

Minutes of the Regular Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Monday, September 12, 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
Oscar Patino
Robert Larribas
Herman Lopez
Vanessa Mendoza
Anita Romero

Staff Present: Veronica Moreno, Interim City Manager
Lourdes Aguirre, Finance Director
Mark Raven, City Attorney
Judge Albert Lassen

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 Councilman Green, who was excused.

ITEM #05 – CALL TO THE AUDIENCE

Mayor Rojas: Anybody in the audience that would like to address the Council at this point?

(No response from the audience)

Mayor Rojas: None seen, no cards were turned in, so we're good.

ITEM #06 – APPROVAL OF MINUTES: None available

ITEM #07 – EXECUTIVE SESSION PURSUANT TO A.R.S. SECTION 38-431.03(A)(1)(3)(4)

Motion by Vice-Mayor Patino to convene the Regular Meeting and enter into Executive Session. Seconded by Councilman Lopez. Motion passed unanimously.

1. Wastewater Management of AZ Inc. – all litigation pertaining to Case C20146328
2. City Magistrate Contract

Mayor Rojas: Thank you very much. It's 6:15. And we've finished Executive Session. What is the wishes of the Council on the items discussed in Executive Session, please?

Motion by Councilwoman Mendoza to convene the Executive Session and reconvene into Regular Meeting. Seconded by Councilman Lopez. Motion passed unanimously.

Motion by Councilwoman Mendoza to move forward with Waste Management agreement offer as discussed in the Executive Session. Seconded by Councilman Lopez. Motion passed unanimously.

ITEM #08 – RESOLUTION NO. 16-35 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING, RATIFYING AND ADOPTING THE AGREEMENT BETWEEN THE CITY OF SOUTH TUCSON AND ALBERT LASSEN, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

Ms. Moreno: Thank you, Mayor, members of the Council, as (inaudible) to the Council for the last several weeks now, the current City Magistrate is (inaudible) that is due at the beginning of early next week, September 15th. What has happened recently is we have revisited the contract and learned that the contract will need to remain as is for no less than a two-year term and the resolution in front of you is asking Mayor and Council, and we're recommending that Mayor and Council renew the contract with the current City Magistrate, Mr. Albert Lassen, for the same term, two years, and the contract is in line with the Arizona Supreme Court standard.

Motion by Vice-Mayor Patino to approve Resolution No. 16-35 of the Mayor and Council of the City of South Tucson, Arizona. Seconded by Councilman Lopez. Motion passed unanimously.

Judge Lassen: I think that I, let's see (inaudible) seemed like some people maybe don't read my monthly reports. But I'd like to find a better way to communicate with you in the next two years. And I think that one of the ways to do that is to ask the City Manager to schedule me at least once a quarter to be on your agenda to just come and talk to you in the open meeting. I do hope that you will consider some work sessions during the next two years, as opposed to council meetings, perhaps just to have a, you know, an hour or two of a work session some night so we can sit down and talk. I think that that's allowed by law (inaudible) open session so I can get people's thoughts. But ain't no doubt about it, like many other things in South Tucson, being the judge here is a difficult proposition, it's a difficult role, dealing with difficult people and we can't solve problems with money because we don't have money to solve any problems. So, you know, rest assured that I will continue to explore ways to do my best in the next two years to make progress in the (inaudible) of the City of South Tucson insofar as the Court is responsible for (inaudible). And in that regard, I think that one of the plans that's going forward, I have an intern for the next year, from Arizona State University. We're going to start a special program (inaudible) City of South Tucson about domestic violence, which is a particular problem here in our City. And this is a way of concentrating some of the Court's resources on the residents of the City of South Tucson, as opposed to people who aren't residents who are often much of our problem. We have a lot of problem with transients. But we take all who come. I don't get to choose who comes to the Court. The police chief (inaudible) and it's my job, sitting where the Mayor is sitting now, it's my job to see every case, treat everyone with dignity and respect and treat everyone with the fairness and due process, and it doesn't matter where they come from, or whether they're residents, or whether they're not residents, or whether they're here for the 15th time or

the 1st time, or whether the charge is shoplifting, or domestic violence, or criminal trespass, or whatever it is. The Magistrate's job is the same. That's to adjudicate all the cases that appear in our area. And I'll continue to do that. Thank you. Any questions?

Councilman Larribas: I have a question. When you have your cases, are we allowed to sit in them?

Judge Lassen: You are. Court is an open session. Councilman, the main sessions of Court are on Tuesday and Wednesday morning. Any member of the public is invited to attend and many do, although they're usually students and social services people, but any council person is welcome to come to Court and observe. So Tuesday and Wednesday are the main times. On Monday, we would only have special settings. That would be people that we're obligated to see because they're in jail and we have to arraign them or release them. On Thursday morning, we do traffic cases and motion hearings and review hearings. And Friday is the same as Monday, only special settings and people who are in jail. Tuesday and Wednesday are the main regular sessions. They start about 9:30 and it's open to the public. We almost always are done by noon. In the summertime, in fact, we're done earlier.

Councilman Larribas: Thank you.

Judge Lassen: Anybody else?

Mayor Rojas: Any other questions?

(No questions from Council)

Mayor Rojas: Thank you very much.

ITEM #09 – RESOLUTION NO. 16-36 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING AND AMENDING THE SOUTH TUCSON HOUSING AUTHORITY'S 2016 ANNUAL PHA PLAN AND AUTHORIZING THE EXECUTION OF THIS RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE CITY OF SOUTH TUCSON HOUSING DIRECTOR TO SUBMIT SAME TO HUD

Ms. Moreno: Thank you, Mayor, members of the Council. We have our Housing Director, Ms. Marilyn Chico here. She can give you details regarding this resolution.

Ms. Chico: Mr. Mayor and Council, if you remember a few months back, you had approved our 2016 Capital Fund Grant which was going to replace our fan coils. The fan coils, we found out, are going to be over \$400,000 to completely replace in El Seniorial. It is a needed item because of the health and safety issues. Health, because the dampness, and the possibility of mold, as well as the dripping and a slipping hazard. These things are over 46 years old. We've been able to, if we had a contract that was more than that year's specific Capitol Fund Grant, it's called fundability, we can go back to previous grants that still have money and use those monies. That's perfectly fine and that's how Housing Authorities do it. Unfortunately, in our case with the fan coil, I didn't have it in the previous five year CFP plan. So talking with our new person who works in Facilities Management, Mr. Herbert

Chong, I had to revise the fiscal year 2014 to show fan coils in there. So that has been revised. And we've put in the \$435,000 for that because I'm not exactly sure how much, but as long as it's in there, then we can show, even if it came to \$450,000, even \$500,000, we would be able to do it because it's shown in this revised 5-year plan. It's perfectly fine at any time for any Housing Authority to revise their plan, depending upon the needs and the priorities. And it was HUD's idea, easiest way to do this, go to 2014 because 2013 funds are almost used up. So let's start with the oldest after that, which would be 2014, and start using those funds. So that's why I'm requesting that we get the approval for the revision for 2014 that's in that 5-year plan.

Mayor Rojas: Great.

Ms. Chico: Okay?

Mayor Rojas: Any questions?

(No questions from the Council).

Mayor Rojas: So it's ready to go? Are you starting already in terms of the bidding?

Ms. Chico: Mr. Mayor, we have advertised. We're having, on September 13th at 10, a pre-con meeting where anyone who has taken out a bid packet that we had set up in the lobby and also a sign-in so I know exactly who has requested a bid packet, we will have the pre-con meeting, also a walk-through. Robert Moreno, our Maintenance Supervisor, will take them into the building and give them an idea of exactly where these things are and what needs to be done. And then they come back into the office, we'll answer any questions. Of course, I want to bring up how they submit payroll. There's (inaudible) wages, section 3 reporting. There's a host of things I need to bring up. It's also in the packet, but I want everyone to hear the same thing at the same time. On October 4th, we will have the bid opening. They're sealed bids. I believe it's at, I can't tell you what time. Honestly, I can't remember right now, but soon as it's on that hour, we're done. We don't accept any more. I don't care if you're two seconds late, you're done. And we will open them by the oldest one forward, and I have forms for all contractors that will be there so they can jot down the contractor name and what they're interested in, of course, is the bottom line. This is a fixed price. So that will all be there. Once we've determined who, the three low bidders, my hope we've got more than three bidders, of course, but once we figure out who the three low bidders are, then I've got to check and make sure that they're with the Register of Contractors, make sure they're not on any debarred list. I'm even going so far as giving them a list this thick of all the sureties that HUD will accept. Uncle Joe around the cannot bond them. So they have to go through a treasury-approved surety. So once all that is done, then I will bring our recommendation as staff, to Mayor and Council for final approval. Then we'll do the notice to, well, we'll do the contract award, the notice to proceed, and we finally get this thing going.

Mayor Rojas: Great. Alright. Any questions?

Councilman Lopez: I have a question, Mr. Mayor. So this 5-year contract will be from 2015 to 2020?

Ms. Chico: This five years, from 2010 to 2015, and I've got, no, wait a minute. (Inaudible) got here, '10, '11, '12, '13, '14, '15 and then the next one we can carry over some and what we're doing is we'll be adding, we'll have '16, '17, '18, '19 and we add '20. And I have just sent that, actually, to HUD for their approval. But what it comes down to, 2017 Capital Fund monies, of course, I will meet with our residents this week. You know, are mandated to do, to see if they've got any other ideas to add into this. So whatever ideas they come up is just added to the '20. And then we'll go from '17, '18, '19, '20, '21. And it keeps going up. So it will always have a 5-year. But any one of those can be revised at any time.

Councilman Lopez: Thank you, Marilyn.

Ms. Chico: You're welcome.

Motion by Councilwoman Mendoza to approve and adopt Resolution No. 16-36. Seconded by Councilman Lopez. Motion passed unanimously.

ITEM #10 – RESOLUTION NO. 16-37 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, DECLARING THE OFFICIAL CANVASS OF VOTES CAST IN THE CITY OF SOUTH TUCSON, ARIZONA, PRIMARY ELECTION HELD AUGUST 30, 2016; AND DECLARING THE ELECTION OF FOUR COUNCIL MEMBERS

Ms. Moreno: Thank you, Mayor, members of the Council. As per State statute, the canvass of the election must be declared after 20 days of the election, so we're a couple weeks out and we just received the canvass of this primary election last week. And the results are in your Executive Summary, but for the record, I'll go ahead and break them down. As you know, that are tracking along, we have four seats, they're up for election. We received four candidate packets and three write-ins. The results of the election, those four candidates that were on the election ballot received the total amount of vote to be declared Council members here after the General Election has taken place. So, again, as per State statute, the four candidates, one of which we have, two of which we have currently on this Council, will be sworn in after the General Election. So the General Election takes place November the 8th. So, again, it's the same statute, which means that we'll receive the results within 20 days after that date, and declare the canvass at that point. And then after that, we will have the swearing in of the newly appointed Council.

Mayor Rojas: Thank you very much.

Ms. Moreno: And this item before you is to declare the official canvass of the Primary Election result.

Motion by Councilwoman to approve Resolution No. 16-37. Seconded by Councilman Lopez. Motion passed unanimously.

ITEM #11 – REMOVAL AND APPOINTMENT OF MERIT SYSTEM COMMISSION MEMBERS

Ms. Moreno: Thank you, Mayor, members of the Council. The next item on the agenda is the appointment of five members to the Merit System Commission. The commission consists of five members. However, this commission has not met in more than four years and you'll hear me say this over and over again, but we need to ensure that we have current members on all of our boards and commissions to allow us to be able to have hearings when the time comes. And here is a time where we need to have a hearing with the Merit System Commission and the members have not met in more than four years. And at the last Mayor and Council meeting, the Personnel Director, Joel Gastelum, advised Council that we need to have a hearing with the Merit System Commission, and requested that Mayor and Council be prepared to appoint members at tonight's meeting. So this item before you is to appoint members, which are a total of five members, to the Merit System Commission.

Mayor Rojas: Thank you very much. And I guess, as you can see in your packet, the members that are there that are being removed is Miguel Rojas, Gabby Reyes, Victor Soltero, Tom Boyle, and Ron Reyna. They will be removed and the ones, did anybody else bring names? I got some names here. Did anybody else have some names? We have ...

Vice-Mayor Patino: Mr. Mayor, I would like to recommend Arlene Lopez.

Mayor Rojas: Yeah, Arlene Lopez. Okay. Got Arlene Lopez, is a resident. Okay. And I have some, I had mentioned some members last time. So I'd like to go ahead and recommend Jeff Heffner, Diane Quihuis, Jerry Marbury, and Robert Romero. Is that five?

Ms. Moreno: That's four.

Mayor Rojas: Four?

Ms. Moreno: You said Diane Quihuis?

Mayor Rojas: Diane Quihuis, Robert Romero.

Ms. Moreno: Okay.

Mayor Rojas: And Arlene Lopez.

Ms. Moreno: One, two, three, four, five. Okay. And these are all residents and/or business people?

Mayor Rojas: And business, right. Is that five?

Ms. Moreno: Yeah. Arlene Lopez, Jeff Heffner, Diane Quihuis, Jerry Marbury, and Robert Romero.

Mayor Rojas: Right.

Ms. Moreno: Can we get a motion, please?

Motion by Councilwoman Mendoza to remove the members that are currently on the board now, which is Miguel Rojas, Gabby Reyes, Victor Soltero, Tom Boyle, and Ron Reyna. Seconded by Councilman Lopez.

Councilman Larribas: I have a question. Is this that board thing that we were supposed to all bring names to?

Mayor Rojas: Yeah.

Councilman Larribas: Or is this ...

Councilwoman Mendoza: Well, this was, ...

Mayor Rojas: No, it's another one.

Councilwoman Mendoza: ... are you talking about ...

Councilman Larribas: This is another one?

(Simultaneous conversation)

Mayor Rojas: This is just a commission. The other one is the ...

Ms. Moreno: The other one was the MPC Board, which is the Municipal Property Corporation.

Mayor Rojas: Yeah, that was a different one.

Councilman Larribas: Okay.

Mayor Rojas: All in favor of the motion, signify by saying aye.

Motion passed unanimously.

ITEM #12 – REPORTS

Ms. Moreno: I have a report on behalf of our Judge and the Court Administrator, which asked if I could invite all the Mayor and Council members to a presentation that is going to be awarded to the Judge and his department from the Community Reinvestment Grant for \$7,000, this Wednesday at 10:00 a.m. here at in the courtroom. So our Judge is going to be receiving a \$7,000 grant ...

Mayor Rojas: Great, terrific.

Ms. Moreno: ... to allow him to put into the Community Reinvestment Program.

Mr. Lassen: This is primarily for the use for transportation (inaudible) get to Court or (inaudible) and also for drug testing.

Mayor Rojas: Alright.

Mr. Lassen: People who are put on probation (inaudible). Those are the primary purposes (inaudible)...

Mayor Rojas: Thank you very much. And you wrote this ...

Mr. Lassen: Yes.

Mayor Rojas: ... proposal a while back?

Mayor Rojas: Beautiful. Thank you. We appreciate it. Wednesday at noon.

Ms. Moreno: Right. I'll hand out the details for you all if you are able to make it this Wednesday.

Mayor Rojas: Okay. Any other reports?

Ms. Moreno: I want to thank Councilman Lopez for inviting the University of Arizona journalism students to come in earlier this afternoon to talk to them about the City of South Tucson and some of the facts, some of our challenges we're facing, and I think it was really good for myself and the other department heads to be present. They had some really good questions and we were able to meet with the professor. So, I think it went well. So thank you, Councilman, for preparing that and getting them here to South Tucson. I think it's good to kind of let people out in the community know who we are. I think that, you know, being such a small community, some people forget that we're even a city. But it's nice to get students who are not even from here to know who we are. Thank you.

ITEM #16 - ADJOURNMENT

Motion by Councilwoman Mendoza to adjourn the Regular Meeting. Seconded by Councilman Lopez. Motion passed unanimously. The meeting adjourned at 6:38 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 Regular Meeting of the City Council of South Tucson, Arizona, held on the 12th day of September, 2016. I further certify the meeting was duly called and a quorum was present.

Dated this _____ day of _____, 2016.

Veronica Moreno, City Clerk