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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on January 10, 2017.

Date of Meeting: May 3, 2016

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:35 p.m., on Tuesday, May 3, 2016, all members having been notified of the time and place thereof.

### 1. ROLL CALL

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

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Vice Mayor, Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

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

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor Larry Munguia of the S.O.B.E.R. Project, after which the Pledge of Allegiance was led by Miss Junior Poppy, Ashlyn Ware.

Presentations:

- a. Mayor Rothschild proclaimed May 1 to May 7 to be “Safe and Dependable Drinking Water Week.” Timothy Thomure, Tucson Water Director accepted the proclamation.
- b. Mayor Rothschild proclaimed May 7 and May 8 to be “American Legion Auxiliary Memorial Poppy Days.” Sue Ritchie-Downey accepted the proclamation.

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

Mayor Rothschild announced City Manager’s communication number 132, dated May 3, 2016, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports were provided by Council Members Romero, Cunningham, Fimbres, and Mayor Rothschild. 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 133, dated May 3, 2016, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

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

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Rothschild announced City Manager’s communication number 134, dated May 3, 2016, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

- b. Liquor License Application(s)

New License(s)

1. Crooked Tooth Brewing Co., Ward 6  
228 E. 6th St.  
Applicant: Benjamin Daniel Vernon  
Series 3 City 12-16  
Action must be taken by: April 1, 2016

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

2. Hensley Beverage Company, Ward 5  
705 E. Ajo Way  
Applicant: Robert Michael Delgado  
Series 4, City 26-16  
Action must be taken by: May 9, 2016

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

3. 7-Eleven #18981D, Ward 3  
3501 E. Grant Rd.  
Applicant: Ajay Gupta  
Series 10, City 28-16  
Action must be taken by: May 12, 2016

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

4. Welcome Diner, Ward 5  
902 E. Broadway Blvd.  
Applicant: Thomas Robert Aguilera  
Series 12, City 29-16  
Action must be taken by: May 9, 2016

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

NOTE: State law provides that for a new license application "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

#### Person Transfer(s)

5. Dorado Country Club, Ward 2  
6601 E. Speedway Blvd.  
Applicant: Kevin Arnold Kramber  
Series 7, City 27-16  
Action must be taken by: May 8, 2016

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

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

c. Special Event(s)

1. Tucson Screammers, Ward 3  
1102 W. Grant Rd.  
Applicant: Bobby Glenn Sutton  
City T45-16  
Date of Event: May 4, 2016  
(Concert)

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

2. Ben's Bells, Ward 6  
40 W. Broadway Blvd.  
Applicant: Jodi Lynne Vander Ploeg  
City T47-16  
Date of Event: May 7, 2016  
(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 Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b5, and 5c1 through 5c2 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:

Robert Reus  
Mary DeCamp  
Martha Torres  
Deb Tilley  
Jim Cook

Paul Parisi  
Ken Scoville  
Stephen Moore  
Bruce Dusenberry

Keith Murfee-DeConcini  
Arnoldo Martinez  
Les Pierce  
Tim Walrath

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 MAY03-16-135 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of October 8, 2015
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of October 8, 2015

b. BOARDS, COMMITTEES AND COMMISSIONS: AMENDING TUCSON CODE (CHAPTER 10A) RELATING TO THE REDISTRICTING ADVISORY COMMITTEE

1. Report from City Manager MAY03-16-142 CITY WIDE
2. Ordinance No. 11354 relating to Boards and Commissions; relocating the Tucson Code provisions governing the Redistricting Advisory Committee, formerly located in Tucson Code Chapter 12, to Tucson Code Chapter 10A; removing certain time requirements that no longer apply to the Committee; amending the Tucson Code by adding a new Chapter 10A, Article V; and declaring an emergency.

c. MEMORANDUM OF UNDERSTANDING: WITH THE PIMA ASSOCIATION OF GOVERNMENTS FOR THE BIKE SHARE PROGRAM

1. Report from City Manager MAY03-16-143 CITY WIDE

2. Resolution No. 22566 relating to Transportation; authorizing and approving a Memorandum of Understanding (MOU) with the Pima Association of Governments (PAG) and City of Tucson (City) for programming and funding of Bike Share Program; and declaring an emergency.

(This item was continued at the request of staff.)

- d. REAL PROPERTY: APPROVAL OF AMENDMENT TO OFFER TO PURCHASE FOR PROPERTY LOCATED AT 1050 WEST IRVINGTON ROAD
  1. Report from City Manager MAY03-16-145 WARD 1
  2. Ordinance No. 11356 relating to real property; approval of amendment to Offer to Purchase with Irvington Interstate Partners, LLC for the sale of City-owned property located at or near 1050 West Irvington Road; and declaring an emergency.
- e. BOARDS, COMMITTEES, AND COMMISSIONS: AMENDING THE MEMBERSHIP OF THE COMMISSION ON DISABILITY ISSUES
  1. Report from City Manager MAY03-16-144 CITY WIDE
  2. Ordinance No. 11355 relating to Boards and Commissions; amending the Tucson Code Section 10A-77 to modify the membership composition and method of appointment for the Commission on Disability Issues; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – e, with the exception of Item c, which was continued, be passed and adopted and the proper action taken.

**8. PUBLIC HEARING: APPROVING THE CITY OF TUCSON ANNUAL ACTION PLAN AND AMENDMENTS TO THE FIVE YEAR CONSOLIDATED PLAN 2015-2019**

Mayor Rothschild announced City Manager's communication number 136, dated May 3, 2016, was received into and made part of the record. He said this was the time and place legally advertised for a public hearing on the Fiscal Year 2017 Annual Action Plan and Amendments to the City Of Tucson and Pima County 5 year Consolidated Plan. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

The following people spoke regarding the amendments to the Five Year Consolidated Plan:

Dustin Schaber  
Scott Coverdale  
Alison Wood

Michael McDonald  
Elba Barba

Gail Bouchee  
Carrie Nelson

Council Member Uhlich clarified for the record, that the Community Home Repair Program of Arizona (CHRP) Emergency Grant was not a Community Development Block Grant (CDBG) funded program; and would be funded under the General Fund which addressed the concerns constituents had.

Mayor Rothschild asked the City Manager if he could address some of the questions.

Michael J. Ortega, City Manager, replied Ms. Sally Stang was in attendance and was able to address some of those issues.

Mayor Rothschild asked if the CHRP issues and the Direct Center issues could be addressed before continuing the public hearing.

Stacy Stang, Housing and Community Development Director (HCD), stated Amendment #4 to the Consolidated Plan was really a clarification. She said under the CDBG program, they were required by regulation, to choose one of three options for determining income eligibility of clients in the program. The options were as follows:

- 1) Section 8 annual income termination method
- 2) IRS 1040 long form method
- 3) Census long form

Ms. Stang stated there really was not an option to not pass Amendment #4 if the City wanted to remain in compliance with the Housing and Urban Development (HUD) regulations. She said choosing the Section 8 method was very easy for the City because HUD did not allow them to use one method for one family and another method for another family; one consistent method had to be used with everyone. She explained that if the IRS 1040 method or the Census Long Form method was used, that meant the City could only help families who had completed those forms. She commented that left the only option, which was a more complicated option, for determining income eligibility which was the Section 8 Annual Income Termination method.

Ms. Stang continued that the other issue that had come up was the waiting list. She said key to the waiting list, whether there was a centralized waiting list or the City allowed the agencies to keep their own waiting lists, was it had to be auditable, and if there were any deviations from the waiting list beyond the date and time had to be spelled out in an administrative policy within the CDBG policies. She said they could not choose to skip a person simply because they felt like it; it had to be spelled out in the policy to say that that person had an acute emergency as defined in the policy or that person had access issues related to ADA modifications. She stated those were all issues that HCD needed to work with Housing Rehab Collaborative Agencies to devise policies going

forward on how fairly and justly they could move people along on the waiting list. She said it was their intent that there would be preferences and priorities for situations such as dyer emergencies and ADA accessibility. She commented defining those would be challenging with all the agencies going forward.

Mayor Rothschild explained his understanding of Amendment 4 or option D was providing for that pool of funds, pulling it out of the general fund as Council Member Uhlich stated, as opposed to some more regulatory funds in order to provide the most flexibility as the City tied to figure how to make the system work.

Ms. Stang affirmed the Mayor's understanding and stated they recognized this as being an issue through conversations with the agencies. She said the requirement to complete an environmental review and full eligibility process for a family was really a hindrance in the acute emergency situations. She said the recommendations being put forth included a little over fifty thousand dollars for CHRPA for those acute emergency situations.

Mayor Rothschild asked Ms. Stang to address the Direct Center of Independence (DCI) issues.

Ms. Stang stated they were in the same boat as CHRPA. She indicated ADA accessibility issues which were going to be a priority to move people up on the waiting list. She said they definitely wanted to work with them in developing how to prioritize the list.

Mayor Rothschild asked staff to address two things. One was the direct proposition of what would happen when someone was homebound; how would they get down to the City. Second was how the City intended to deal with home repairs when additional monies was put back from the general fund which made it more flexible.

Ms. Stang stated policies were already in place for reasonable accommodations and at any point if someone was unable to come to the office, HCD would do a home visit and were very flexible in with that consideration. She said on the other issue, particularly for DCI going forward, the Housing Rehab Collaborative had been around since 1986. The program itself had not been revamped in 20 years and it was about time that it needed to be.

Ms. Stang commented, as there was talk about preferences and priorities because someone needs an ADA modification, which was a preference and priority if they could not get out of their home, there would be more funding available than having the separate allocation to the agency, because that was now a priority over other repairs that were non-emergency or non-essential. She said, in addition, having non CDBG funds available through CHRPA could assist in those situations where they could not wait for the (ERR) Environmental Review Eligibility termination.

Council Member Romero commented that she and Ms. Stang had met on an individual basis to talk about the Plan regarding the housing rehab collaborative. She said she knew that program had been cut in half and was one of the concerns that CHRPA had. She said she knew HCD had a plan, moving forward, to restructure and reinvest the housing collaborative. She said some of the monies that should go to the Housing Rehab Collaborative were going to fund emergency response vehicles.

Council Member Romero stated that one of issues she had with that concept was that CDBG funds were being used for that purpose. She said she also understood that the emergency response vehicles were going to be funded in areas with low to moderate low income levels and needed to be kept there.

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

Mayor Rothschild asked the City Clerk to read Resolution 22565 by number and title only.

Resolution No. 22565 relating to Public Housing; approving the proposed amended plan between the City of Tucson (City) and Pima County (County) for preparation and submission of the FY 2017 Annual Action Plan and amendments to the Five-Year Consolidated Plan required by the United States Department of Housing and Urban Development (HUD) for the City and County to continue receiving entitlement grant funds; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 22565.

Vice Mayor Kozachik stated one of the reasons the Mayor and Council were amending the Plan was to allow for the recalibration of the entire CDBG funding process. He said one of the directions with that was that they were going with the purchase of emergency vehicles. He said part of the information that was sent out to the Mayor and Council was a five year history recapping how many people were being assisted/served. He commented it had gone from thirty-seven thousand in 2011 to eleven thousand last year.

Vice Mayor Kozachik asked for clarification from staff that there had been three different roll overs of about \$.5 million for two of them and \$1.2 million for public facilities that could fund a lot of different kinds of things in low moderate income areas. He said his concern was that they were spending dollars that could go to serving the underserved in the community instead of spending them on ambulances or public safety vehicles which were also a legitimate need. He commented, the City was rolling funds over and also had \$8 million dollars in Troubled Assets Relieve Program (TARP) funds, that the City Manager wanted to allocate over a three year period. He said he wondered if those funds could be used more immediately to address some of the needs, either

through TARP or the roll over funds. He suggested if these funds could address some of the needs, and if possible the City should strongly consider one or both of the options.

Mayor Rothschild stated Ms. Stang could answer the question about the roll over dollars and then suggested the City Manager answer the TARP dollar questions.

Ms. Stang stated the City had unspent funds from the Fiscal Year 2016 CDBG allocation which was earmarked for undesignated public facilities and for a neighborhood side walk program. She said those were the funds that added up to about nine hundred ninety-four thousand dollars that were being rolled forward. She stated action had not been taken on any of those programs other than working with the Tucson Department of Transportation (TDOT) trying to identify neighborhoods for neighborhood sidewalks. She said she knew those dollars were available to fill the critical need of emergency vehicles.

Mayor Rothschild clarified those dollars had been designated for sidewalks and asked what else.

Ms. Stang stated the funds were for undesignated public facilities. In other words, all of the nine hundred ninety-four thousand dollars could be used in any bricks and mortar public facilities manner.

Mayor Rothschild reiterated that the funds had to be used for brick and mortar.

Ms. Stang stated that was correct and could not be used for human services because they were already at the cap of 15% in CDBG funding.

Mayor Rothschild asked if the rollover money could not be designated back over to the fund being utilized for ambulances.

Vice Mayor Kozachik stated it could not be rolled over to those funds but Ms. Stang was also opening the conversation that it could be used for public facilities, parks, sidewalks, lighting or kinds of things for low to moderate income areas, which were also legitimate needs that needed to be addressed.

Mayor Rothschild stated it did not answer the direct question of the evening, but certainly showed the funds were available for a similar need in population. He then asked about the TARP funds.

Michael J. Ortega, City Manager, stated his recommendation was to split the TARP settlement money which was not yet received and split that in half. He said \$8 million was in the water budget which over the next 2 years would stabilize rates and reduce the need for increases beyond what was already recommended. He said he was suggesting allocating the other half of the funds to the General Fund for use of one-time expenses. He said he also suggested that the funds be distributed over three years; \$3 million, \$3 million and \$2 million, to be used in Fiscal Year 16-17 for public safety.

vehicles, specific police vehicles and fire apparatus, as well as, some facilities improvements. He said he did not have a plan, right at the moment to present to the Mayor and Council what that would look like. He said his thought was that when it came to the Mayor and Council for consideration, he would have something outlined at that time.

Mr. Ortega stated going back to previous conversations with the Mayor and Council regarding the City's needs, and as Vice Mayor Kozachik stated, CDBG dollars could be used for sidewalks and parks in those specific areas. He said because of the need and his expressed concern about public safety vehicles and the need for their reliability, he had recommended the funding for ambulances come from this source. He commented that the TARP money for fire that he was looking for would more than likely be for fire apparatus and he as working with the Fire Chief to identify specific needs. He asked the Mayor and Council to keep in mind that the City should have been allocating \$5 million for vehicles and \$5 million for apparatus. He said this had not been done and the City was very far behind and looking for ways to catch up.

Mayor Rothschild asked if the amendment were to be approved and when the TARP funds arrived, was there anything that prohibited the Mayor and Council from taking whatever the short fall was this year and putting it into the plan being discussed.

Mr. Ortega stated he needed to double check the requirements, but his understanding was that those dollars were available to be used for one-time expenses the Mayor and Council saw fit.

Mayor Rothschild stated it was not something they needed to necessarily address that evening, but it was an option when the TARP dollars arrived.

Mr. Ortega stated he believed the TARP settlement would be presented to the Mayor and Council on May 17th.

Council Member Romero said she represented one of the highest stressed areas in Tucson, which was the 12th Avenue corridor. She said she was very passionate about investment in the area. One of her biggest concerns was with the recommendation to cut funding in half for the housing rehab collaborative, the other was using CDBG funds to purchase emergency response vehicles. She said what concerned her was that CDBG funds were supposed to be used specifically for infrastructure that benefited the quality of life of a community in a high stressed area.

Council Member Romero stated that delving into this pot of money to purchase emergency response vehicles was concerning to her because that should be done with general fund allocations or with one time revenue like the TARP funds. She said for this year, she could go along with purchasing emergency response vehicles with this pot of money because the vehicles purchased had to stay in CDBG low income areas and because those vehicles were providing an emergency services to residents in that area.

Council Member Romero commented she wanted to know what the City's plans were for the following year because of her concerns with the fifty percent cut on the housing collaborative. She asked how was it going to be restored and how was the City going to work with CHRPA and other organizations to have a fair consistent processes and, at the same time, serve the actual emergencies that happen to members in the community who did not have the means to pay for plumbing or fixing emergency situations such as cooling. She asked again how the City planned to move forward in the next year to not delve into this pot of money and what were the plans to restore the funding for the housing rehab collaborative.

Ms. Stang stated it was their intention to spend the year working with the community and the rehab collaborative agencies to redevelop the program from the ground up so that next year, prior to the allocations, an RFP process can be conducted to ensure it was fair and the agencies participating in the housing rehab collaborative there were opportunities for new agencies to come on board. She said a means to monitor and evaluate the agencies needed to be developed. She said since coming to Tucson, all she's heard was what a great job CHRPA leveraged money and stated they did. But, she stated, she saw no action that adjusted their funding that said, "you do a great job, therefore, you get more money." Ms. Stang stated she thought that was wrong.

Ms. Stang said that the program was currently set up without specific preferences and priorities which were missing the boat, missing those people who had those urgent needs because it was not set up in a way that they were able to identify and act on those in a fair and consistent manner. She said she wanted to have those conversations with the Mayor and Council and with the agencies. There were many things they could do and had been investigating programs across the country, they were looking at whether or not certain portions should go into targeted areas to see more leverage and more community build up rather than a shot gun approach. She said they had a lot of ideas and were going to lean on their partners, agencies they worked with, talk to community members and the Mayor and Council.

Council Member Romero asked Ms. Stang to talk about public facilities and emergency response vehicles.

Ms. Stang stated her plan for next year was to restore funding to the levels that they were for the housing rehab collaborative which would be her recommendation once the plan was revamped. She commented that when she saw the report on how old the ambulances were, it scared her, and became pivotal to say it was a crisis need for the community.

Council Member Romero stated she understood how this part of the money could be used for emergency response vehicles because it had to be used in areas that had high stress and were CDBG eligible, but she wanted to see an organized approach and make sure the organizations such as CHRPA and others gave feedback and input. She said what she heard from CHRPA was that they were very concerned that if there

was an organized approach to waiting lists and applying for funds, they would not have the ability to serve people that were truly needy and had housing emergencies, especially if someone did not have the money to fix it right then and there, it was devastating for the family. She stated she did not know if the City or HCD had a 24-hour hotline so that these organizations could call anyone on call at the City. She said when the procedure was structured it had to be with the thought process for emergencies and community input on how housing emergencies would be dealt with, and when the money would be restored.

Council Member Romero said she would vote in favor of the plan but she wanted to hear more about how the City was going to move forward with the housing rehab collaborative and how public facilities funds could be used to fund areas of high stress with the quality of life, sidewalks, park improvements, and transit-issue related things.

Vice Mayor Kozachik asked that when the TARP dollars came in, could the conversations be kept fluid so that if there was nine hundred ninety-four thousand dollars it could go into public facilities and make sure that was addressed, as a body, before closing the book on that conversation.

Michael Rankin, City Attorney, stating he believed it was the Mayor and Council's intent to incorporate as part of the motion to approve Option D as discussed in Study Session. Specifically, if acceptable to the motion maker, to adopt and approve Resolution 22565, approving the Annual Plan and Amendments to the Five-Year Consolidated Plan subject to revising the Plan documents to incorporate the funding allocations described in Option D as presented in the afternoon's Study Session, which were approved for incorporation into the Plan.

Council Member Scott concurred.

Resolution 22565, as amended, was passed and adopted by a roll call vote of 7 to 0.

## **9. PUBLIC HEARING: FORM OF ELECTION FOR FUTURE CITY ELECTIONS**

Mayor Rothschild announced City Manager's communication number 137, dated May 3, 2016, was received into and made part of the record. He said this is the time and place legally advertised for a public hearing to seek comments from the public on the form of elections for future City of Tucson elections.

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

The following speakers spoke:

Bruce Dusenberry  
Ted Maxwell

Robert Reus  
Margot Garcia

Colette Altaffer  
Shuron Harvey

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

Mayor Rothschild stated there was no action needed that evening. He said it was recommended that the Mayor and Council give staff direction and return with ballot language based on the comments and discussion received that evening. He commented that whatever ballot language was returned it would not change the issue that would be crafted in a couple of weeks. He asked for Council's approval and he suggested they put the item back on in two weeks.

Council Member Romero thanked the Charter Review Committee (CRC) for their service to not only, the Mayor and Council but the community, as well as Dr. Raphe Sonenshein, Consultant, for leading the committee and giving a lot of effective good input to the community. She stated she knew that the court had accepted to review the result of the previous courts and asked staff to expand on that, what the next steps were that the City of Tucson had to go through with the 9th Circuit Court of Appeals.

Michael Rankin, City Attorney, stated the 9th Circuit Court of Appeals agreed to rehear/reconsider the prior decision en banc which meant it would be heard by a larger panel of the judges, eleven, of the 9th Circuit Court of Appeals judges. He said a date had not yet been set a date for oral arguments and would possibly occur in the week of June 20th. He said the case would be argued by both parties and then the 9th Circuit Court of Appeals would issue a new ruling with a larger court.

Mayor Rothschild stated the one hanging question, if something was going to be placed on the ballot in November, when did they need to have the ballot language by.

Roger W. Randolph, City Clerk, responded that to put something on the November ballot he needed a decision by the Mayor and Council by the beginning of July.

Mayor Rothschild stated they were not going to have an answer in time for the November ballot, but the City did have an election next year.

Michael Rankin, City Attorney, stated that the Mayor was correct.

Council Member Romero asked what the legal direction was to run an election in 2017, if the Mayor and Council decided not to put this particular issue on the ballot.

Mr. Rankin replied it depended on the final result of the 9th Circuit Court of Appeals, but in the event the 9th Circuit decision did not change the prior decision that the City's current system was unconstitutional, and no Charter amendment was approved changing it to a different system, then his advice to the Mayor and Council would be that

the election would have to be conducted as an at-large Primary with an at-large General Election. He said the reasoning behind the Court of Appeals, which was a 2 to 1 panel decision, was that the unconstitutional element of the City's existing system was not that too many people were allowed to vote in the General Election, but that it unreasonably restricted the voting rights in the Primary Election. He said based on that reasoning, the remedy was to go with an at-large Primary and an at-large General Election. He said they would have to wait and see how the court process played out.

Council Member Romero asked how long it usually took for the Court to review the case.

Mr. Rankin replied that there was no predictable amount of time; sometimes the Court acted within three to four months, sometimes it was a year.

Mayor Rothschild stated if you put ward on the ballot and lost, and the court upheld the decision, then you have general and if you have general on the ballot and lost you had ward. He said it was a way of getting people to make the choice.

Council Member Romero wanted confirmation that they had until June to make a decision if they wanted to put something on the November ballot and the Mayor asked the City Clerk to respond.

Mr. Randolph stated depending on how the election was called they could probably push it to the meeting in July, pushing it to the very end and would require the ballot language to be written and adopted in order to administratively conduct the election.

Council Member Romero stated that having one public hearing for such an important issue was not enough. She said she wanted to be able to hear from others in the community their advice and input on what they wanted to give to the Mayor and Council. She said she wanted to be careful as to when they brought this back, especially if they were going to be spending money as a City to put a question on the ballot. She said she was not completely convinced the May 17th date was the absolute deadline for putting something on the November ballot. She stated she wanted to hear more from the community.

Mayor Rothschild stated they had a little bit of time but was not sure on how they were going to pick up additional public input. He said that evening was already designated for a public hearing and everyone could see there was not an overwhelming interest present. He stated it did not mean there was not an interest in the community at large, but he was not sure how to extract that. He said polling was conducted and that polling only resulted in 36% that liked general, 26% like ward, 16% liked what we had now and the rest did not know. He said he did not think that was going to change. He stated his only concern was that they had a legal system come November this year so that in the 2017 year election everyone knew the rules.

Vice Mayor Kozachik asked what the cost was to put an item on the ballot.

Mr. Randolph replied if the City was to run this election the amount would be approximately five hundred fifty thousand dollars and if was put on the County's ballot it was approximately three hundred to three hundred fifty thousand dollars.

Vice Mayor Kozachik stated he thought the City would win en banc for a couple reasons; political parties were not protected classes under the law and the City was not unique, they might be unique in Arizona, but other jurisdictions had joined the City in the 9th Circuit with amicus briefs stating, "don't cash in their chips on this one because you representing us on this as well." He said he did not think the Court would have taken the case if they if they thought there was no merit in it and they were not going to waste their time if they thought our appeal was frivolous.

Vice Mayor Kozachik said he also felt the City's current system reflected how the City was governed. When discussions such as zoning issues or ward centric issues, the Mayor and Council generally refer to others Council Members; but when conversations about water policies, the budget, community wide issues, those do not happen in a ward silo they happen collaboratively. He said he was willing to wait on the Court's decision banking on the fact that the City was going to win and also recognizing the fact that they do not have to something on the ballot in November or March and not waste money by doing something in November. He said the system in place reflected the City's governance and was willing to wait for the Court.

Council Member Cunningham said there were several different motives that had come out from the process, and he had no problem putting it forth to the voters. He said he was trying to figure out how, if the City went to a ward only system and the neighbors show up on a rezoning case opposing it, and he as their representative votes against it, but his colleagues vote for it, and the neighbors do not have any say in voting for them, how was that a representative system. He said he did not know how that was fair. He said he was willing to put it out to the voters, for the fourth time, to decide if they want ward only elections. He said he believed the people's will should be heard and that was a core value of his. He advised that people should be careful what they wish for in a ward only system.

Council Member Cunningham stated, for the record, that he and his colleagues worked twice as hard under the current system, they had two constituencies they worked for; the neighbors and the community as a whole. He said he was willing to entertain a ward only system, but wanted to have a solid fallback system and asked if the City would fall back to a city-wide, city-wide system or to the current system.

Mr. Rankin stated a scenario worth discussing was the eventuality of the City actually winning in court. He said he did not necessarily disagree with what Vice Mayor Kozachik had characterized of where the court might be headed. He said if there was a ballot question put forth to the voters that failed, and the City prevails in court, then the current existing system would stay in place.

Council Member Fimbres asked if the five hundred fifty thousand dollars to run an election as quoted by the City Clerk was currently in the budget for FY 2016.

Mr. Randolph stated the amount was currently budgeted in the City Clerk's Budget for the 2016 fiscal year.

Council Member Fimbres asked if the budget was for the City to run the elections as an all vote by mail election or in conjunction with Pima County Elections.

Mr. Randolph stated it would cover either type of election that the Mayor and Council decided to run.

Council Member Fimbres asked if it was cheaper to run it with the County or with the City.

Mr. Randolph stated he believed it would be cheaper to run it with the County but was not sure how long the County ballot would be with all the issues that were going to be placed on the ballot, and if the City's item pushed them to a third page, the City could absorb the cost, but he was not aware of the cost at this time.

Council Member Fimbres asked how the City's Campaign Finance Public Matching Fund program would be affected by this proposal.

Mr. Randolph stated right now the public matching funds program would not change under this proposal with the charter amendment. He said if the City went to a ward only type of election system the candidates running within their wards would have additional funds under the program to run just within their ward. He stated they would receive the same amount of money for the general election within their ward as they do city wide.

Council Member Fimbres reiterated that the case had been appealed and should be heard on June 20<sup>th</sup>. Historically, he said, it had been tested nineteen times and upheld nineteen times. He predicted that the twentieth time it would come back to the way the current system was; the primary election was run as ward only and the general city-wide. He said he wanted to see what the outcome was with the courts before spending tax payers' dollars.

Council Member Romero stated she wanted to explain her hesitancy of hurrying with this decision. She said she and Council Member Fimbres put together the idea of the Charter Review Committee back in 2014. She said their reasoning behind it was because the Charter needed to be changed; it had been written in 1924 and there were areas that were antiquated. She said she felt the City Charter needed review by a group of citizens that could give input, which was necessary, to move forward.

Council Member Romero said that last year there were some items placed on the ballot that everyone felt were a first good step forward and she said she was very

comfortable in giving those items her full support. She commented that there was a unanimous committee that had support from the business community, neighborhoods and so many different people for specific issues to be changed and had passed in a healthy way by the community.

Council Member Romero stated her hesitation to hurry something up that was so important was because she could see there was a lot of conflicting opinions out there, and there were many people passionately against and for a ward only system. She said she wanted to get to the point where something could be placed on the ballot for Charter changes that was good for everyone in the community and made sense. She commented on how the Charter was the City's constitution and had to be fair. She said everyone had to be able to think through the decisions to change the Charter.

Council Member Romero also stated that she believed in the possibility of putting that question in front of the community once again to get their opinion and input. She said there were circumstances that were making her think and be a little hesitant which were the lawsuit and the City being in front of the 9th Circuit Court of Appeals. She stated that was why she wanted to ensure that it was being properly thought out, input was being received and a decision made that was well thought out.

Council Member Scott asked if the committee was ever given the possibility of considering the current system along with alternative systems or were they more directed towards looking at alternative systems to begin with, because of the lawsuit. She said in other words, were they ever asked if they would vote one way or the other on the current system.

Mr. Rankin stated the Committee discussed at length the current system but it probably bared reminding that the Mayor and Council referred back to the CRC to discuss the question of election reform through charter changes even before the 9th Circuit Court of Appeals 2 to 1 panel decision came out. He said the CRC understood that but they did discuss the existing system and there was discussion on both ends in favor of that system or in favor in seeing changes but ultimately the CRC made its recommendation to the Mayor and Council as included in the report.

Mayor Rothschild asked the Chair for the CRC, to come forward. He thanked her and the whole Committee on the work that they did. He stated that out of a group of fourteen, eight actually voted for this type of hybrid system, not a hybrid like what the current system was, but going to more council people, two of which he called super council people that were elected city wide along with the Mayor and six ward only council members. He said no one voted for general/general. He asked if there was any sort of a sentiment taken on the existing system and was there anyone that supported that.

Bonnie Poulos, Charter Review Committee Chair, stated in both reiterations of the Committee they were almost evenly split between members who favored the current system and members who favored ward only.

Mayor Rothschild asked Ms. Poulos to explain CRC's recommendation on the two systems.

Ms. Poulos stated the Committee members were concerned about the court case and the fact that that was a given. She said the decision by the court was that our method was unconstitutional and when the CRC made their decision the hybrid system that included two at-large members added to Council was essentially a compromise with those who felt that the current system was really the best system.

Mayor Rothschild stated what he was hearing from Ms. Poulos, who sat on both Charter Committees, was that it reflected the community well but, was a very divided decision between keeping what was currently in place and going to a ward only system.

Ms. Poulos stated he was correct.

Council Member Scott thanked Ms. Poulos for chairing the Committee. She said they had not talked about the issue of staggering the elections and did not know what the consensus was. She said one of the comments that she had heard was that they were going to be asking voters to give up their seven votes they currently had for Mayor and Council and trade that for two. She said that was sort of an interesting insight into what would change if it were ward only. She commented that people had a bigger say in the greater selection in the current system.

Council Member Scott stated she agreed with her colleague who expressed concern about jumping the gun, running ahead of the decision that could come from the courts. She said, "Yes, it would be looked at on June 20<sup>th</sup> but when will a decision be rendered?" She asked why would the City preempt the courts and say let us just pick one and throw it on the ballot and then the courts comes along and says that was wrong too.

Council Member Uhlich asked that when the discussion of the new hybrid system came up was there discussion about that being an improvement over the existing hybrid system, in other words, having some ward and some at-large. She asked if Ms. Poulos could comment more on the issue because she had heard that there was considerable support for that new way of doing a hybrid system.

Ms. Poulos stated Dr. Sonenshein was a very good facilitator and one of the things he helped to recognize was that ward only elections created issues of competitiveness, parochialism, an inability to have an elective body function for the good of the City as a whole. She said for those that believed the current system was an excellent compromise between the two; likewise the hybrid system that was put forward in the report was a compromise to allow people to have a representative that focused only on their ward but to all also have members of the Council who would truly represent the community as a whole.

Ms. Poulos commented that one of the things they did not address was the role of the Mayor in that form of elections because of time constraints on the committee to get a

report back to the Mayor and Council by April 1st, but wanted the feeling that they wanted to keep this as simple as possible. She said to put those issues together and make sense in terms of making a distinction between the at-large members and the role of the Mayor, would mean going back and undoing what was just approved in the last election because if the Mayor has veto power he can essentially be an equal member of the Council. She said for those reasons the hybrid that was presented in the report was an option that the Committee felt considered both of the issues of representation within your ward and representation for the community as a whole.

Council Member Uhlich stated that what really jumped out at her in the materials which were kind of the guiding principles for the Committee's work was what mattered, as they look at how our democracy was structured. She said it had to do with a sense of trust, accountability, representation, transparent process, and clarity of responsibility. She stated the Mayor and Council were hearing a lot of comment that either impugned their integrity from time to time or questioned their motivation on how they were looking at this. She made reference to the many people, like George Miller, Past Mayor, on one side who was very much in favor of ward only and was a mentor of hers and a leader of the community and on the other hand, there were people like Ms. Poulos saying that the City should do a hybrid system.

Council Member Uhlich said she wanted to talk about this in a way that really brought out what values they wanted the City's system to embrace. She said she believed that was the leadership that was offered to the Committee and hoped that was the conversation that they had; what was the most just system and the one that the Mayor and Council could continue to be proud of.

Council Member Uhlich commented that one other thing she would be looking at was voter data. She said she genuinely believed, which troubled her more than anything, was that voters were confused by the current system. She said if the people who vote in the un-staggered term where the mayor and three council members were on the ballot and she did not know if this was true or not, and there were considerably fewer voters casting their ballot on all four of those races, she said she thought that there was confusion and people did not know if they got to vote or not.

Council Member Uhlich said if the City stayed with the current system, they had some work to do to ensure people were not disenfranchised passively through how current system and process was being communicated.

Mayor Rothschild stated what he wanted to do was bring the item back on June 21<sup>st</sup> which was the second meeting in June and gave everyone time to do whatever they need to do. He said in all fairness to what the process had been so far, a decision needed to be made; if the decision was to make no decision that was fine but it needed to be on the record. He said he felt everyone needed to understand the consequences of a no decision or a decision to put it on the ballot.

Mayor Rothschild said echoed what he thought the Council was saying that whatever form something was put forth, it was really a question of, “do we let the people decide or not” and after that, it was a matter of fine tuning. He said he felt, with the Council’s agreement that the item be brought back on June 21st for a final decision. He said if was not done by that day, he was not sure that an election would be held in November.

Council Member Romero stated one thing that had not been talked about was the financial questions. She said in order to have a good election system the City needed to have a healthy budget and be financially sound. She said the financial piece was also important but they needed to be careful moving forward. She indicated that November 2016 might not be the best time to have an election, but maybe have a special election in March or May for the City to be able to put a financial question on the ballot. She said decisions should not be made based on a court case that was going to be reviewed and might have a different result than what was being discussed.

Mayor Rothschild clarified that the direction from the Council when this item was discussed about a month ago was not to address the financial matter until at least the March election. He said what was also discussed was that there needed to be a decision made in June, one way or another, on what would happen in November. He stated the discussion would continue for the next two weeks with the item returning in June for a final decision.

**10. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED ANNUAL BUDGET FOR FISCAL YEAR 2017**

Mayor Rothschild announced City Manager's communication number 138, dated May 3, 2016, was received into and made part of the record. He said this is the time and place legally advertised for a public hearing to provide the public with the opportunity to comment on the Fiscal Year 2017 recommended budget. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

The following people spoke and commented on their thoughts regarding the City of Tucson Recommended Annual Budget for FY 2017.

Michael Tamarack	Roma Vanduzen	Sarah Launius
Jim Thomas	Brian Flagg	Kathy Ortega
Kassandra Manriquez		

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

Mayor Rothschild stated the tentative adoption of the Fiscal Year 2017 Budget was scheduled for May 17<sup>th</sup>. Another legally required public hearing was scheduled for

June 7<sup>th</sup> for the purpose of public comment on the budget as tentatively adopted at the May 17<sup>th</sup> Mayor and Council meeting.

**9. PUBLIC HEARING: FORM OF ELECTION FOR FUTURE CITY ELECTIONS**

**(NOTE: This item was taken out of order and revisited at the request of Mayor Rothschild.)**

Mayor Rothschild stated he would like to bring this item back on June 7<sup>th</sup> as opposed to June 21<sup>st</sup>. He said this gave the City thirty days to make a decision and he did not want to give the perception that they were pocket vetoing the item. He commented he appreciated the need for more thought, which was a wise thing to do, but felt thirty days was enough time.

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

Mayor Rothschild announced City Manager's communication number 139, dated May 3, 2016, 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 Scott, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment(s) of Savannah McDonald and Nathan Kappler, to the Design Review Board (DRB).

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

Council Member Fimbres announced his personal appointment of Matt Laos to the Redistricting Advisory Committee (RAC).

**12. ADJOURNMENT: 8:46 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 17, 2016, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

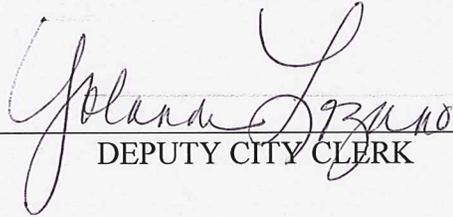
ATTEST:

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CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 3 day of May, 2016, and do hereby certify that it is an accurate transcription.

  
DEPUTY CITY CLERK

RWR:agj:yl