FINANCIAL PARTICIPATION AGREEMENT: WITH TUCSON REGIONAL
ECONOMIC OPPORTUNITIES, INC. (TREO)

1. Report from City Manager AUG6-08-415 CITY-WIDE
2. Resolution No. 21040 relating to Financial Participation Agreements; authorizing and approving the FY 2009 Financial Participation Agreement between the City of Tucson and Tucson Regional Economic Opportunities, Inc. (TREO); and declaring an emergency.

Q. APPROVAL OF MINUTES

1. Report from City Manager AUG6-08-417 CITY-WIDE
2. Approval of minutes for the regular meetings of the Mayor and Council held on March 4, 2008, March 18, 2008, and March 25, 2008.

R. MEMORIAL: SUPPORTING THE U VISA PROGRAM

1. Report from City Manager AUG6-08-420 CITY-WIDE
2. A Memorial relating to the U Visa Program; declaring support for the U Visa Program and associated Federal Legislation and rules.

S. MEMORIAL: URGING THE ARIZONA STATE LEGISLATURE TO POSTPONE IMPLEMENTATION OF HOUSE BILL 2064 REGARDING THE ENGLISH LANGUAGE LEARNER PROGRAM

1. Report from City Manager AUG6-08-421 CITY-WIDE
2. A Memorial relating to the English Language Learner [ELL] program; urging the Arizona State Legislature to postpone implementation of House Bil 2064 and fully fund the ELL program.

T. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SOUTHERN ARIZONA AIDS FOUNDATION TO HELP SUPPORT THE ANNUAL AIDSWALK

1. Report from City Manager AUG6-08-424 MAYOR
2. Resolution No. 21043 relating to Finance; approving and authorizing the allocation of Two Hundred and Fifty Dollars (\$250) from the Mayor's Office Community Support Fund, Account No. 001-183-1898-268, to the Southern Arizona AIDS Foundation to help support the annual AIDSWALK 2008 event to be held on October 19, 2008; and declaring an emergency.

This is a request by Mayor Walkup. Allocation of funds is as follows:
Mayor Walkup - \$250.00

Roger W. Randolph, City Clerk, announced an amendment to Consent Agenda Item T. Vice Mayor Trasoff would allocate an additional \$1,000.00, and Council Member Scott would allocate an additional \$200.00. This would bring the overall total to \$1,450.00.

U. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SUNNYSIDE NEIGHBORHOOD ASSOCIATION FOR A MOVIE NIGHT EVENT

1. Report from City Manager AUG6-08-425 WARD 5
2. Resolution No. 21042 relating to Finance; approving and authorizing the allocation of Fifty Dollars (\$50) from the Ward 5 Office Community Support Fund, Account No. 001-183-1898-268, to the Sunnyside Neighborhood Association to help support a Movie Night Event to be held at Manuel Herrera Jr. Park in August 2008; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows: Council Member Leal - \$50.00

V. GRANT APPLICATION: TO THE GILA RIVER INDIAN COMMUNITY IN SUPPORT OF THE HAVEN

1. Report from City Manager AUG6-08-426 CITY-WIDE
2. Resolution No. 21044 relating to finance; authorizing and approving a Grant Application to the Gila River Indian Community in support of The Haven and disbursement of gaming monies; and declaring an emergency.

W. BOARDS, COMMITTEES AND COMMISSIONS: EXTENDING THE SUNSET DATE OF THE PUBLIC EDUCATION AND GOVERNMENT TELEVISION CHANNEL TASK FORCE

1. Report from City Manager AUG6-08-430 CITY-WIDE
2. Resolution No. 21045 relating to Boards and Commissions; extending the term of the Public Education and Government Television Channel Task Force; and declaring an emergency.

X. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR DRUG CONTROL AND SYSTEM IMPROVEMENT

1. Report from City Manager AUG6-08-427 CITY-WIDE
2. Resolution No. 21046 relating to grants; approving and authorizing execution of a Drug Enforcement Grant Agreement with the Arizona Criminal Justice Commission (ACJC) for Drug Control and System Improvement for FY 09; and declaring an emergency.

Y. OPERATIONAL AGREEMENT AND FIRST AMENDMENT TO THE DEVELOPMENT AND SALE AGREEMENT: WITH TOWN WEST DESIGN DEVELOPMENT, INC., FOR THE EL MIRADOR DEVELOPMENT PROJECT

1. Report from City Manager AUG6-08-431 WARD 1
2. Resolution No. 21047 relating to development; approving and authorizing the Operational Agreement for the El Mirador Parking Garage; approving the First Amendment to the Development and Sale Agreement with Town West Design Development, Inc., for the development of the El Mirador Development Project; and declaring an emergency.

Z. FINANCIAL PARTICIPATION AND INTERGOVERNMENTAL AGREEMENTS: WITH VARIOUS OUTSIDE AGENCIES

1. Report from City Manager AUG6-08-429 CITY-WIDE
2. Resolution No. 21048 relating to outside agency activities; authorizing and approving the Financial Participation Agreements between the City of Tucson and various outside agencies and the Intergovernmental Agreements between the City of Tucson and Pima County for Fiscal Year 2009; and declaring an emergency.

AA. DEVELOPMENT AND PURCHASE AGREEMENT: WITH THE GADSDEN COMPANY FOR THE WEST CONGRESS 14 ACRE PARCEL

1. Report from City Manager AUG6-08-432 WARD 1
2. Resolution No. 21049 relating to development; approving and authorizing the Development and Real Estate Purchase Agreement with the Gadsden Company for the West Congress 14 Acre Parcel; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, that Consent Agenda Items A through AA, with amendments to Items B, L, O and T, be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Consent Agenda Items A through AA, with Items B, L, O and T as amended, were declared passed and adopted by a roll call vote of 6 to 0.

8. PUBLIC HEARING: APPLICATION BY TUCSON GREYHOUND PARK FOR AN OFF-TRACK BETTING SITE LOCATED AT THE OLIVER R. TWIST CAFÉ, 4915 EAST SPEEDWAY BOULEVARD (CONTINUED FROM THE MEETING OF MAY 20, 2008)

Mayor Walkup announced City Manager's communication number 399, dated August 6, 2008, was received into and made a part of the record.

Roger W. Randolph, City Clerk, announced that the public hearing was continued from the May 20, 2008, Mayor and Council meeting. He also announced that on July 18, 2008 the applicant submitted a letter withdrawing the application. He stated an appropriate action would be to close the public hearing and no further action would be necessary.

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

9. APPEAL: (S-08-15) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION – SUNRISE ASSISTED LIVING (MAYOR AND COUNCIL APPEAL CASE NO. S-08-002)

Mayor Walkup announced City Manager's communication number 428, dated August 6, 2008, was received into and made a part of the record. He announced 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 first summarize the procedural question presented in this case and the nature of the action.

Michael Rankin, City Attorney, stated this was an appeal of the Sign Code Advisory and Appeals Board (SCAAB) decision denying the variance request. The property that was the subject of the appeal was located on the west side of First Avenue north of River Road. The requested variance would allow a freestanding sign to be placed inside the property's thirty-foot landscape buffer along First Avenue. He stated that Section 382 of the Sign Code provided that in a scenic corridor all signs should be located behind the thirty-foot landscape buffer.

Mr. Rankin stated the appeal was limited to the record, meaning that in reviewing the decision of the Board, the Mayor and Council may consider the transcript of the Board proceedings together with the exhibits given to the Board and the argument that the Council would hear at the hearing. The decision of the Board was presumed valid and should be upheld if there were sufficient facts in the record to support the Board's decision. Mr. Rankin stated that at the conclusion of the hearing, the Mayor and Council may uphold, reverse or modify the Board's decision.

Mr. Rankin stated the hearing would have the following order: First, staff would provide a report. Second, the appellant may offer argument. Third, the persons opposing the appeal may present argument. Fourth, the appellant may offer rebuttal. Mr. Rankin said if the Mayor and Council chose to reverse the decision of the Board and grant the variance, the Mayor and Council would need to make the findings necessary to grant the variance which was included in the attachment sheet.

Mr. Randolph, said as stated by the City Attorney, the order of the appeal would first be the appellant Frank S. Bangs Jr., on behalf of Lewis and Roca, L.L.P., representing the applicant, Met Sun Tucson, AZ Senior Living L.L.C., followed by Item 2, the opposition to the appeal presented by an affected neighbor or one designated representative of the affected neighbors speaking in support of the Sign Code Advisory and Appeals Board's decision. Item 3 would be a rebuttal by the appellant. Item 4, other rebuttals permitted by the Mayor and Council. Item 5, the governing body may then question the party filing the appeal or direct questions to staff in order to establish reasons for granting or denying the appeal.

Mr. Randolph said that after the presentation, the Mayor and Council may discuss the case or act on it. The time limit for arguments would be ten minutes for each side. The parties may use that ten minutes either in direct address to Council or in rebuttal and could divide it any way they chose to; however, the time limit would be ten minutes. The evidence to be considered was a verbatim transcript of the Sign Code Advisory and Appeals Board hearing. No new evidence or testimony would be allowed. Mayor and Council may also consider the argument of the parties in reaching a decision. He called on the appellant, Frank S. Bangs Jr., or his representative.

Mary Beth Savel, Lewis and Roca, stated Frank S. Bangs, Jr. was not able to attend due to a prior engagement. She was there in his place and would be handling the appeals case. She said before getting started, she had passed out a copy of the original variance application. She said the Council had a very complete package in front of them; but the only reason she passed out another packet was that there were colored photos and the Council had black and white photos. She said sometimes color was easier to see and she appreciated the City Attorney and the City Clerk for helping her with the distribution.

Ms. Savel said that with her at the meeting was Roger Greene, the Development Officer from Sunrise. She said the Sunrise Assisted Living Facility (Sunrise) was located on northwest corner of River Road and First Avenue. It was between the University Medical Center office building and an apartment complex. The facility provided assisted living and memory dementia care facilities for seniors in their community.

Ms. Savel said she was there to appeal the Sign Code Advisory and Appeals Board's decision. The Sign Code Advisory Appeals Board voted 3 to 2 to approve the variance; however, the requirement for approval of a variance before the Sign Code and Advisory Appeals Board was four "yes" votes, and they had three. She said they were there to request that Mayor and Council reverse that denial and instead approve the variance. The variance was to move the sign that was currently erected at the new facility about thirty feet closer to the roadway. It would be placed within the thirty-foot landscape buffer, which was part of the Scenic Corridor.

Ms. Savel stated they believed there was substantial evidence in the record that justified the approval of the variance and no essential evidence in the record that supported that denial. She said she would go through that briefly and talk about it, with no evidence at all. She said there was a good staff report that laid out what the request for the variance was and what the applicant's arguments were, and it concluded by simply saying that staff felt there was no basis for any kind of special circumstances; but staff did not provide any reasons for that. They simply drew a conclusion that there was no basis.

Ms. Savel said one of the Sign Code Advisory and Appeals Board members who voted against the variance had placed no explanation in the record for that denial. He simply voted "no." The second Sign Code Advisory and Appeals Board member who voted "no" gave two reasons for that vote. The first reason he gave was that he thought that Sunrise should have realized sooner that there was going to be a visibility problem with the sign. She said maybe they should have, but what they did was build the sign pursuant to code. Unlike many of the people that go before the Board of Adjustment, who come to ask for forgiveness rather than permission, her client asked that they followed the code. They built the sign, and they opened their facility and earlier this spring, they started business, willing to comply with the Code. They found out in the course of the business that the placement of the sign was not providing visibility for passersby.

Ms. Savel said that most important was that the Sunrise Care facility found that out from employees, family members, emergency care providers who came to the facility, from health care providers like doctors, nurses and hospice care workers, from some of their vendors, and from other individuals, that they could not really see the sign. Ms. Savel said the second reason for voting against the variance was it was a Scenic Route. She said they knew it was a scenic route, that was why they were there for the variance; but said it was not a substantive factual basis based upon the kinds of findings that the Sign Code Advisory and Appeals Board was supposed to identify to support the denial.

Ms. Savel said to the contrary, there was substantial evidence in the record that supported the decision of the three Sign Code Advisory and Appeals Board members to vote "yes." First of all, there was substantial hardship. The chairman of the Sign Code Advisory and Appeals Board recognized that, and in the transcript that was presented in the Council's package in page twenty-three, he said "this was one of the very clear cases where the physical shape of a lot, the configuration of the street, and complying with the codes had forced it into a situation I consider a problem in terms of safety." She clarified that he was talking about the visibility for emergency care providers and other health care providers who were coming to the assisted living facility to provide services. She said his concern was that the placement of the sign created a safety hazard.

Ms. Savel said that other findings that had to be made in order to approve a variance included that there were special circumstances related this particular site that made it different than the surrounding sites. She said the evidence showed that the roadway, First Avenue coming down from the foothills, had a curve at that location, so visibility coming southbound on First Avenue was very poor. She commented that if the Council took a look at the photographs in tab nine of the package, they would see a series of photographs taken traveling southbound on First Avenue. She said the sign could not be seen, until you were immediately up against it.

Ms. Savel said another problem of special circumstances were the surrounding buildings. The University Medical Center office building and the apartment complex, especially the apartment complex, were closer to the road right-of-way. She said the reason for that was that those buildings went in there when that piece of property was in the County. She said the Sunrise Assisted Living Facility went in as an infill piece. It replaced a vacant Circle K, so it was part of the City. She said when the buildings went in the County, even though the County had a Scenic Route, they did not impose a thirty-foot landscape setback. She said those buildings were closer to the roadway. They had their signage in the thirty-foot landscape buffer because that was done while they were in the County.

Ms. Savel stated that Sunrise complied with codes in the City, and built their sign further back off the roadway and outside the landscape buffer and they really could not be seen. Additionally, Ms. Savel said there were no special privileges. She said another requirement of the variance was that no special privileges be given to this applicant that others around them did not have. All of the other businesses in that area, except for the

self-storage facility on the east side of the street, were constructed in the County. They had signage in the thirty-foot landscape buffer. The storage facility on the other side of the street did not have signage in the landscape buffer.

Ms. Savel stated however, as a Sign Code Advisory and Appeals Board member noted, that building was higher up off the road. Sunrise was below the road elevation. The self-storage was above the road elevation, and she said it was a commercial use. She said the Sign Code Advisory and Appeals Board member said it had a giant wall sign, very visible from traffic traveling in either direction. On the other hand, she said Sunrise had a very nice discreet sign, very small, well within the code requirements, and that sign unfortunately was just not visible where it was located.

Ms. Savel she said there was no negative impact by the placement of the sign, and said that the Chairman of the Sign Code Advisory and Appeal Board stated it would not cause a problem in the landscape buffer. She said if the Council took a look at the proposed location of the sign, behind tab number one, they would see that if the variance was granted, this sign would be placed where it would not impede the view corridors, which were very important preservation items in the scenic corridor. It would not block the view of the Catalina Mountains; it would not block the view of the City; nor would it block any views back and forth across First Avenue. It would not impede the values of the scenic corridor. Additionally, she stated one of the reasons the City had that landscape buffer was to preserve native vegetation along scenic routes.

Ms. Savel added that the facility, because it was a redevelopment foothills infill site, was completely bladed. When the Circle K was there, the area had been bladed; and through various developments there were no longer any native vegetation in that landscape buffer. She said the vegetation that was there now was what had been planted by the developers to enhance the area, and the placement of the monument sign would not have a negative affect at all. Ms. Savel stated there was no opposition to the appeal. In the record were several letters from the adjacent neighbors and across the street supporting the sign, as long as it complied with a visibility triangle and made sure there were no traffic issues.

Ms. Savel said traffic had no objections to the sign variance. She said it was a very minimal variance. It was not asking for a larger or taller sign; it was asking to move the sign about thirty feet closer to the roadway so that emergency vehicles, health care providers and others driving through there could see that sign. She said that was the only sign they had. She urged the Council to find that there was substantial evidence in the record that supported the variance, and asked them to reverse the decision of the Sign Code Advisory and Appeals Board and award the variance.

Mr. Randolph announced they would hear Item 2, opposition to the appeal presented by an affected neighbor or one designated representative of the affected neighbors, speaking in support of the Sign Code Advisory and Appeals Board decision. Hearing none, then item three would be a rebuttal by the appellant. If not, then item four would be other rebuttal permitted by the Mayor and Council.

No one spoke.

Mr. Randolph, said hearing no one, then next would be a rebuttal by the appellant. If not, then next would be other rebuttal as permitted by the Mayor and Council.

Council Member Uhlich said she misunderstood. She thought that staff typically would present the facts in the case. But since that was not the case, she said it was fine because they had it in written materials. She asked Mr. Rankin one of the challenging issues in this case was that the majority of the members present approved the variance however, the requirement was for four votes. She asked if that was a factor that the Mayor and Council could take into account, or were they to simply review the facts before them in order to make their decision.

Mr. Rankin said the Mayor and Council could take it into consideration; but, if their decision was to grant the variance, they would need to make the findings that were required to grant the variance. He said that four votes were required as a code requirement that applied to the Sign Code Advisory and Appeals Board, just as the Council had their minimum vote requirement of four to pass a motion or take any action. It was a similar requirement that applied to the Board.

Council Member Uhlich told Ms. Savel that, while she heard the argument regarding the fact the most of the sites surrounding the facility had been built out of County regulation, this was a unique circumstance because, other than the self storage, the facility was built under the guidelines held by the City. She asked Ms. Savel if it was their contention that there were no other properties along this route affected by these City regulations that might build in the future.

Ms. Savel replied she would not contend that. She believed there were some undeveloped properties in the area, but she did not know what their zoning was. She said it may or may not be possible to build those out in the future. She added that anything that would be built along First Avenue or along River Road, which were scenic routes, would be governed by the City's codes.

Council Member Uhlich said it was her understanding, in terms of not granting special privileges to a particular property, that the Mayor and Council would need to take that into account that they were not offering a variance in this instance, which could have a domino effect for future decisions of the Sign Code Advisory and Appeals Board. She said she had staff take pictures at the site independently to look at the situation, both the topography, the curving in the road, and other items cited by Ms. Savel. She said it was difficult to assess what might come before the Council in the future; but she knew that was one thing the Council would certainly want to take into account. She asked Ms. Savel to restate her initial concern she raised regarding emergency vehicles and the visibility of the signage.

Ms. Savel replied one of the concerns expressed on the record was testimony from the manager of Sunrise, that they had received information from various service providers, including emergency vehicles and health care providers. The concerns were that it was difficult for them to identify the location of the entrance road into Sunrise, because there was only one road; and when enroute to Sunrise, they were having difficulty seeing the signage and being able to make that entrance appropriately.

Ms. Savel said that coming south on First Avenue, the sign could not be seen until coming just above it. When heading north on First Avenue, the signage can be seen. She referred the Council to tab ten. The signage could be seen, from across the intersection. However, if there is any traffic backup at all, that sign was completely blocked from view. Therefore, the service providers were experiencing complaints about having difficulty finding the location.

Council Member Uhlich asked Ms. Savel if that was the argument she was making with regard to which point, in terms in complying with all six provisions of the Sign Code.

Ms. Savel replied it was a significant hardship.

Council Member Uhlich told her colleagues this was a serious concern. It was a health facility, and they did not want to impede the ability of emergency personnel being able to find this site. She said they reached out to the Fire Department and there was a fire station. The facility was northeast of the intersection at First Avenue and River Road. Fire Station Twenty was roughly on the southwest corner of First Avenue and River Road. She said they did want to confer with their own emergency care people, and the Fire Department indicated that they did not have any concern about being able to find the property or the entrance. They did not seem to support that contention, and she wanted to state that for the record. She did not want her or any of the residents to think that the Council was not taking this seriously. She said having driven in the area and seen the photographs through staff, and also conferring with their own department, that contention did not seem to be upheld.

Ms. Savel stated that the Fire Department was not the only emergency service provider going to these types of places. They frequently had ambulances that came and picked up patients to take them places and respond to medical emergencies that did not involve paramedics or the Fire Department, and those came from different agencies around the City. She expected that the Fire Department would know that the assisted living facility was immediately north of their location and right across the road. She said she totally expected that they would know they were there; whereas the variety of different other kinds of ambulances and other medical and emergency care providers around the city might not have the same information.

Council Member Uhlich asked if there were any questions or comments from colleagues. She said it was a difficult decision, and she asked if it was an option to keep the public hearing open or to continue this issue until the next meeting. She said there were facts weighing on both sides, and wanted to make sure she was very thorough in the consideration.

Ms. Savel said she wanted to reply to one more question that Council Member Uhlich had about the domino effect. She said always one of the concerns when addressing a variance would be whether it established a domino effect. From her own experiences before the Sign Code Advisory and Appeals Board and Board of Adjustment, they were repeatedly told that they did not go forward on precedent. They evaluated each case based on the individual facts and circumstances of that case.

Ms. Savel said this case involved a residential assisted living facility with specific sign size limitations, smaller than what commercial facilities were allowed, it was a specific and unique location. As the area was developed, they would not really know the types of businesses that would be going into the area, the zoning of those businesses, the uses, the access and these other issues. As those were developed, those sign issues arose. They are dealt with staff on an individualized basis; and if they came before the Sign Code Advisory and Appeals Board, they looked at it with fresh eyes.

Ms. Savel commented that the self-storage facility across the street had been a variance in front of the Sign Code Advisory and Appeals Board and they were denied. She said the Council would notice in the record that one of the members noted that this particular location had a much greater hardship than what the self-storage facility had experienced.

Council Member Uhlich said she understood that, but it was her understanding in terms of the Council's responsibility that there were two issues. One issue was that they needed to provide the substance upon which they would make a decision to either uphold or deny the variance and to provide the specifics. She said she was grasping for what her rationale would be in this circumstance. She did not believe she had found that. She said one of their options was that they could either uphold the denial or they could reverse it. But one of the other conditions was to make sure that whatever they approved was the least obstructive or the least dramatic in terms of change and by way of variance.

Council Member Uhlich said she was not clear on what that might be. She said Ms. Savel proposed an option, which was to move the sign in a particular way into the area. She said that in another instance along the same route a height change was the solution. There were some particular issues that she was struggling with. She said in terms of whether straight up and down was the best or whether it would be best to have additional time to better understand whether there might be additional options that the Sign Code Advisory and Appeals Board would in fact approve or the Council could approve.

Ms. Savel explained that the sign itself was less than the size the code allowed. Along the scenic corridor a monument sign had to be no more than ten feet in height, and this sign was a little over six feet. She said it was a very restrained sign. It had the colors of the desert as the Sign Code required, and the lettering was actually smaller than the twenty square feet that would be allowed. She said it was sixteen or a little over that. She said it would not be a lot larger if it was to comply with code; but the lettering fit the company's prototype and included it. It was actually smaller.

Council Member Uhlich said her point was that there might be another type of variance that might be more in keeping with the scenic corridor thirty-foot setback, but might allow a different type of variance. She said, for example, height of the sign or some other modification that would be less obstructive to and less in conflict with the scenic corridor provision, but might still meet the needs of the property owner. She was not sure how to get to that kind of solution.

Mr. Rankin said the Council had the authority to reverse or affirm or to modify it. In doing so, if Council decided to grant the variance, but impose conditions on that variance, for example it could be placed within the buffer but only within "x" number of feet of the buffer, then the Council could do that. He said Council Member Uhlich had a question about continuance. He said he did not see any reason why they could not continue the decision, but he cautioned the Council that they were sitting in a quasi-judicial capacity in this context and there could not be ex parte communications in the meantime. The Council would not be able to communicate with the applicant to discuss possible solutions.

Council Member Uhlich said the only issue was the degree to which the sign could go into the buffer. There was no other deliberation that would be appropriate in this particular instance, because that was the nature of the variance that was requested. She asked Mr. Rankin, if she was understanding that correctly.

Mr. Rankin replied the Council could impose conditions upon granting the variance. He gave the example that was pointed out with the color scheme or the height; the Council could reach decisions like that and impose those conditions in granting the variance.

Vice Mayor Trasoff said in looking at all of the information and photos, questions were raised about the placement of the sign not being perpendicular to the road, so that the angle was one that made it even harder from the northbound approach to see the sign, and whether the twisting of the sign could have anything. She said the other issue was that there was a bush in front of the sign that impeded the view and did not do much for landscape and whether the removal of that and putting in a tree that was taller and had clearance could help. She stated that if the Council granted a variance to be able to have the visibility, some of the photographs indicated it was more challenging when heading south on First Avenue to see it.

Vice Mayor Trasoff, in pointing at the diagram, asked if it had to go out all the way to the edge in order to be seen, thereby establishing a precedent that the City might not want along First Avenue and along the scenic corridor. In looking at the diagram just before tab six, she said the angle of the sign was one that really made it hard for the sign to be seen, coming from the north, and easier to be seen going north. She said that Ms. Savel's suggested new placement would perpendicularize it so that it would be more easily seen from north and south. She suggested allowing them ten feet into the buffer, and the sign could be made perpendicular, therefore removing some of the obstruction, but not having this be a precedent with having a monument sign right on the sidewalk, which was where they did not want to have them in scenic corridors.

Council Member Uhlich stated that she appreciated Vice Mayor Trasoff's comments, and told Ms. Savel that she was more than welcome to respond if she would like to.

Ms. Savel said one of the reasons why the orientation of the sign behind tab five was the way it was, was because there was a drainage ditch behind it that prevented the sign from actually being perpendicularized. When it was realized that they were going to have a problem with visibility, and they were going to have a conflict with the drainage, the architects decided that they could maximize the visibility and still keep the edge of the sign behind the thirty-foot buffer by shifting the angle so there was a greater view coming from the south. She said they made that judgment, and it turned out that it completely obliterated the view coming from the north. They did the best they could at the time and they could discuss it. They were asking to move the sign thirty feet from where they were now, so it was twenty-three feet from the curb. She said they could talk about adjusting the location in there somewhere, and work something out.

Ms. Savel said she could not give them the exact specifics of the distance between the proposed sign and the sidewalk. She referred to the photo in tab one, stating there was a significant distance between that, so it was not right up on the sidewalk. She said it was much farther out, closer to the roadway and the right of way, specifically because they wanted people be able to see it as they drove by. She said people had one chance to see the sign. There were no more signs on the walls or anywhere else. This was it. There was one entrance, one sign; and from a visibility and access perspective, she said this was a good location. She said they could talk about moving it back a little bit more, if they had a suggestion as to what might be acceptable to the Mayor and Council.

Vice Mayor Trasoff asked for clarification, if the photograph behind tab one was an artist's rendering of what the sign would look like if they were allowed to move it.

Ms. Savel replied yes, that it was and that was the existing sign just moved out to the location where it was requested.

Council Member Scott said she noticed the list of people that had difficulty seeing where this facility was, to know and recognize what it was. She asked Ms. Savel if they had received any comments or complaints about clients, people who were either going there to visit or people already living there, having difficulty locating it for the first time; because it was assisted living and something for memory issues. She thought the clients may have had difficulty finding it potentially if they were her age or older.

Ms. Savel stated that most of the residents did not drive; a lot of them used the Van Tran type of transportation system.

Council Member Scott said someone else got them there.

Ms. Savel said yes, and they found that in addition to the emergency and health care providers who had difficulty, families sometimes had difficulty, not the families that came in every week. They obviously knew where the facility was located, but family and visitors had difficulties. They also found that sometimes the new employees had difficulty locating the facility. She said they also found that prospective residents had difficulties. She found it amazing that a large portion of future residents identified locations by driving by. They were in an area near their home, and an area that they thought was a nice part of town, they were looking for a facility for themselves or for a family member and they saw something as they drove by.

Ms. Savel commented that her father found a place out on the east side of town, as he drove by. So it was that kind of drive by prospective resident, as well as reports that they were unable to see the signs.

Council Member Uhlich said she had to provide a basis for overruling the Sign Code Advisory and Appeals Board. She said she needed an underpinning justification to do that. Her concern was that she did not know if she had that basis yet. In terms of finding the property and emergency vehicles, having consulted with a department with that mission, and having seen the site and knowing that, for example, the address could be put on the curb, she was not finding substance in that area. She said it was not that she was not sympathetic to the case that was being presented to the Mayor and Council; it was simply that for her to overrule the Sign Code Advisory and Appeals Board, she was still looking for a justification that would be appropriate in the role of the Council.

Council Member Uhlich said she was struggling with that, and that was why she wanted to make sure that she was not missing something. She was not finding an argument could not be made on any site if the argument was that the sign needed to be more visible, because the thirty foot setback was not something that was conducive to using signage for advertising or to draw people to a site. She said from reviewing the materials, what she was hearing primarily and that seemed to her could apply to a lot of adjacent sites. She wanted to be clear why she was hesitant in not making a straightforward recommendation. She asked the City Attorney for suggestions on this matter.

Mr. Rankin offered a suggestion for the Council to move on to the next couple of items on the agenda, and give him and Ernie Duarte, Director of Development Services a few minutes to talk with the applicant about the potential conditions that the Council could consider that may or may not make it an easier decision for the Council.

Council Member Glassman said as a former small business person, he enjoyed sign variances at one point during his business career. He said anything the Council could do to help businesses in the community without hindering neighborhoods was something that should be explored and pursued. In this particular situation, he said he would defer to Council Member Uhlich since it was in her Ward and she was more familiar with that area. However, he thought if they could find a way to assist this business, whether it was for its customers or for public safety, or for both, it was something the Council should do.

Council Member Glassman said another issue that came up with this particular site was the issue of annexation. He said everyone on the Council at one point or another had talked about annexation and their desire for annexation. In that context they had always talked about making the community an appealing place for the people to be annexed to he said. Unfortunately, from the materials that he had read, it sounded to him that this particular business was finding itself in an unfortunate happenstance, where it was annexed into a scenic corridor.

Council Member Glassman commented on how the Walgreen's nearby had a very large sign that was much closer to the street; and another nearby business, Desert Diver's, had a much larger sign closer to the street. He said in order to continue the Council's goal of making Tucson business friendly, as well as the kind of community where people would like to have their businesses annexed into, from that perspective he could see that would be something very appealing that he would support.

Council Member Romero said she had two questions for clarification. She asked the City Attorney if the decision the Council made would be able to be used against the Council in the future. She asked if it could be brought back to the Sign Code Advisory and Appeals Board and brought back to the City Council and used against them.

Mr. Rankin replied that the decision on variances did not have any legal precedential effect. They were considered case by case. He said the only context in which it would come back to the Council would be if someone else came forward asking for a similar variance, and they told the Council they did it for the guy across the street, why not them. But he said that was in terms of argument, and it had no precedential effect.

Council Member Romero asked Ms. Savel was if this would be an additional sign, or would they bring down the sign they currently had if the variance was granted.

Ms. Savel replied it would be only one sign. They would remove the existing sign and would relocate the sign to the proposed location. She said there was limited signage permitted for this particular use in the scenic corridor.

Council Member Uhlich said as Ms. Savel discussed this with staff again, she said the two questions would be in terms of differentiation from other sites in the area. She said she heard the case being made that it was sandwiched between two properties that were signed under County provisions; and she was trying to ensure that it was a unique circumstance along this area, so that the notion that it was part of the special circumstance could be taken into consideration.

Mr. Rankin said what the Council would do now is move to the next item; and they would take a few minutes, and then would come back and let the Council know when they were ready to return to this item.

(Note: Council Member Glassman departed at 6:53 p.m. and returned at 7:01 p.m.)

(Note: Consideration of this item resumed after Item 17.)

10. TRANSPORTATION: RENAMING NORTH JONES AVENUE FROM THE NORTH SIDE OF EL CON MALL TO EAST FIFTH STREET AS “NORTH GUAPO WAY”

(Note: This item was taken out of order, considered after Item 2).

11. ZONING: (C9-08-04) LA MARIPOSA – HOUGHTON ROAD, SR AND O-3 TO P, CITY MANAGER’S REPORT

Mayor Walkup announced City Manager's communication number 418, dated August 6, 2008, was received into and made a part of the record. He also announced this was a request to rezone property located west of Houghton Road and north of Speedway Boulevard. The Zoning Examiner and staff recommended authorization of the rezoning subject to certain conditions. He asked if the applicant or representative was present, and if they were agreeable to the proposed requirements.

Steve Brennen, General Manager Lumbar Post, stated that the conditions were very reasonable and agreed with them. He said the only thing was under the procedural note seven, there was no open violation on the property. That was taken care of at the beginning of last month. It was a grading issue, which had been taken care of, so there was no violation. He said all the other conditions seemed reasonable.

Council Member Glassman thanked Mr. Brennen for agreeing to put in native trees and participating in rainwater harvesting. Additionally, he requested that the applicant consult with the Office of Conservation and Sustainable Development regarding the water-harvesting principals he would be using and techniques and code requirements. He stated he would have staff provide him the phone number of

Ann Audrey, Environmental Projects Coordinator, in the Office of Conservation and Sustainable Development.

Council Member Glassman said he had another concern. He had a strong feeling the applicant would be back before the Mayor and Council, involving other projects that the applicant would be working on. He suggested to the applicant to reach out to the surrounding neighbors around his business. Council Member Glassman said he appreciated the applicant having a business in the Ward and would appreciate it if he did his best to comply with the City ordinances, but asked him to do more outreach. He said the Ward 2 office would be more than happy to work with him to ensure that he had a positive relationship with the neighbors.

Mr. Brennan thanked Council Member Glassman and he said they had done quite a bit of outreach. He said there were forty-four approval letters and two disapproval letters. They worked very hard to get a lot of outreach in the neighborhood, and he said they would be happy to do more outreach in the future too.

It was moved by Council Member Glassman, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to authorize the request for rezoning as recommended by the Zoning Examiner.

12. ZONING: (C9-08-05) MESQUITE VALLEY GROWERS – SPEEDWAY BOULEVARD, C-1 AND RX-2 TO C-2, CITY MANAGER’S REPORT

Mayor Walkup announced City Manager's communication number 419, dated August 6, 2008, was received into and made a part of the record. He also announced this was a request to rezone property located on the northwest corner of Speedway Boulevard and Maguire Avenue, east of Pantano Road. The Zoning Examiner and staff recommended authorization of the rezoning subject to certain conditions. He asked if the applicant or representative was present, and if they were agreeable to the proposed requirements.

Mike Marks, MJM Consulting, representing Mesquite Valley Growers Nursery, introduced Tom and Kathy Bert of that entity. He said they were in agreement with all of the conditions.

Council Member Glassman thanked Mr. Marks for coming down and for having such a wonderful business in Ward 2. He said that he was personally excited about the café with outdoor dining and the courtyard. He thanked them for agreeing to rainwater harvesting with educational signage. He said there were so many people that visited this particular business; and that having rainwater harvesting along with some signage was going to have a very good impact on visitors.

Council Member Glassman asked Mr. Marks that he also consult with the Office of Conversation and Sustainable Development, to make sure they were leveraging the systems and the ideas that the City was going to be promoting with the rainwater

harvesting ordinances, principles and techniques. He told them staff would get him the contact information for Ann Audrey, Environmental Projects Coordinator, in the Office of Conservation and Sustainable Development.

It was moved by Council Member Glassman, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to authorize the request for rezoning as recommended by the Zoning Examiner.

13. ZONING: (C9-07-03) HSL PROPERTIES – PANTANO ROAD, SR TO P, TIME EXTENSION AND CHANGE OF CONDITIONS

Mayor Walkup announced City Manager's communication number 423, dated August 6, 2008, was received into and made a part of the record. He also announced this was a request to allow a six-month time extension and change of conditions for property located on the west side of Pantano Road, south of Escalante Road. Staff recommended approval of a one-year time extension and authorization of the rezoning subject to certain conditions. He asked if the applicant or representative was present, and if they were agreeable to the proposed requirements.

Steve Oliverio, WLB Group, representing HSL Properties, said they had reviewed the staff report and had no issues with the conditions.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to approve the request as recommended by staff.

14. CITY MAGISTRATES: APPOINTING NIKKI A. CHAYET AS A CITY MAGISTRATE AND FIXING COMPENSATION (CONTINUED FROM THE MEETING OF JUNE 3, 2008)

Mayor Walkup announced City Manager's communication number 400, dated August 6, 2008, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10537 by number and title only.

Ordinance No. 10537 relating to City Magistrates; appointing a City Magistrate of the City of Tucson; fixing compensation and declaring an emergency.

Vice Mayor Trasoff said she asked that this item come back after having been delayed. She said she was not present at the June 3, 2008 meeting, but knew it was delayed because of questions and the Council wanted to have more time to ask questions. She said her staff asked a lot of questions, and she wanted to share that with the Council. They spoke to Laura Brynwood, of the City Prosecutor's Office, and Judge Antonio Riojas, Presiding Magistrate of City Court, and both were very supportive of the reappointment. She said Judge Riojas told her staff they had worked together to address some of the concerns that had been raised in the past. Vice Mayor Trasoff said they also spoke to a mock trial volunteer, and they were in support of Nikki A. Chayett.

Vice Mayor Trasoff said she found some of the letters they received interesting. The issue of how Judge Chayett treated children in the courtroom was one. One person said she was most cognizant of the special issues facing children when they were in a courtroom situation, stating she consistently attempted to make it easy for the child to testify. She referred to another letter where someone spoke about her courtesy and respect, and her encyclopedic knowledge of the pertinent law.

Vice Mayor Trasoff said they received letters of support from current and former prosecutors, court employees, defense attorneys, a former assistant public defender, a court interpreter, someone who was active in the Arizona Women's Lawyers Association, and some probation monitors.

It was moved by Vice Mayor Trasoff, duly seconded, to pass and adopt Ordinance 10537, appointing Nikki A. Chayet as a City Magistrate.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10537 was declared passed and adopted by a roll call vote of 6 to 0.

15. CITY MAGISTRATES: APPOINTING KAREN MAISH-LEAVITT AS A LIMITED SPECIAL CITY MAGISTRATE AND FIXING COMPENSATION

Mayor Walkup announced City Manager's communication number 401, dated August 6, 2008, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10572 by number and title only.

Ordinance No. 10572 relating to City Magistrates; appointing Karen Maish-Leavitt Limited Special City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 10572, appointing of Karen Maish-Levitt as Limited Special City Magistrate.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10572 was declared passed and adopted by a roll call vote of 6 to 0.

16. MAYOR AND COUNCIL: SELECTION OF VICE-MAYOR

Mayor Walkup announced City Manager's communication number 416, dated August 6, 2008, was received into and made a part of the record. He asked the City Clerk to read Resolution 21033 by number and title only.

Resolution No. 21033 relating to the Vice Mayor of the Mayor and Council; selecting a Vice Mayor.

Vice Mayor Trasoff said she had truly enjoyed the past eight months being Vice Mayor. She knew there were a lot of extra certificates and proclamations to read, but she loved doing it, and having the honor to preside over the Mayor and Council meeting several times.

It was moved by Vice Mayor Trasoff, duly seconded, to pass and adopt Resolution 21033, naming Council Member Uhlich as the Vice Mayor.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Resolution 21033 was declared passed and adopted by a roll call vote of 6 to 0.

17. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 396, dated August 6, 2008, was received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Leal absent/excused), to approve the appointments of Willie H. Bond, III, to the Commission on Disability Issues; Dr. Richard Eribes to the Tucson Housing Trust Fund Citizens Advisory Committee; and to reappoint Bill Burnett to the Pima County-City of Tucson Commission on Addiction, Prevention, and Treatment; and the reappointment of Steven P. Herzog and Dr. Sarah Herr to the Tucson-Pima County Historical Commission.

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

Council Member Romero announced her personal appointment of Stephen Nekolek to the Citizen Police Advisory Review Board, and Peggy Hutchison to the Transit Task Force.

Council Member Glassman announced his personal appointment of Debbie Rich to the Pima County/Tucson Women's Commission and Anton Michael Russell to the Transit Task Force.

9. APPEAL: (S-08-15) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION – SUNRISE ASSISTED LIVING (MAYOR AND COUNCIL APPEAL CASE NO. S-08-002)

(Note: Consideration of this item was resumed after item 17.)

Michael Rankin, City Attorney, said they talked about some conditions that could be proposed in terms of a modified variance that the Mayor and Council might want to consider. Mr. Rankin said he would read them into the record and if Mayor and Council felt that this was too rushed, they did have the option to put it on a future meeting to be considered. He added that if the Council decided to grant a variance, but apply conditions to it, they had that authority. He said examples of conditions would be to limit the size of the sign area to 16.1 square feet. The allowance under the sign code was twenty square feet; so this would limit what the sign code allowed.

Vice Mayor Uhlich asked Mr. Rankin if that was the current size of the sign.

Mr. Rankin said it was the size of the current sign, but it would limit any future property owner or successive property owner a change of use. He said height would be limited to the current height of six feet four inches; the Tucson Code allowed ten foot high signs. It would put a condition on that. He said Mayor and Council could limit the amount of the encroachment into the landscape buffer to be not more than twelve feet;

they could grant a variance, but set a cap and that would be measured from the back of the sidewalk. This would ensure an eighteen feet back from the sidewalk buffer. He said the Council could also add a condition that no additional signage would be allowed, which would apply to the conditions and a variance that run with the property.

Mr. Rankin stated if there was a change of use, that condition would apply to successive property owners even if there was a change of use. This would put them in a position for example: if it became a commercial site, to be able to make a decision whether they should forego this variance, so they could obtain the normally allowed signage taller, higher, greater sign area and more signage like wall signage.

Vice Mayor Uhlich said she appreciated their work together on the conditions, and said she assumed the discussion touched on issues on communication with the applicant. She asked if that was correct.

Ms. Savel replied yes, the applicant was right in there in the trenches with them. She appreciated the opportunity to work with Mr. Rankin and staff, to work through the key issues.

Vice Mayor Uhlich noted and would follow up with the City Attorney, the challenge with the situation was that the variance was actually approved. It was denied based on the number of votes, so Mayor and Council was technically overruling the Sign Code Advisory and Appeals Board, even though they authorized the variance. She said it was confusing to her about how to make the motion in a manner that would provide the justification. She said she would make the motion as outlined by the City Attorney.

Mr. Rankin said he would read the motion, as the Mayor and Council would be modifying the decision of the Sign Code Advisory and Appeals Board. He said the motion would be to modify the decision of the Board, and that they make the findings required under the Tucson Code that a variance was appropriate, but with the following conditions, which would be attached to the variance: that the size of the sign in question not exceed 16.1 square feet; the height of the sign not exceed six feet four inches; that the encroachment that was permitted by this variance shall be not more than twelve feet into the landscape buffer as measured from the back of the sidewalk; and an additional condition that no additional signage would be allowed on site.

Ernie Duarte, Director of Development Services, announced one additional condition that the applicant requested, which was that they be allowed to re-transplant the vegetation on site to promote some visibility; not necessarily remove some vegetation, but take some of the vegetation that might be impeding the visibility of the sign, and transplant it within that scenic buffer.

Vice Mayor Uhlich said she would agree to incorporating that in the motion.

It was moved by Vice Mayor Uhlich, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/ excused), to modify the decision of the Sign

Code Advisory and Appeals Board in the subject case by granting the variance with the conditions as amended.

18. ADJOURNMENT: 7:51 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on September 3, 2008, 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 6th day of August 2008, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ags:sac