

Minutes of the Special Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Monday, August 1, 2016, at 6:00 p.m. at the City of South Tucson Council Chambers, 1601 South 6th Avenue, South Tucson, Arizona.

Council Present: Miguel Rojas
Idelfonso Green
Robert Larribas
Herman Lopez
Anita Romero

Staff Present: Veronica Moreno, Interim City Manager
Lourdes Aguirre, Finance Director
Michael Ford, Police Chief
Lorenzo Gonzales,
Mark Raven, City Attorney

Guests: Kenyon Gee, T & T Market
Walter Richter, Southwest Gas

Mayor Rojas: We're going to move Item #10 to Item #06.

Mayor Rojas called the meeting to order at 6:00 p.m., and led the Pledge of Allegiance. Councilman Lopez led the Invocation.

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

ITEM #05 – CALL TO THE AUDIENCE – No response from the audience.

ITEM #06 – APPROVAL OF MINUTES: NONE AVAILABLE

ITEM #10 – PROCLAMATION – T & T MARKET, 2048 SOUTH 6TH AVENUE, SOUTH TUCSON, ARIZONA – 1942-2016

Mayor Rojas: We'll move Item #10 to Item #06, and that will be the proclamation for T & T Market and I'd like to do that at this point, unless the Council has an objection or any comments on that. None noted. I'll go ahead and I'll read it. "City of South Tucson, Office of the Mayor, Proclamation: Whereas, the Gee family has a rich and enduring history in the City of South Tucson and whereas, Gee Poon Lin, who had moved to San Francisco from Canton, China as a teenager and later moved to Tucson, opened the T & T Market at 2048 South 6th Avenue in 1942, where it remained almost 75 years as one of the most iconic stores and landmarks in South Tucson; and whereas, three generations have operated T & T Market, including Gee Poon Lin, his son Ken Gee, and forgive me if I pronounce it wrong, and his grandson Kenyon Gee, where it's one of the last family-owned grocery stores in South Tucson and, whereas, according to a history compiled by the Tucson Chinese Culture

Center, the 100 or so groceries that Tucson Chinese families operated in Tucson by the 1940's, catered to a clientele that shopped for Mexican specialties and, whereas, T & T Market history was compiled by its exhibition on the (inaudible) Chinese grocery stores and where Chinese groceries became a part of their neighborhood. They offered foods matching the taste of their customers, including Chinese chorizo, which is still remembered fondly by those who prepared it in their stores. And whereas, Kenyon Gee makes the best homemade chorizo and whereas, the pole mounted T & T Market sign is on the historic alignment of the U.S. Route 80 and 89 on South 6th Avenue, and where the Tucson Historic Preservation Foundation has included it in the Neon Pueblo Tucson's mid-century vintage event advertisement about the historic landmark sign preservation program, and whereas T & T Market has been the only South Tucson establishment to sell a winning Powerball of \$1,000,000 ticket, and whereas, in addition to the convenience T & T Market provided, they also served such store to the community, often taking on the role of bulletin boards, backyard fences, and gathering space; and whereas, T & T Market and other small businesses are often considered to be the backbone of our economy, providing jobs, revenue and investment in neighborhoods; and whereas, T & T Market shall always remain synonymous with the City of South Tucson, where it proudly served three generations of families who will inevitably recall it fondly; where it is remembered for selling the best saladitos in Tucson and as a necessary pit stop at one of the favorite places where I was a kid, and to get lemon and saladitos with pickle; real good stuff, and snow cones, and all those good things that we love as little kids; and whereas, patrons have suggested it has felt like home, and where Kenyon Gee has spent time with families, not customers, but friends, compadres, comadres, tios, tias, and all family. Therefore, I, Miguel E. Rojas, Mayor of the City of South Tucson, do hereby proclaim August 1, 2016, as T & T Market Day in South Tucson and express our sincerest gratitude to the Gee family for nearly 75 years of contributions to the South Tucson history, community, family, and the economy. I attest this day to approve and execute as Mayor Miguel Rojas.

Mr. Gee: Thank you.

Mayor Rojas: I appreciate your presence and you have a proclamation for you and the family, and some other items here, which would you like to address us so the minutes will reflect this and it will be on the record.

Mr. Gee: I just want to express a sincere appreciation for the many years that we were able to serve here and it was really a privilege and I wish I could continue, but life happened and our continued prayers for the community of South Tucson, for God to bless it abundantly, to provide for the community, will always be on my list. And I'm just incredibly grateful and thankful.

Mayor Rojas: Thank you. We'd like to have you come forth and receive this and we've got two packages of this for you.

Mr. : Thank you, Miguel. You're so kind. Thank you so much.

Mayor Rojas: Thank you very much. Great job. We wish you could stay a little longer.

(Applause)

Motion by Councilman Green to adjourn the Special Meeting and convene into Public Hearing. Seconded by Councilman Lopez. Motion passed unanimously.

No comments by the public.

Motion by Councilman Green to close the Public Hearing and reconvene into Special Meeting. Seconded by Councilman Lopez. Motion passed unanimously.

ITEM #08 – RESOLUTION NO. 16-30 OF THE CITY OF SOUTH TUCSON, PROPOSING AN EXTENSION OF THE ALTERNATIVE LOCAL EXPENDITURE LIMIT

Ms. Moreno: Thank you, Mayor, members of the Council. The item you have before you is Resolution No. 16-30, which is the approval of the City of South Tucson's extension of the Alternative Local Expenditure Limitation. As you know, we just had the second hearing that is mandated by State statute on the AEL, which is the Alternative Expenditure Limit. It's just passed now and the item shortly after is an approval of the resolution. The item before you will be on the upcoming ballot for the General Election in November. This is the resolution that is required to make that happen. Thank you. If you have any questions, we have the Finance Director present.

Mayor Rojas: Thank you. Any questions on that resolution, please? It's pretty much standard and we already had two public hearings on this. And it will be on the November ballot, and the information will be passed out to the community on that ballot. Am I correct?

Ms. Moreno: Correct.

Mayor Rojas: Yeah. So do I have any comments on that?

(No comments from the Council)

Motion by Councilman Lopez to adopt and approve Resolution No. 16-30. Seconded by Councilwoman Romero. Motion passed unanimously.

ITEM #09 – APPOINTMENT TO MUNICIPAL PROPERTY CORPORATION BOARD OF DIRECTORS

Ms. Moreno: Thank you, Mayor, members of the Council, as was just discussed, since March, the need to have to appoint members to mostly all of our Boards and Commissions. The time now has come where we need to meet with the Municipal Property Corporation. And we've been giving Council some background information on your agenda item, and also at the previous Council meetings. There are some questions, I think because it's been some time since this Board has met. It's been over 13 years, but I feel confident now that the Council has received enough information to where we can get appointments to this Board. So that would be, the motion this evening is to get five members to the Board for the Municipal Property Corporation.

Mayor Rojas: Thank you very much. So have we had any other, I have a name. I don't know if we've had any other Council people that have brought forth any names.

Ms. Moreno: No, I have not received any other name, other than the person that you provided me.

Mayor Rojas: Any comments or any questions? We need to get this done, what, as soon as possible? Can we enter the one name? Yes?

Councilman Larribas: Do we need to bring the name in writing or?

Mayor Rojas: No, no. Just, you can, or, or bring them to me and then we enter them for the record. Do you have one?

Councilman Larribas: Do we bring the name at this time?

Mayor Rojas: Yeah.

Councilman Larribas: Yeah, I have a name. I'd like to nominate Raul Green.

Mayor Rojas: Okay.

Councilman Larribas: Have him on the Board, if he wishes, if possible.

Ms. Moreno: I just need a name and a mailing address, please, for the record. What is the address?

Councilman Larribas: Right now, I don't know the address but I will get it for you. The name is Raul Green.

Mayor Rojas: The address

Councilman Green: 307 West 36th Street.

Mayor Rojas: 307 West 36th.

Ms. Moreno: Okay.

Mayor Rojas: And I'm putting Jeff Heffner.

Ms. Moreno: Jeff? And can I get ...

Mayor Rojas: Jeffery Heffner, and it's 305 West 26th.

Ms. Moreno: Okay.

Mayor Rojas: I would like to urge the rest of the Council people, Councilman Lopez, and Green, and Romero here, that if you can come up with somebody within the next couple of days to bring them

forth to the City Manager and then she'll file them down on record, and then we'll meet. That sounds good?

Councilman Lopez: Yes.

Councilman Green: Mr. Mayor, I was waiting for the instructions as to what the requirements are for the Board?

Mr. Raven: There are no requirements.

Mayor Rojas: There are no ...

Councilman Green: There is no training, no requirements, nothing?

Mr. Raven: No, except being a resident of the City of South Tucson.

Mayor Rojas: It's just, they're a resident. And then later on, when they meet, they will be discussing whatever issue would be coming forth to the committee.

Mr. Raven: Now, obviously, ...

Mayor Rojas: And they'll have the ...

Mr. Raven: ... it should be somebody who is capable of ...

Councilman Green: Then there is a requirement.

Ms. Moreno: It's just, you've taken that into consideration, right, once they ...

Mr. Raven: Yeah.

Ms. Moreno: ... select 'em.

Councilman Green: Okay. And then the other thing, did we ever find anything on the by-laws? I understand that you're looking at me with distaste, sir. I'm just asking ...

Mr. Raven: I'm not looking ...

Councilman Green: ... for ...

Mr. Raven: ... at you with distaste, Councilman, not at all.

Councilman Green: You, the way you looked and shrugged, it meant that you were a little upset or maybe, you know, whatever. I'm just asking for the information that I asked for. I still haven't received it. What were the properties that this, that this corporation holds? Where is the by-laws, you know, on the corporation?

Mr. Raven: I spent time, a couple meetings ago, explaining ...

Councilman Green: That there ...

Mr. Raven: ... (inaudible) ...

Councilman Green: ... wasn't any.

Mr. Raven: ... by-law. Yes.

Councilman Green: There are by-laws. Every corporation, by law, has to have by-laws, sir.

Mr. Raven: That's right.

(Inaudible background conversation)

Councilman Green: I mean what other properties do they hold?

Ms. Moreno: I'd like to interject. The City of South Tucson, I don't have the Planning Director here present, and maybe the Finance Director may be able to answer me, but aside from the property we're sitting on, the property across the street, and I believe one residential property and a property that was taken because of an unpaid lien in Avra Valley, those are the only properties that are owned by the City currently.

Mayor Rojas: Yeah.

Ms. Moreno: That's all the City owns as far as property.

Councilman Green: No, and that ...

Ms. Moreno: And, of course, our City right-of-ways, but I mean actual property, that's it.

Councilman Green: No, but, and that's what I'm asking. Is, you know, I've asked for this in the past. And nobody answered me. And now you're answering me. But yet, I have no documentation.

Ms. Moreno: Okay.

Councilman Green: Yeah.

Mayor Rojas: Okay.

Councilman Green: I'm sorry. I happen to be the ...

Ms. Moreno: No, that's ...

Councilman Green: ... visual, I happen ...

Ms. Moreno: ... fine.

Councilman Green: ... to be the visual type.

Mayor Rojas: Yeah, okay. We can have that.

Ms. Moreno: And I ...

Mayor Rojas: We can have that.

Ms. Moreno: So just to make sure that I get the information to Councilman Green, you need what properties do we own? And then ...

Councilman Green: First of all, the corporation.

Ms. Moreno: Okay.

Councilman Green: Where every yearly payment to the corporation, or to the ...

Mayor Rojas: Commission.

Councilman Green: ... Commission, Corporation Commission is made, who made it, any transactions that they had, or done in the past from 1983 forward, and the, the other one would be the by-laws, any changes to the supplemental, maybe changing even the Articles of Incorporation on it. Because you can change the Articles of Incorporation through a by-law.

Mayor Rojas: Okay.

Councilman Green: What's that, sir?

Mayor Rojas: Now we're done.

Mr. Raven: You can't.

Councilman Green: Huh?

Mr. Raven: You can't. May I approach the ...

Mayor Rojas: Yeah.

Mr. Raven: ... Council?

Councilman Green: Yes, go ahead.

Mr. Raven: You can't change the Articles of Incorporation with a by-law. The Arizona Corporation Commission has a record of everything that's been filed since the beginning of the corporation. Now some of your questions, I can't answer because I just haven't done that research. I'm sure people in

the City can answer it, but I can certainly answer you about the by-laws. And the only way to amend the Articles of Incorporation is with a document called an Amendment to the Articles.

Councilman Green: (Inaudible).

Mr. Raven: Which has to be filed with the Corporation Commission.

Councilman Green: When they file their, their yearly minutes.

Mr. Raven: Well, any time ...

Councilman Green: Yeah.

Mr. Raven: ... (inaudible). So, and yes, the law requires them to have by-laws. That doesn't mean they do. Or if they do, that they can be found. And what I was saying a couple weeks ago, is it doesn't matter because my recommendation is that the new Board repeal any by-laws that might have existed, whether they can be found or not, it doesn't really matter. And they should pass new ones. And then they will have by-laws and they'll be in compliance with the law.

Mayor Rojas: Okay. Thank you very much.

Councilman Larribas: Mr. Mayor, on article, I believe it's 12 on this sheet, it's saying that they can go back and change or amend certain laws. That's done by the Council?

Mayor Rojas: No, it's done by the corporation, or by the committee.

Councilman Larribas: Okay. Because right here it says in writing it's done by a governing body. Would that be the Council or?

Mayor Rojas: No, that would be the ...

Councilman Lopez: Committee.

Mayor Rojas: ... corporation.

Councilman Larribas: The corporation, okay.

Mayor Rojas: And they ...

Mr. Raven: No.

Mayor Rojas: ... haven't met, so ...

Councilman Green: No, the governing body is us.

Mr. Raven: Yes.

Mayor Rojas: We're the governing body that runs.

Mr. Raven: You have to approve ...

Mayor Rojas: Yeah, we would approve ...

Mr. Raven: ... any by-laws that, any changes in their by-laws ...

Mayor Rojas: Yeah, we would approve it.

Mr. Raven: ... that they pass.

Councilman Larribas: That's what I wanted to understand ...

Mayor Rojas: Yeah, we would ...

Councilman Larribas: ... (inaudible) ...

Mayor Rojas: ... approve it.

Councilman Larribas: ... approve that.

Councilman Green: Do we have to take a vote on this since we ...

Mayor Rojas: Which part?

Councilman Green: ...(inaudible)?

Mayor Rojas: We haven't finished.

Councilman Green: Oh, okay.

Mayor Rojas: Because we needed the other names. We're going to be, if anybody else has any names they can bring forth to the Council, that committee has four, five member committee.

Councilman Green: It has to be five members.

Mayor Rojas: Yeah, mm hm. Okay? Anything else on this?

Ms. Moreno: I just wanted to make a comment that in order for us to have a meeting with the Board, we need at least three members, so if the motion is to appoint the two members, ...

Mayor Rojas: Yeah.

Ms. Moreno: ... I just want to clarify that ...

Mayor Rojas: Yeah.

Ms. Moreno: ... for the record.

Mayor Rojas: We need to have at least another one for a third, for a ...

Ms. Moreno: For a meeting.

Mayor Rojas: Yeah. So if anybody else has a name, this would be a time to bring it up. Otherwise, we can bring it forth to you and then take action at another meeting. Okay? So we have our homework. All try to find another one.

Ms. Moreno: Okay.

Mayor Rojas: No other business? Yes?

Ms. Moreno: Just make a motion to appoint these two members, that way ...

Mayor Rojas: These two, yeah, ...

Ms. Moreno: ... (inaudible).

Mayor Rojas: ... so we'll just have a motion to appoint these two members for now.

Motion by Councilman Green to appoint the two members. Seconded by Councilman Larribas.

Councilman Green: Mr. Mayor, let me go ahead and withdraw my motion because it is ...

Mayor Rojas: Oh, your brother.

Councilman Green: ... (inaudible).

Mayor Rojas: I'm sorry.

Motion by Councilman Lopez to appoint the two members. Seconded by Councilman Larribas.
Motion passed unanimously.

Mayor Rojas: The two members have been appointed. Let's try to get a third one as soon as possible and bring it to the attention of the City Manager.

ITEM #11 REPORTS

Ms. Aguirre: During last week's meeting, we made mention of a Public Hearing taking place next week to approve the measure pertaining to Southwest Gas, the franchise fee. Mr. Walter Richter is the representative with Southwest Gas, and he's here if any of you have any questions for him pertaining to that. There is no change in the amount. It's still the 2%. There's really no change in the terms either. And that's pretty much the rate that's standard with all cities and towns across Arizona.

Also, because the interim City Manager and myself have been working closely with TEP, that is another franchise utility that is coming up for renewal as well next year, June 2017. So we received the agreement from them and it's been forwarded to the attorney for him to review. And so there will also be a hearing on that item next week as well. The amount that comes in from franchise fees from Southwest Gas is approximately \$15,000 a year, and from TEP, it's approximately \$80,000 a year. So it is in the City's best interest to approve those measures. Of course, they do require the approval of the people, the voters.

Mayor Rojas: So that will be voted in August or November?

Councilman Lopez: November.

Ms. Aguirre: Yes, in November.

Councilman Green: Request that he, if he'd like to talk to the Council and tell us more information about it and that way we can talk to the constituents.

Mr. Richter: (Inaudible).

Mayor Rojas: Sure.

Mr. Richter: Thank you. Mr. Mayor, members of the Council and assembled staff, this is a 25-year agreement. We'd be asking Mayor and Council to refer this measure to the ballot. It would be placed on the November ballot. Southwest Gas is willing to split the cost of the election when we have a question on that ballot, so we would split the cost of the election 50/50. If you have something, do you have something else on the ballot in November anyway?

Mayor Rojas: Well ...

Mr. Richter: (Inaudible) presidential election, even a local ...

Mayor Rojas: Yeah, the local.

Mr. Richter: We would offer to split that. Although the agreement is 25 years, we have several openers built into this contract where if either party feels that the contract is not a good one at year 5, 12, and any other year beyond that, with one year's notice we can trigger a renegotiation of the contract. This is a very standard contract that we offer to most all cities. There have been a couple little adjustments and I've begun to work that out with members of Mayor and Council and/or your legal staff as well. If any of you should have any questions and you'd like to contact me directly, I'd be glad to tell you a little more about the contract as well. If the Mayor will indulge me, I did bring my friends from El Torrero, my favorite restaurant. Councilman Green can testify that he's seen me there many times (inaudible). Anyway, if you, should you have any questions now at all, or in the future, I'd ...

Mayor Rojas: Questions ...

Mr. Richter: ... (inaudible).

Mayor Rojas: ... anybody? We're good. The City Manager has the information in case we need to contact you?

Mr. Richter: Yes. As part of the agreement, we will also pay for advertising the entire agreement in both English and Spanish in the newspaper so everyone has a 30-day window to read it, so your citizenry will be aware of what it is that (inaudible).

Mayor Rojas: Thank you.

Mr. Richter: Thank you very much.

Councilman Green: Thank you.

Councilman Lopez: Thank you very much

ITEM #12 - ADJOURNMENT

Motion by Councilman Green to adjourn the Special Meeting. Seconded by Councilman Lopez. Motion passed unanimously. The meeting adjourned at 6:28 p.m.

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 Special Meeting of the City Council of South Tucson, Arizona, held on the 1st day of August, 2016. I further certify the meeting was duly called and a quorum was present.

Dated this _____ day of _____, 2016.

Veronica Moreno, City Clerk