

Minutes of the Regular Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Monday, June 23, 2014, at 6:00 p.m. at the City of South Tucson Council Chambers, 1601 South 6<sup>th</sup> Avenue, South Tucson, Arizona.

Council Present: Paul Diaz  
Vanessa Mendoza  
Idelfonso Green  
Oscar Patino  
Miguel Rojas

Staff Present: Luis Gonzales, City Manager  
Veronica Moreno, City Clerk  
Joel Gastelum, Planning  
Marilyn Chico, Housing Director  
Chief Lackey, Police Dept.  
Lt. Inorio, Police Dept.  
Batt. Chief Rey Alvarez, Fire Dept.  
Lourdes Aguirre, Finance Dept.

Guests: Adelita Grijalva  
Raul Green

Mayor Diaz called the meeting to order and led the Pledge of Allegiance. Councilman Rojas led the Invocation.

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

ITEM #05 – APPROVAL OF MINUTES: SPECIAL MEETING MAY 29, 2014 – Motion by Councilman Rojas to approve the minutes of the Special Meeting of May 29, 2014. Seconded by Councilwoman Mendoza. Motion passed unanimously.

ITEM #06 – ORDINANCE NO. 14-03 RELATING TO TAXATION: FIXING A LEVY FOR THE CITY OF SOUTH TUCSON UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF SOUTH TUCSON SUBJECT TO TAXATION IN A CERTAIN SUM OF \$.2528 UPON EACH \$100.00 OF ASSESSED VALUATION SUFFICIENT TO RAISE THE AMOUNT REQUIRED IN THE ANNUAL BUDGET: ALL FOR THE YEAR ENDING JUNE 30, 2015 AND DECLARING AN EMERGENCY TO EXIST AND THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE – Mr. Gonzales stated this is an annual item regarding the primary property tax. The amount of \$.2528 per \$100.00 of assessed valuation is the same as last year. Motion by Councilman Rojas to approve Ordinance No. 14-03, relating to taxation, fixing a levy for the City of South Tucson upon the assessed valuation of the property within the City of South Tucson subject to taxation in a certain sum of \$.2528 upon each \$100.00 of assessed valuation sufficient to raise the amount required in the annual budget, all for the year ending June 30, 2015 and declaring an emergency to exist and this ordinance shall be effective immediately upon its passage. Councilman Green pointed out that Councilman Rojas read the title of the ordinance and stated

\$100,000.00 of assessed valuation, instead of \$100.00 of assessed valuation. Correction was made to read \$100.00 of assessed valuation. Seconded by Councilman Green. Motion passed unanimously.

ITEM #07 – RESOLUTION NO. 14-18 RELATING TO REAL PROPERTY, AUTHORIZING REVERTING THE CLOSED CITY OWNED ROADWAY KNOWN AS EIGHTH AVENUE BETWEEN 37<sup>TH</sup> AND 38<sup>TH</sup> STREET AND DECLARING AN EMERGENCY – Mr. Gonzales stated Resolution No. 14-18 provides for the City to retrieve the roadway between 37<sup>th</sup> and 38<sup>th</sup> Street at the time any sale is consummated between Arizona Children’s Home and any other entity. The resolution also states all rights go back to the easement. Motion by Councilman Rojas to approve Resolution No. 14-18 relating to real property, authorizing reverting the closed City owned roadway known as Eighth Avenue between 37<sup>th</sup> and 38<sup>th</sup> Street and declaring an emergency to exist. Seconded by Councilwoman Mendoza.

Ms. Grijalva: My name is Adelita Grijalva, and I’m TUSD Board President. And I was coming because, you know, in the concern that we have as a district is the fact that we have not been made aware of any situation where there was going to be a changing of hands of Arizona Children’s Home, and the proximity to Mission View causes us to have some concerns. I would just ask if this item should ever come back to you, that, to the property owners, that you get some assurances for this community about what’s going to be happening and the kind of clients that are going to be in that facility. For example, (inaudible) an advisory board made up of community members be created so if there are any issues regarding the property or anything that they have somewhere to come to to have some resolution to that. Get some assurances about the kind of clients that are going to be at the facility, and ensure that there are people that are non-violent, people that have not had any crimes against children, and ask that security be mandatory. One of the concerns that we have is that because of the population at Mission View, they essentially have a morning monitor and a dismissal monitor. And there isn’t security there around the clock. And because you know better than I do, I’m sure, that Mission View is a school that, is a neighborhood school that children walk to. If there is someone at that facility that has, wants to do harm to a child, it wouldn’t be very difficult to find, you know, locate where that child is and whether they have parents there or not. And so it’s a big concern. The other thing is, aside from the fact that there wasn’t really any communication about a hearing, what kind of facility this is going to be, I asked a few people that live in the neighborhood and some people said, “There’s going to be, it’s only going to be outpatient.” And then another group said, “Oh, no, no. It’s going to be inpatient and they can stay there up to 6 weeks, and we don’t know what kind of clients are going to be there.” And so that’s a big concern and I would just hope that if this item should pass, and the item come back to you when there is an exchange of the property, that you would ask, as a Council, to, you know, keep the community safe and secure and those children which is all of our priority. Thank you very much.

Mayor Diaz: Thank you. And your concerns have been logged and we’ll check into it and the City Manager will be working with TUSD with, in regards to that.

Ms. Grijalva: Thank you, appreciate that.

Mayor Diaz: Thank you.

Mr. Green: My name is Raul Green. My address is 307 West 36<sup>th</sup>. I live in South Tucson. I'm here to remind you that we gave you over 300 signatures from people in our neighborhood saying that they don't want this SAMHAC or (inaudible) to come into our neighborhood. And we do want our street back. Thank you.

Motion passed unanimously.

ITEM #08 – APPOINTMENT OF MERIT SYSTEM COMMISSION MEMBER – Mr. Gonzales stated staff recommends the appointment of Pat Diaz, who is resigning from the IDA Commission. Motion by Councilman Rojas to appoint Pat Diaz to the Merit System Commission. Seconded by Councilman Patino. Motion passed unanimously.

ITEM #09 – APPOINTMENT OF PLANNING & ZONING COMMISSION MEMBER – Mr. Gonzales stated Terry Pallanes has agreed to serve on the Planning & Zoning Commission. Councilman Green asked who the members are on all the boards, and what vacancies exist on each board. Mr. Gastelum stated he and Ms. Moreno will create a list and distribute to Council members. Motion by Councilman Rojas to appoint Terry Pallanes to the Planning & Zoning Commission.

Councilman Green: I have a question before we do that. Did we ever find out what the requirements were for that? The Planning and Zoning.

Mr. Gastelum: The Planning and Zoning Commission, yes. As long as they're a resident or a business owner in South Tucson.

Councilman Green: Do they have to have any other kind of ...

Councilman Rojas: Credentials.

Councilman Green: ... training or credentials or anything else?

Mr. Gastelum: No requirements.

Councilman Green: Okay. Alright, thank you.

Mayor Diaz: But there are guidelines being published, right?

Mr. Gastelum: There's rules and regulations but as far as who can serve, those are the only two requirements.

Mayor Diaz: Okay, thank you.

Seconded by Councilwoman Mendoza. Motion passed unanimously.

ITEM #10 – APPOINTMENT OF BOARD OF ADJUSTMENTS COMMISSION MEMBER – Mr. Gonzales informed the Council there is not an appointment for this commission as the individual who was interested has withdrawn. Councilman Rojas asked what the requirements are for serving on the Board of Adjustments.

Mr. Gastelum: Board of Adjustments is basically the same as the Planning & Zoning Commission; one is an advisory board, which is the Planning & Zoning Commission which is an advisory board to you all in planning and zoning changes. As far as Board of Adjustments, they are the final say, so to speak, so it's a variance requests and things of that sort. But as far as requirements go, the same as Planning & Zoning Commission; either a business owner in South Tucson or a resident.

Mayor Diaz stated if there is a consensus, he would like to move Call to the Audience at this time, followed by Executive Session, and then Reports.

ITEM #13 – CALL TO THE AUDIENCE

Mr. Beltran: Council, my name is Edward Beltran. I'm a transplant to South Tucson. My wife was raised here.

Councilman Rojas: Your address, please, sir.

Mr. Beltran: 220 East 39<sup>th</sup> Street. My concern is from what I understand there was talks of replacing Chief Lackey. And I just want to find out, that's, was that the issue there of replacing him?

Mayor Diaz: Theoretically, we can't go into discussion.

Councilman Rojas: No.

Mr. Beltran: Okay.

Councilman Rojas: You just address the Council. That's it.

Mr. Beltran: Okay. Well, my concern is in being in South Tucson, I've seen some incredible changes. In fact, I went into a store the other day where there was a break-in. One of the officers walks in to do a welfare check a couple days later. And I'll be honest with you. I've never seen such care in a city like that by police officers. To go in there and just say, "Hey, you know, I just wanted to make sure that things are alright, that we'll be patrolling a little bit more around here." And really, that's from leadership. To have officers do that, that's great leadership here. You know, I'm in charge of 15 officers in Pima County. And not to the extent of Chief Lackey here, but I understand the need to have officers who actually are here to serve. And I know because of his

leadership, I've seen incredible change in South Tucson police. It's incredible to know that I can be on my house, in the yard, and have police officer just stop by just to say hi. And again, that's because of leadership. My wife and I live here and we decided to volunteer as Neighborhood Watch captains because of the leadership, because we do see incredible change in South Tucson police force. And for me, as a citizen here, I feel that having Chief Lackey is an asset to the City of South Tucson. I really see that there is a lot more we can do here. And I think with great leadership in position, we can do a lot of changes here in South Tucson. And I think just because of that, because I see the examples that are out there and I see the example of Chief Lackey, my neighborhood is encouraged to do more things to volunteer. We see an incredible growth in the Neighborhood Watch; people coming to our meetings because of just all the insight and the openness that I see from the police force. So my concern is as far as with Chief Lackey, I feel that keeping him would only benefit the City of South Tucson. That was my concern.

Mayor Diaz: Thank you for your comments.

Jay: My name is Jay (inaudible). My address is 3031 South 6<sup>th</sup> Avenue, 85713. I have 3 properties but I was owning 4 properties, basically motels. In Tucson, in City of South Tucson we have 6 properties. I have 4 properties, business properties and they're motels. I just, I can say that, you know, the police department is (inaudible) because we don't call them police. We call them lifesaver. Lots of things going on and I'm in business for last 14 years. I came here in 2004, so since then I'm in business. I'm dealing with these drugs, prostitution, and lots of other things. We are trying to do our best to follow rules and regulations. Since Mr. Lackey, the chief of police, he's the Chief, you know, we have very peaceful things going on; less drugs, less prostitution, plus, you know, we don't have, I haven't seen any single incidents like a big incident after he took over. I can say there is less violence on the street after he took over, plus he's taking care of all businesses personally. What happened, I'll address one issue, that the police was chasing one drug dealer. He was trying to, he escaped from them and he was hiding in Arizona Motel in some corner, not in the room, in some corner. One of my residents saw him and he (inaudible) and he put him in his room, and called 911. You know, the police came but, you know, they didn't find anything because he throw the heroin, lots of heroin, you know, on the street, in the corner. The tenant found the heroin and he called the police officer. And basically, police follow all those regulation. They took care of that bad person. But what happened at the end, in last 14 years, first time this thing happened that Chief Lackey he came and lots of police officers (inaudible) other cars, and they came, knock this guys door. You know, his name is Kerry (inaudible) and he, he tends to him and he (inaudible). Even though on the (inaudible) the drug dealer (inaudible) the guy that he'll come back and he'll kill him, you know. So we need this kind of encouragement from the police department. And I'm saying that, you know, I'm living day-to-day with these violent people. Day-to-day, you know. Every day, somebody's threatening me. But since last, since he took over, nobody's threatening me. And I'm not trying to, you know, to make somebody happy. This is reality. Because I'm living day-to-day every second, you know. I'm, I'm afraid, I can say that, you know, I get, I, I'm a witness of all things going on City of South Tucson

because, you know, I have so many properties, things going on, up and down, and but now (inaudible) you know this is the first police chief I have seen that he came personally to somebody's door and (inaudible) what he did, that he did a really good job. And that guy said that he will never forget this incident in his life. Plus as a business owner, we have so many, so much fees going on right now, right, police officers and everybody knows us, each and every person, and they're taking care of us very nicely. So I will request that if for some reason if the Council member or the City is taking this, this is a (inaudible) request, please don't do that. Because he is nothing but good news for us. That's what I want to say. Plus, if, I know it's not my, it's not my right to say but still I want to say that if it (inaudible) there is a money issue, I will, I will, I like to say with the City Manager and I can show that, you know, within one minute how we can make hundred thousand dollar throughout the whole year. It's just a, just a five minute discussion, you know, and we can do so many different things and make this City so nice. We are looking at those high rise. We can put high rise here. We can put, you know, super Wal-Mart here. We can do lots of other things. This City has lots of potential. We have lots of lands which is vacant. And we can utilize that land and really make this City best of the best of the best. So that's my request right now, but Mr. Lackey is the best. And I want to request please don't take (inaudible). You know, we'll be very sorry to hear that. Thank you very much.

Mr. Ruiz: I'm Michael Ruiz. I don't ...

Councilman Diaz: Address.

Mr. Ruiz: ... live in South Tucson. My address is 10596 South Kay Primrose Court. I live by Colossal Cave. I'm a Explorer here and I had a chance to go to another post but I didn't because of Chief. He makes me feel like it's my second home. The first day I came here, he said, "How you doing, son? What's your name?" And ever since then, every time I see him, we talk for a little bit and he cares about the post a lot. And I don't want to see him leave or anything because that will be a big loss. And he's changed the City a lot. So ...

Mayor Diaz: Thank you.

Mr. Ruiz: ... he shouldn't be leaving.

Mayor Diaz: Thank you.

ITEM #11 – EXECUTIVE SESSION PURSUANT TO A.R.S. SECTION 38-431.03(A)(1)(2)(3)

Items for Discussion are:

A.R.S. SECTION 38-431.03(A)(1)(2)(3)(4)(5)

1. Contract – (1) Waste Management, Inc. (2) Southwest Gas (3) Animal Control
2. Financial, Taxes – Secondary Property Tax

3. Personnel Matters – Courts, City Attorney, City Prosecutor, City Manager, Finance and Fire

Motion by Councilman Rojas to adjourn the Regular Meeting and convene into Executive Session. Seconded by Councilman Green. Motion passed unanimously.

Motion by Councilman Rojas to adjourn the Executive Session. Seconded by Councilman Green. Motion passed unanimously.

Motion by Councilman Green to resume the Regular Meeting. Seconded by Councilman Rojas. Motion passed unanimously.

Motion by Councilman Rojas to instruct the City Manager to continue the work on the Waste Management situation. Seconded by Councilwoman Mendoza. Motion passed unanimously.

Motion by Councilman Rojas to instruct the City Manager to continue or meet with Animal Control Director to find a better solution for the dog problem. Seconded by Councilwoman Mendoza. Motion passed unanimously.

Motion by Councilman Rojas to instruct the City Manager to continue meeting with Southwest Gas to try to get agreement going. Seconded by Councilwoman Mendoza. Motion passed unanimously.

Motion by Councilman Rojas to instruct the City Manager to follow-up with the proper authorities regarding the secondary property tax. Seconded by Councilwoman Mendoza. Motion passed unanimously.

Mayor Diaz stated that in regard to personnel matters, it was all informational.

ITEM #12 – REPORTS – None at this time.

ITEM #14 – ADJOURNMENT - Motion by Councilman Rojas to adjourn the Regular Meeting. Seconded by Councilman Green. Motion passed unanimously. The meeting adjourned at 9:30 p.m.

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Paul Diaz, Mayor

ATTEST:

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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 23<sup>rd</sup> day of June, 2014. I further certify the meeting was duly called and a quorum was present.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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Veronica Moreno, City Clerk