

Minutes of the Regular Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Monday, October 22, 2012, at 6:00 p.m. at the City of South Tucson Council Chambers, 1601 South 6th Avenue, South Tucson, Arizona.

Council Present: Jennifer Eckstrom
Pete Tadeo
Paul Diaz
Carlos Salaz
Anita Romero

Staff Present: Enrique Serna, City Manager
Ruben Villa, Finance Director
Veronica Moreno, City Clerk
Richard Munoz, Police Chief
Marilyn Chico, Housing Director
Dennis Rankin, Police Dept.
Patrick Moran, City Attorney

Mayor Eckstrom called the meeting to order and led the Pledge of Allegiance.

ITEM #04 – ROLL CALL – All members of the Council were present except for Vice-Mayor Tadeo, Councilwoman Soltero, and Councilman Salaz, who were excused.

ITEM #05 – APPROVAL OF MINUTES: SPECIAL MEETING, OCTOBER 4, 2012 – Motion by Councilman Felix to approve the minutes of the Special Meeting of October 4, 2012. Seconded by Councilman Diaz. Motion passed unanimously.

ITEM #06 – RESOLUTION NO. 12-45 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING AND ADOPTING REVISIONS TO THE SOUTH TUCSON HOUSING AUTHORITY'S APPLICATION AND LEASE POLICIES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE STHA DIRECTOR TO SUBMIT SAME TO HUD AND DECLARING AN EMERGENCY TO EXIST – Mr. Serna stated there have been a large number of Housing Authority applicants for the last processing period and many present with criminal backgrounds. The Housing Authority is implementing some new steps to modify the lease, which is the essence of the resolution. Motion by Councilman Felix to approve and adopt Resolution No. 12-45 of the Mayor and Council of the City of South Tucson, Arizona, approving and adopting revisions to the South Tucson Housing Authority application and lease policies and

authorizing the Mayor to execute this Resolution for the purpose of authorizing the STHA Director to submit same to HUD and declaring an emergency to exist. Seconded by Councilman Diaz. Motion passed unanimously.

ITEM #07 – RESOLUTION NO. 12-46 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, PIMA COUNTY, ARIZONA, APPROVING THE SOUTH TUCSON HOUSING AUTHORITY'S NEW FAIR MARKET RENTS FOR THE LOW RENT FLAT RATE AND THE SECTION 8 PAYMENT STANDARDS FOR FISCAL YEAR 2013 AND DECLARING AN EMERGENCY TO EXIST – Mr.

Serna stated the background information suggests the lowering of the rates over the next couple of years. Staff suggests the recommended motion. Motion by Councilman Felix to approve and adopt Resolution No. 12-46 of the Mayor and Council of the City of South Tucson, Pima County, Arizona, approving the South Tucson Housing Authority New Fair Market Rents for the Low Rent Flat Rate and the Section 8 payment standards for fiscal year 2013 and declaring an emergency to exist. Seconded by Councilman Diaz. Motion passed unanimously.

ITEM #08 – RESOLUTION NO. 12-47 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING AND ADOPTING THE SOUTH TUCSON PUBLIC HOUSING AUTHORITY'S CIVIL RIGHTS CERTIFICATION, FORM HUD-50077-CR FOR THE 2012 FISCAL YEAR FOR THE HOUSING CHOICE VOUCHER PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE STHA DIRECTOR TO SUBMIT SAME TO HUD AND DECLARING AN EMERGENCY TO EXIST – Mr.

Serna informed the Council an allowance is provided to the small authority's to not have to submit the SEMAP Report, but requires Council action in order for the Housing Authority Director to email the Management Specialist to show execution of the resolution. Motion by Councilman Felix to approve and adopt Resolution No. 12-47 of the Mayor and Council of the City of South Tucson, Arizona, approving and adopting the South Tucson Public Housing Authority's Civil Rights Certification, Form HUD-50077-CR for the 2012 fiscal year for the Housing Choice Voucher Program and authorizing the Mayor to execute this resolution for the purpose of authorizing the South Tucson Housing Authority Director to submit same to HUD and declaring an emergency to exist. Seconded by Councilman Diaz. Motion passed unanimously.

ITEM #09 – RESOLUTION NO. 12-48 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING AND ADOPTING REVISIONS TO THE SOUTH TUCSON PUBLIC HOUSING AUTHORITY'S

POLICIES IN THE ADMINISTRATIVE PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM ADOPTING A LEASE ADDENDUM FOR THE VIOLENCE AGAINST WOMEN ACT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE STHA DIRECTOR TO SUBMIT SAME TO HUD AND DECLARING AN EMERGENCY TO EXIST – Mr. Serna stated the Housing Authority has brought a number of revisions to the Public Housing Authority's table and this is one that is long overdue. The Violence Against Women Act basically makes the landlord responsible in somewhat the same fashion as the City's Neighborhood Preservation ordinance. Motion by Councilman Felix to approve and adopt Resolution No. 12-48 of the Mayor and Council of the City of South Tucson, Arizona, approving and adopting revisions to the South Tucson Public Housing Authority Policies in the Administrative Plan for the Housing Choice Voucher Program, adopting a lease addendum for the Violence Against Women Act and authorizing the Mayor to execute this resolution for the purpose of authorizing the South Tucson Housing Authority Director to submit same to HUD and declaring an emergency to exist. Seconded by Councilwoman Romero. Motion passed unanimously.

ITEM #10 – RESOLUTION NO. 12-49 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING THE SOUTH TUCSON HOUSING AUTHORITY'S WRITE-OFF OF UNCOLLECTIBLE DEBTS AND AUTHORIZING THE EXECUTION OF THIS RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE CITY OF SOUTH TUCSON HOUSING DIRECTOR TO SUBMIT SAME TO HUD AND ITS FEE ACCOUNTANT AND DECLARING AN EMERGENCY TO EXIST – Mr. Serna stated Ms. Chico, in managing the Housing Authority, is sometimes caught in the unfortunate dilemma of having to evict tenants. She gives many opportunities for people to try and pay off bad debts. This resolution represents a dilemma that she has had to face in terms of trying to give people a chance to pay their rent. Mr. Serna answered question from Councilman Felix as to what the amount is to be written off, and whether that is from one tenant or more than one tenant. The amount to be written off is \$3,302 and is from one tenant. Motion by Councilman Felix to approve and adopt Resolution No. 12-49 of the Mayor and Council of the City of South Tucson, Arizona, approving the South Tucson Housing Authority write-off of uncollectible debt and authorizing the execution of this resolution for the purpose of authorizing the City of South Tucson Housing Authority Director to submit same to HUD and its fee accountant and declaring an emergency to exist. Seconded by Councilwoman Romero. Motion passed unanimously.

ITEM #11 – RESOLUTION NO. 12-50 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, AUTHORIZING EXECUTION OF AN

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SOUTH TUCSON, ARIZONA, AND PIMA COUNTY TO OPERATE, MAINTAIN, SUSTAIN, IMPROVE AND FINANCE THE PIMA COUNTY WIRELESS INTEGRATED NETWORK AND AUTHORIZING THE MAYOR AND/OR THE CITY MANAGER TO EXECUTE THIS RESOLUTION AND IGA AND DECLARING AN EMERGENCY TO EXIST – Mr. Serna stated the PCWIN project has been underway in Pima County since 2004. It represents the country trying to anticipate the need to have interoperability amongst law enforcement and first responders in case of a terrorist act. This agreement will provide public safety communications interoperability for improved public safety services coordination, including the support for automatic aid and mutual aid between agencies. Motion by Councilman Felix to approve and adopt Resolution No. 12-50 of the Mayor and Council of the City of South Tucson, Arizona, authorizing execution of the IGA between the City of South Tucson, Arizona, and Pima County to operate, maintain, sustain, improve, and finance the Pima County Wireless Integrated Network (PCWIN) and authorizing the Mayor and/or the City Manager to execute this resolution and IGA and declaring an emergency to exist. Seconded by Councilwoman Romero.

The following is the transcript of the discussion for Item #11:

Councilman Diaz: Since this intergovernmental agreement goes into effect, I know that the price, the whole cost for the overall program has gone up considerably. Do, are we putting any money in the future or anything like that?

Mr. Serna: Madam Mayor, Councilman Diaz, members of the Council, yes. It's anticipated, I mean the bright side, just to begin with, it's of course, that we're partnering with the County. And under our own resources, could be prohibited. It would be over a million dollars for us to get that infrastructure in place. But since the very beginning, from 2004, there were discussions early on with the City of South Tucson and the County, for us to be included with them and there will be some consideration extended to us as there has always been by the County to help our community. All communities are really expected to kind of pay their own way. So there will be an IGA that will come, at some date, that will identify some cost. But it's not a cost that we have to pay for right up front. They'll give us plenty of time. And those numbers haven't yet been settled but, yes, there's going to be some cost associated with that down the road pretty soon.

Councilman Diaz: Thank you.

Motion passed unanimously.

ITEM #12 – RESOLUTION NO. 12-51 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING AND AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR FEDERAL BROWNFIELD FUNDS TO CONDUCT BROWNFIELD GRANT ACTIVITIES WITHIN THE CITY THROUGH A COALITION OF COMMUNITY-WIDE ASSESSMENT GRANT, FOR THE PURPOSE OF AUTHORIZING THE MAYOR AND/OR HER DESIGNEE OF THE CITY OF SOUTH TUCSON TO EXECUTE THE GRANT APPLICATION AND SUPPORTING DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST –

Mr. Serna stated there have been major successes with the Brownfields grant process and the value it provides to the City. Staff has been working closely with Pima County and the City of Tucson. The grant is estimated to be in the vicinity of \$600,000. Mr. Serna stated the City and the County will probably get just a little bit over \$200,000, with South Tucson receiving probably just under \$200,000. The following is the transcript of the discussion of Item #12:

Councilman Felix: Is this part of the Brownfield ...

Mr. Serna: Yes.

Councilman Felix: ... that we got the \$300,000 for the first time, where we put those individuals through the classes and, and how are those individuals doing that, for the program right now?

Mr. Serna: Well, the latest conversations I've had with one of the parties involved is that they've actually exceeded the hiring numbers (inaudible) the other places where they've undertaken this so EPA has been very pleased with our demonstration of how that's been going. So we've been very successful.

Motion by Councilman Felix to pass and adopt Resolution No. 12-51, approving and ratifying the submission of this grant application to the U.S. Environmental Protection Agency for Federal Brownfields Funds to conduct Brownfields grant activities within the City through a coalition community-wide assessment grant by the City of South Tucson officers and/or designee and authorizing execution of this resolution for the purpose of authorizing the Mayor and/or her designee of the City of South Tucson to execute a grant application and supporting documents and declaring an emergency to exist. Seconded by Councilwoman Romero. Motion passed unanimously.

ITEM #13 – NEW LIQUOR LICENSE APPLICATION OF ACQUISITION OF CONTROL, LICENSE SERIES #10 BEER AND WINE LICENSE; JPR GASCO; APPLICANT/AGENT NGO MY HANH; 3002 SOUTH 6TH AVENUE – Mr. Serna stated the applicants are present to request permission for the liquor license.

The posting requirements have been met. The City Clerk's Office did not receive any communication (positive or negative) regarding this application. The following is the transcript of Item #13:

Mr. Serna: I wanted to list three items that I would submit that would warrant from our Mayor and Council a negative recommendation. Unfortunately, as we know, the Liquor Control Board typically goes ahead and approves these but I think it's good for the record as it goes before Liquor Control Board that we enumerate the kind of concerns that we have about this establishment. The first one is that the Liquor Control Board has amongst its requirements for providing this license is that it provide a community service. And typically, is that there is some need for this kind of thing in the approximate locality. Well, there's a Food City right within arm's distance of that and so I would submit as part of the Council's recommendation with them might be that there doesn't appear to be a real community need to have that. Number two, I would submit that the number of calls that we get at that location far exceeds what should be expected from a gas station that provides some services there. And it's fueled very much by the lack of management care who refuses to remove or to enforce the loitering laws there and the transients tend to hang out there, and they tend to have friendships with the previous owners. I don't know about these owners, but that's been a real problem. And that continues to be a drain on our police resources. Finally, there has already been a concern about the local applicant having, giving permission to car clubs to park there. And it's been a real problem created for the Econo Lodge Motel there. It's blocked their ability to receive people wanting to stay at the place there. More importantly, it represents a potential problem with that kind of allowance with people that may start drinking there in their cars. And as much as there might be promises made that they won't allow car clubs to hang around there and create a real problem for our police department with encounters. Now with 1070, of course, even more so 'cause it's just going to be a major, major problem. So the concern will be that everyone is, and the, the people who are going to own the business need to be aware that we have Neighborhood Preservation ordinance that puts some very strict standards on people being responsible for what they allow on their property and that we will take whatever enfor-, if in fact, the liquor license is approved, which it probably will be, that we will do everything to police the area. And then if there is any negative repercussions, that the property owner, not so much a business owner, but the property owner will be held responsible. And I will be having a meeting with the property owner and the business owners here in the short term just to draw that point home. Hopefully, they'll be compliant and will assist us in making sure that it's a well-run business without any problems. So having said all that, our recommendation would be a negative recommendation to the Liquor Board. And I'm sure the applicants are here and would want to speak on their own.

Mayor Eckstrom: Is the applicant here?

My Hanh: Yes.

Mayor Eckstrom: Would you come to the front and let us know what you plan on doing with the business and that kind of thing?

My Hanh: Hi. My name is My Hanh. And I did apply for a liquor license. I did not note in there that it will be under lock and key and the only person that will have the key will be the manager and the on-site employee. Now that said, the security will be a lot tighter. And ever since we have taken over, we've cleaned out the outside. We don't let a lot of homeless people come in and we've kind of cleaned it up a little bit. I mean we are being a lot more careful with who we sell things to. And I would just like the opportunity to thank you for listening and to help us out with the business and to grant us this license.

Mayor Eckstrom: How long have you had the business?

My Hanh: We've had it since August, but I've seen a lot of different changes because we are hands on. We're out there every day. We make sure everything runs smoothly. We talk to the clients and the customers. We ask them what they need, what we need to improve on and we've been trying to work hard on doing the things that they want.

Mayor Eckstrom: Does anybody have any questions?

Councilman Diaz: You're the new owners, right?

My Hanh: Yes, sir.

Councilman Diaz: I noticed that you also, or the church, or an organization holds car washes there.

My Hanh: Yes. Every weekend.

Councilman Diaz: So, but it is a church organization, right?

My Hanh: Yes. Yes.

Councilman Diaz: Okay. The other thing with a, the City Manager is planning a meeting with you also.

My Hanh: Yes.

Councilman Diaz: So he's going to stress the point that, that the City itself, or the community would like to see that place ...

My Hanh: Of course.

Councilman Diaz: ... really drive, in a good way, that you are contributing ...

My Hanh: (Inaudible).

Councilman Diaz: ... to us, to our community here.

My Hanh: Definitely. Definitely.

Councilman Diaz: Okay. Thank you.

Motion by Councilman Felix that the Mayor and Council forward a negative recommendation to the Arizona Department of Liquor License and Control for the new liquor license application series #10 to Ngo My Hanh, applicant/agent for Gasco at 3002 South 6th Avenue. Seconded by Mayor Eckstrom. Councilman Diaz, naye.

Mayor Eckstrom: It's two to two.

Mr. Serna: Quite frankly, Madam Mayor, members of the Council, it kind of reflects the concern that the community has about and yet wishing to be positive about businesses coming into town. So ...

Mayor Eckstrom: Well, I ...

Mr. Serna: ... again, I suspect the Liquor Control ...

Mayor Eckstrom: Right.

Mr. Serna: ... Board is going to approve it anyway.

Mayor Eckstrom: Well, I respect the fact that, you know, you want to bring your business and want to succeed. But there's also, I see a lot of loitering outside by the bus stop there. I do have a concern with the cars being displayed there. South Tucson is trying to promote a healthy South Tucson. And some of my colleagues probably don't believe in that, which is fine so it'll go up to the State. Thank you.

ITEM #14 – REPORTS – None at this time.

ITEM #15 – CALL TO THE AUDIENCE – No response.

ITEM #16 – ADJOURNMENT - Motion by Councilman Felix to adjourn the Regular Meeting. Seconded by Councilman Diaz Motion passed unanimously. The meeting adjourned at 6:27 p.m.

Jennifer Eckstrom, Mayor

ATTEST:

Veronica Moreno, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of South Tucson, Arizona, held on the 22nd day of October, 2012. I further certify the meeting was duly called and a quorum was present.

Dated this _____ day of _____, 2012.

Veronica Moreno, City Clerk