

Minutes of the Regular Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Monday, November 10, 2014, at 6:00 p.m. at the City of South Tucson Council Chambers, 1601 South 6th Avenue, South Tucson, Arizona.

Council Present: Paul Diaz
Anita Romero
Miguel Rojas
Mary Soltero
Idelfonso Green
Vanessa Mendoza
Oscar Patino

Staff Present: Denise Valencia, Admin.
Lt. Inorio, Police Dept.
Marilyn Chico, Housing Director
Dennis Rankin, Police Dept.
Edward Matchett, City Attorney

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

ITEM #03 – INVOCATION – Councilman Patino led the Invocation.

ITEM #04 – ROLL CALL – All members of the Council were present.

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

ITEM #06 – APPROVAL OF MINUTES OF THE MEETING OF OCTOBER 15, 2014 – Motion by Councilman Rojas to approve the minutes of the meeting of October 15, 2014. Seconded by Councilwoman Soltero. Motion passed unanimously.

ITEM #07 – PUBLIC HEARING: NEW LIQUOR LICENSE APPLICATION, LICENSE SERIES #10 BEER AND WINE LICENSE; GASPROCO, 3002 SOUTH 6TH AVENUE, SOUTH TUCSON, AZ 85713

Motion by Councilman Green to open the Public Hearing. Seconded by Councilman Rojas. Motion passed unanimously.

Mayor Diaz: I have an email from Gasco Company. It says, "Mayor Diaz, Vice-Mayor Romero, and Council members, I became a business owner in South Tucson in June 13. When I took over running Gasco Company as gas station/convenience store, I did not have the experience in running a business, but was committed to customer service and (inaudible). I have worked hard at growing this business, improving the property, and building community relations. There was beer and wine license attached to this property when I took it over. That expired on October the 13th. On the advice

of some, I tried to run this business without selling beer. I have come to the conclusion that this is not possible, not if I want to stay committed to safety and service. That may sound like an oxymoron but it is true. Without a license, I would have to have my work force run with one employee and lock the doors when pumping propane. That's how it used to be run. And it used to have a reputation of a place to get drugs. I still have customers telling me that. I have eight employees, each is dependent on this job. Please help me keep them employed. Help me keep this business open. I am not asking for a handout. I am asking for a level playing field. I've learned that beer (inaudible) constitute 40% of in-store sales for convenience stores. Without this license, I will probably close within two months. Help me keep this business open. Help me increase revenue. I understand there have been no letters of protest from the community. I know I can sell beer and wine in a responsible and safe way. I am not trying to line my pockets. I am trying to keep these doors open. I'm trying to keep my employees working. I'm trying to be a responsible business owner that improves their neighborhood and gives back to the community. Sincerely, Mary Kearny." Thank you. Would you like to go ahead and take the podium, Mary Kearny? Please state your name and address for the record.

Ms. Kearny: My home address or the business address?

Mayor Diaz: Both, if you'd like.

Ms. Kearny: Okay. Mary Kearny. My home address is 5809 North Placita Esplendor, Tucson, and the business address is 3002 South 6th Avenue. So as the letter says, I need this beer license to keep this business afloat. I need to increase the revenue. The more revenue I can bring in, the more revenue also will come to the City of South Tucson. Since I took it over in June of '13, we've had some basically minor issues of like shoplifting. That's really all the trouble we had until October 31st, which was after I wrote the letter. We got broke into and it was at 9:10 p.m. Somebody threw a rock through our window, got in, tried to break into our cashier cage, was unsuccessful, but broke into two other cases of merchandise that we sell and stole what they could put in their pockets. And so that's just one incident that probably would not have occurred if I had the beer and wine license because if I have the beer and wine license, I can be open 24/7, someone will always be there. And I can do it safely because we do have a drawer that we can sell through. And we close, currently, at 8:00 p.m. at night and we will continue to close the doors at 8:00 p.m. at night 'cause that's when we shut down the propane. And we don't need to have an employee going outside then. So I would close that door, lock it, and anybody that wants to buy something after that time, they have to just buy through the window, through the drawer and the window. So, that's just where I am as far as that goes. And I really do want to keep the business open and I'm kind of, it's hard to do. It's hard to do it without that. Probably in the past year I've had about five people come in wanting to buy beer and when they see I don't sell it, they look at me and go, "How do you stay open?" And so I realize these are people who work this type of business and so they knew. And I've learned since that yeah, beer constitutes 40% of the sales for convenience stores. And it isn't going to make a killing for me, but it would probably relieve enough of the stress to be able to keep that month-to-month flow going. Because right now, the only reason I've had the business open as long as I have is 'cause I've been putting money in from my own pocket. I can't do it anymore. So thank you for letting me address the Council. You know, please, like I said, I have 8 employees and I'd hate for them to lose their jobs. It's tough out there now.

Mayor Diaz: Do you have security cameras?

Ms. Kearny: We do, yeah.

Mayor Diaz: You do?

Ms. Kearny: Yeah. We do. And we've even got another bank of cameras that we're going to install. If we got the license, we would install them all the way around the building and also if you can view everything. But right now, we have two sets of cameras. We have 'em inside and a few outside and that's about it.

Councilman Rojas: Most of the time the people that do beer runs do it at day time. I don't know if you've noticed, we see news about people doing the Circle K and they're doing in the middle, at 12 noon, in the middle of the day when nobody to suspect. Do you have plans to lock this, lock the back, the freezers, where the ...

Ms. Kearny: Well, I thought ...

Councilman Rojas: ... beer is?

Ms. Kearny: ... about that but after speaking with the manager at the Circle K across the bridge, he used to do that. He said he'd learned that it was cheaper to have the beer runs than to replace the doors on the cases. After he replaced doors on the cases three times, he said, "You know, it's cheaper to have the beer runs." Now I mean I know that that's a possibility. But after having a window broken and things stolen and not having insurance to cover it because I can't get insurance to cover it, you know, that's not cheap either. That's about \$800 worth of loss there.

Mayor Diaz: I have another question. I notice that you do have car washes there.

Ms. Kearney: Occasionally, yeah. It's kind of slacked off because we used to have Church on the Street that would come and we stopped that one.

Mayor Diaz: You did stop that?

Ms. Kearney: So we get just a few. We don't get them too often but once in a while.

Mayor Diaz: How about the patrons from across the street, the motel, do they generally hang around out there?

Ms. Kearney: Well, a little bit and we try to chase 'em off. You know, we'll tell 'em, if it gets to be more than like two or three of 'em hanging out, we'll tell 'em, you know, "You guys need to leave. You're not good for business." I mean we do. That's a continuous kind of thing that we deal with. Because they like to sit over off the side where it's shaded. Yeah, that's an issue because they're there. I mean they get kicked out of the motel and they like, you know, yeah, we do. That's one of the problems we have. But as far as like beer goes, if I don't sell, you know, I mean I'm not selling

beer. Those people get beer. I mean of course they do. All they have to do is go to Circle K in the City of Tucson.

Councilwoman Mendoza: Well, I just want to feed off of that. Do you have like a "No Loitering" sign up or?

Ms. Kearney: I'm not sure. We have so many signs up, I have to stop and really ...

Councilwoman Mendoza: That would be ...

Ms. Kearney: ... look at it ...

Councilwoman Mendoza: ... (inaudible).

Ms. Kearney: ... (inaudible) loitering. Yeah, I'm not sure if we have that one.

Councilman Patino: Were you selling single cans or were you selling just by the six-pack and uppers?

Ms. Kearney: I never sold any.

Councilman Patino: Oh, you never had the license?

Ms. Kearney: The license was there from a previous owner, previous business owner. And it was valid up until October of '13. So I could have gone and paid the money and gotten it reissued because it was a good license. The owner of the property told me, at the time when I took it over, he said, "Oh, you don't wanna do beer." He said, "You have nothing but trouble with beer." And basically, I listened to him. And I thought, okay, but after running it for a year, and seeing how the sales were, it was like, I just was like, you know what? How did you do it? And I thought about it. And like I said in this letter, he ran with one employee at a time. He was from Asia. Not every employee he had but two of them were from Asia. And here's what I've learned how they do this. They consider them family even if they're not blood family, but they're considered family. So they don't have to pay them. And so they pay them next to nothing, I guess, 'cause when I started paying the one guy that stayed with me, when I started paying him \$8 an hour, he was thrilled. And I thought about it and I thought, oh, my God, you know, what a way to run a business, you know. And then one of the guys that worked there, I found out later he was selling drugs out of there. We'd get customers that would come in a few months later and they'd go, "Yeah, people told us to stay away from here 'cause you sell drugs out of here," and it's like, you know, it's like the reputation, to have to overcome that kind of reputation and then, of course, I mean you know the population there, too. But our business really has been selling propane. And we've worked really hard at building that business. And it does well, but it isn't enough.

Councilman Patino: Do you know how old the license was? Was that one of the ones that was passed by Council?

Councilman Rojas: That's an old one.

Ms. Kearney: I don't know because the person who had it, I'm not sure if he came in under somebody else's license and just sort of kept it going, or if he had gotten a new license. He was only there for about eight months, I think, and he left in April of '13. So I'm not sure.

Councilman Patino: I'm trying to remember if that was one of the, when Jennifer was still Mayor here. I think there was only five Council members that came, or four, and it was a tie. You don't remember? I think you and Anita were here. Was that the one that got passed? I'm just trying to remember this.

Ms. Kearney: You know, and all I can really, I mean I understand to a degree the, like trying to clean up the neighborhood, so to speak, and keep some of that kind of influence away. But it's not away. Anybody down there that wants beer can get it. I mean all they have to do is walk across the bridge or go to Food City when it's open. All I can really say is I really need it to keep the business going. Otherwise, I'm like, what else can I do? I don't really know at this point. I mean I've been trying to get this beer license since June and I'm at a little bit at a loss as to what else I can do to keep that business going with running the two employees. I mean I really consider that important. I don't like seeing convenience store with one employee. I don't think it's safe. We always have two people there. Now if I had the beer license and locked the door at 8:00 p.m., I'm not saying I'm gonna have two employees then until 6:00 a.m. I'm not sure. It depends on what the work load is like but at least then, the door is locked and nobody, the customers don't come into the store. So I'm not sure what I'll do at that point, but the employee's safety and the safety of the public has been really important to me. And I'd hate to cut back to try to keep afloat.

Councilman Patino: I understand. When you say you're gonna be open 24 hours, why do you need to be open after ...

Ms. Kearney: Because ...

Councilman Patino: ... midnight?

Ms. Kearney: ... it's too difficult to close at, say, midnight or 2:00 a.m. or whatever time it would be, and then reopen at 6:00 a.m. And that midnight to 6:00 a.m. time that you'd be closed, or the 2:00 a.m. to 6:00 a.m. it would be closed, that again would be the dangerous time for somebody to break in.

Councilman Patino: But you can only sell beer so many hours, can't you

Ms. Kearney: Yeah, you can't sell past 2:00 a.m.

Councilman Patino: Did we have any problems prior?

Mayor Diaz: Hang on, Mr. Patino. Hang on.

Councilman Patino: I'm sorry.

Mayor Diaz: We'll catch (inaudible) later.

Councilman Green: I have a question. There was a couple things that you said that kind of disturbed me was that if they want beer, they're gonna go, you know, and you were talking about the individuals from across the street, in the motels and stuff like that, that if they want beer, they're gonna go and steal it.

Ms. Kearney: Oh, no, ...

Councilman Green: Or get ...

Ms. Kearney: ... I didn't ...

Councilman Green: ... it somewhere else.

Ms. Kearney: ... say that.

Councilman Green: They're gonna go and get it somewhere else.

Ms. Kearney: I said they could go right across the bridge and get it.

Councilman Green: Right. So ...

Ms. Kearney: Yeah, it's not ...

Councilman Green: ... why, okay, ...

Ms. Kearney: ... that they don't get it ...

Councilman Green: No, and I know they don't get it, but why are we going to facilitate it? I, and I understand your, and believe me, I'm compassionate to your problem but, you know, when you made a statement like that, we're still looking at the community. That, you know, and that's one of the biggest problems that we have within the community is locations like that that are going to sell. And to me, and from what you said, and I'm not trying to demean anything that you're saying. You're putting your profit margin above our constituency. And, you know, yes, you met the 300 foot limits, you know, the letters went out. But it's such a commercial populated area that none of the, there's no 300, there is no homes within 300 feet of your location. So residents really didn't get it. The Mercado got it. The pawn shop got it.

Ms. Kearney: Yeah, the businesses.

Councilman Green: The businesses got it.

Ms. Kearney: I get it. Well, I've also collected from customers coming in. I've got about 300 signatures here, people who are supportive of me getting the license, too. I'm happy, you can, anybody wants to look at 'em can look at 'em. I don't, and maybe I'm ...

Councilman Green: (Inaudible).

Ms. Kearney: ... not demeaning, you know, when you said, "Do you want to facilitate this?" well, you know, no. No, I just want to keep my business open.

Councilman Green: No, and I ...

Ms. Kearney: I mean, ...

Councilman Green: ... (inaudible) ...

Ms. Kearney: ... and I consider it as it's, at least it's legal, you know? And if my not selling beer would keep that population across the street that don't have the cars, that have to ride the buses, you know the whole thing, would keep them from drinking beer, I would be totally supportive of saying, yeah, I can understand not giving me the license. But that's not the case. They just go across the bridge and get the beer that they want. That revenue goes to Tucson. I mean that's just the way it is. You know, that increases the sales there. You know, I just, like I said, I just want the level playing field so I can be also competitive in that market of being a gas station convenience store. I'll tell you, don't ever run a gas station. There's no profit in gas but it costs a heck of a lot because the insurance is so high and maintenance is so high. I need to be able to sell something to keep the business profitable. I mean I just, I need to. And, you know, if you could give me a better idea of what else I could do, I would more than listen, but convenience stores, that's how they stay in business. Forty percent of their sales is beer sales. That's how they stay open. If I had known that when I took it over, I'd have been like, "Heck no. I'm not gonna get, I'm gonna activate the beer license 'cause I get it." But I was naïve and I was very ...

Mayor Diaz: Could we, could we get a copy of that or can you turn 'em in ...

Ms. Kearney: Of the ...

Mayor Diaz: ... the petitions?

Ms. Kearney: ... signatures?

Mayor Diaz: Yes.

Ms. Kearney: Oh, heck yes. You can have 'em all.

Mayor Diaz: Okay. Turn them in to the Clerk. Is there any more questions for the (inaudible)? Okay. Thank you for your comments.

Ms. Kearney: Thank you for letting me address the Council.

Mayor Diaz: Arlene Lopez.

Ms. Lopez: Good evening, Mayor Diaz, members of the Council. I'm here to speak against having the beer and wine liquor license. As you well know, I've been before you on other businesses that have beer and wine. In the past, I have protested some of the buyers that we've had here in South Tucson. I understand the need to stay open in a small business, especially if you are starting out learning about that business. However, I have several concerns, one of them are the patrons that are across the street. I don't know the patrons behind the gas station. I'm glad that the car washes are not there any more. I understand people need help and the Church-on-the-Street, or whatever, but the group that was there are a little intimidating. If you would recall, I was here at the Council meeting when Food City came forward and said that they had to lower the food tax because they were struggling with trying to stay open. And they sell beer and wine. I understand that there is a Circle K across the street but I really don't feel, and you have people hanging out in the corners over there, you know, I don't know where they're coming from, from Primavera or whatever, and they have an issue. We also have all the restaurants along 4th Avenue that sell beer and wine. We have a smaller police force. As you know, South Tucson is struggling with a budget and our police force is already taxed with trying to keep peace in the community, trying to answer all the calls. How is this going to help if you're going to add an element here that might cause problems like the beer runs. And it's so close to the freeway that it would be easier for them to just hop on and take off. I mean the new owner said that the former owner recommended not selling beer because she's gonna have problems. So he had experience in what was going on at that business. I'm concerned about staff having to, they already have to be vigilant about the people that are there, broken into, are they safe? Is the beer and wine going to create more of an enticement to break into the place? I don't know. I understand that we need revenue here in South Tucson. But I'm also concerned about the community and the needs of the community too. And some of the existing businesses that are struggling here in our community. Thank you very much.

Mayor Diaz: Thank you. Lt. Inorio, will you please comment in regards to the liquor license? I know that there's a report in here regarding some past incidents there at that location.

Lt. Inorio: Mr. Mayor, members of the council, the police department doesn't make recommendations on a liquor license itself. Obviously with another business selling alcoholic beverages, there's the inherent problem that we will have with beer runs, and that's a given. Food City has loss prevention officers in there 3 days a week, I believe, and they still have quite a bit of shoplifting. A lot more getting caught now by their loss prevention, but obviously we're still responding. Most of the incidents that have occurred there are not necessarily related to the business. There's a pay phone right on the corner of the property, which rings down as that business. And then obviously, people are going into the business seeking someone to call 911 as well. I will say that Ms. Kearney has been very receptive in anything that we have addressed with her on a few incidents that we've had. We had an employee issue that was assaulted by a customer. And she has been very gracious and very, very helpful in that. But you know, as Council knows, any business that's going to sell any type of alcoholic beverages and if you've noticed, the employees are actually in a pod or a cage or elevated, and we don't recommend that, obviously, employees try to stop a shoplifter anyway because of the inherent risk of that, but it could be easy (inaudible) without locked coolers or some type of security, you know, it's walk in, grab a beer, and you're gone. And as some people have said, gee, you know, the freeway is so close and the desert area is so close that it's pretty easy to get away.

Mayor Diaz: How would you compare that with Circle K or, I guess Food City, too, since you mentioned Food City.

Lt. Inorio: They all have security. You know, the City of Tucson, they don't respond to shoplifting incidents any more. Very few of them, they will. They usually have them call and they give them a case number for their documentation. As you know, the City of South Tucson responds to call calls for service. We have a pretty good follow-up program where we recognize a lot of people on video and make subsequent arrests. It doesn't deter them. Until we can get the County to start prosecuting on felony charges, some of these repeat offenders, we're gonna have this problem. But Circle K has a lot of beer runs. Food City has their share as well. And it's unfortunate these people go over there and they know that they can do it. We've made quite a few arrests out of there, but it's still taxing the police department. There's quite a few shoplifting incidents a year.

Councilman Green: I have a question for the Lieutenant. The previous owners of the gas station, did, I guess there was a beer run, the lady ran out with a gun, fired at the individual. Do you recall that incident?

Lt. Inorio: Yes, I do.

Councilman Green: Okay. You know, and that's what I'm saying, if it's a previous owner or a current owner, no matter what, in my opinion, or I mean in my opinion solely, would mean that the element is there. The opportunity is there. It's gonna present itself. Circle K was mentioned. I spoke to loss prevention and to the manager of Circle K. Audit was done and completed probably about three weeks ago. And loss prevention came up with \$32,000 in losses, the majority of that in beer and jerky. I mean those are the things that we're looking at, those are the things that's happening because, you know, and I think it would just be compounded by the fact that if we do put another establishment, yeah, it may lessen the runs from the Circle K because the Gasco is gonna be closer, but the fact is is that you're still gonna have that, and I'm figuring that the amount of taxes and revenue that we get for the sale of, you know, for taxes for the sale of beer doesn't justify the utilization of the officers, or the arrests, or the paperwork that's conducted and just brought to court. I mean you can't offset the cost of doing business with the cost of, or the (inaudible) of the taxes. You know, that's my opinion. And I've seen it and I mean I can, there's other (inaudible) that I can give you if you guys would like it but ...

Lt. Inorio: Mr. Mayor, Council member Green, and you're absolutely right. Circle K is unique because it is in a neighborhood. You tend to have more traffic there. And probably less likely to have beer runs when the store is busy. And reviewing video and stuff, it's usually when there's a limited amount of people in the store. Unfortunately, the Gasco, they're not gonna have the volume of customers there in the store and in my experience, it would be an easier target for the beer runs as well.

Mr. Boyle: My name is Thomas Graham Boyle. I am on the Board of Appeals for the City of South Tucson, and I would like to comment on this issue because it's relevant that I do. It was just several years ago that we deprived Walgreens of this same opportunity. And I believe the ramifications if we approve it, based on the reasons for her, would not be fair to Walgreens. And we did deprive them of

this opportunity and they did work along with the City to keep our City from attracting this kind of business. So I thought it would be relevant to bring it to your attention.

Councilman Green: I have a question. On the actual packet itself, we have a listing of the businesses starting with Mr. Mercado Street, East LLC, 5050 South (inaudible) 50% whatever it is. And then it ends with 3033 Sixth Avenue LLC, accounting department. Can anybody tell me what this is?

Ms. Valencia: These are a list of people that are within the 300 feet.

Councilman Green: Alright. Thank you.

Motion by Councilman Rojas to close the Public Hearing. Seconded by Councilman Green. Motion passed unanimously.

ITEM #08 – NEW LIQUOR LICENSE APPLICATION, LICENSE SERIES #10 BEER AND WINE LICENSE; GASPROCO, 3002 SOUTH 6TH AVENUE, SOUTH TUCSON, AZ 85713

Councilman Green: Seeing in the past and then Mr. Boyle brought up there was other stores that we did deny, that was Primavera groceries right there on 9th Avenue and 28th. We recommended denial. They also did the same thing with again Food City, not Food City, Walgreens.

Councilman Rojas: (Inaudible).

Councilman Green: And 29th Street? Valencia? The meat market, yeah, so there's, I think it would be, and I, it really hurts me to say this but it would really be unfair to the three other business owners that are still in the community trying to conduct, and we denied them and we would approve this.

Motion by Councilman Green to deny the liquor license application for Gasco. Seconded by Councilman Rojas. Motion passed unanimously.

ITEM #09 – RESOLUTION NO. 14-34 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING THE SOUTH TUCSON HOUSING AUTHORITY'S REVISED UTILITY ALLOWANCE SCHEDULE FOR THE LOW RENT AND SECTION 8 HOUSING PROGRAMS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE STHA DIRECTOR TO SUBMIT SAME TO HUD

Motion by Councilman Rojas to pass Resolution No. 14-34. Seconded by Councilwoman Soltero. Motion passed unanimously.

Ms. Chico stated that once a year the Housing Authority must review the utility allowances, and she reviewed with the Council the process involved in determining the allowance. Ms. Chico answered questions from Council regarding the Housing Authority budget, utilities, and the process used for utility reimbursement.

ITEM #10 – RESOLUTION NO. 14-35 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 2015

Ms. Chico stated that annually, HUD publishes the New Fair Market Rents for all the metropolitan areas across the United States. She pointed out that the rates for this year have gone down. Motion by Councilman Rojas to pass Resolution No. 14-35. Seconded by Councilwoman Mendoza. Motion passed unanimously.

ITEM #11 – RESOLUTION NO. 14-36 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, AUTHORIZING EXECUTION OF AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SOUTH TUCSON, ARIZONA, AND THE STATE OF ARIZONA, ACTING BY AND THROUGH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE IMPLEMENTATION OF THE SAFE ROUTES TO SCHOOL PROGRAM GRANT AND AUTHORIZING THE MAYOR TO EXECUTE SAID IGA

Lt. Inorio stated the City was awarded a grant for the Safe Routes to School Program, which is part of the Governor's Office for Highway Safety. Motion by Councilman Rojas to pass Resolution No. 14-36. Seconded by Councilwoman Soltero. Motion passed unanimously.

ITEM #12 – DISCUSSION – CITY MANAGER AND POLICE CHIEF POSITIONS

Mayor Diaz: This item is a discussion item only and is in regards to the City Manager and Fire Chief positions. In regards to the Fire Chief position, there is a (inaudible) board has been selected.

Councilman Green: Mr. Mayor, it's Police Chief.

Mayor Diaz: Thank you. Police Chief. Thank you. They have been selected. They are John Ivanoff from the Tucson Airport Authority; Manny Amado from Pima College; Hector Olivio, Assistant Chief from Pascua Yaqui; Councilwoman Mendoza; Reynaldo Garcia, Fire Chief South Tucson; Arlene Lopez, South Tucson resident; Alonzo Garcia, City of South Tucson business owner. And I guess they will be meeting on Thursday to go through the applicants that have been received and if there are any more, they will be added. The top three candidates will be introduced at a coffee and donuts with a community forum, that way they get to know the community and the community gets to know who the top three are. And the list of cards will be sent to the City Manager for collection, according to Code. And the process will continue until the position is filled. And in regards to the City Manager's position, that's going to be done just a little bit different. It's going to be done with a survey among business, residents, and one of the questions for that survey is gonna be a, would they like to serve as a member of the selection board. The position will be advertised in the League of Cities. And there's also going to be a seven-member board that's going to, and we're accepting recommendations or applications for the seven-member board at this time. If you do have a name or

want to recommend somebody, please refer to the City Clerk in regards to the City Manager position board or also for the City Manager's position. The community forum will introduce the top two. And at the end, the Council will make the selection. And, of course, the process will continue until the position is filled. Are there any comments from the Council?

Councilman Rojas: So the announcements have gone to the League of Cities already?

Mayor Diaz: No, they will be as soon as we get the (inaudible) on that position.

Councilman Green: Okay. So we have the resignation for the City Attorney. I mean not, sorry, the City Manager. Okay. Effective December. What my recommendation would be is to pursue a City Manager first and then wait until that has been stabled, you know, in a stable state so that the incoming or new City Manager can take part in the process of hiring the Police Chief.

Mayor Diaz: Well, the only problem with that is that we've already started the process of the Police Chief.

Councilman Green: Yeah, and that's the other thing that I was gonna say is that when we went to Executive Session, it was for discussion only. How did it go from discussion only to an action item?

Mayor Diaz: I don't know. Does anybody remember the meeting as far as?

Councilwoman Mendoza: I mean whatever ...

Mayor Diaz: No, okay, ...

Councilwoman Mendoza: ... (inaudible) Executive Session we can't discuss out here anyways so ...

Councilman Green: But that's how ...

Councilwoman Mendoza: ... (inaudible) ...

Councilman Green: ... it was advertised, for discussion only.

Mayor Diaz: Okay. So what happened at that time, the Police Chief started sending us names and recommendations for the position of the selection board. And then it turned into the City Manager, at that time, making a decision to go ahead and put the position on track regarding filling it.

Councilman Green: Okay. And this is the individual who is out on FMLA still making decisions?

Mayor Diaz: That's correct.

Councilman Rojas: He's still the manager.

Councilman Green: Well, we have an acting manager.

Mayor Diaz: That's correct, too. The process has been going on and it's going. People have already been contacted and we're going with it. That's the way it is.

Councilman Green: Okay. So we went from Executive Session for discussion only to an action item that has already been put into a motion to do it, to have somebody hired to, by the City Manager who is going to be leaving in December.

Councilman Rojas: No, no. Not the City Manager. By the committee and a ...

Councilman Green: No, no. That's what I'm saying.

Councilman Rojas: Community group.

Councilman Green: Right. And it has to be hired by the City Manager.

Mayor Diaz: If the process ends at that time, yes.

Councilman Rojas: If it's a short time ...

Mayor Diaz: If, if not, it ...

Councilman Rojas: ... (inaudible) ...

Mayor Diaz: ... continues.

Councilman Rojas: ... going continues. It continues, that's the thing. It's not gonna be a short process. We may have a good candidate, final candidate, or may not. Depends on the committee, what the seven-member committee recommends and what the people of the community.

Councilman Green: Okay. Are you aware that now we have two dates, one is Thursday and one is Tuesday of next week?

Mayor Diaz: No, it's ...

Councilman Green: For, ...

Mayor Diaz: ... Thursday.

Councilman Green: ... for (inaudible). No, that came down today.

Mayor Diaz: No, it's Thursday.

Councilman Green: I spoke to the City acting, City Clerk. And informed of it today.

Mayor Diaz: Okay. It's been revised and there's only one scheduled on Thursday starting at 9:00 a.m.

Councilman Green: Okay.

Mayor Diaz: It will go all day long.

ITEM #13 – REPORTS – None at this time.

ITEM #14 – ADJOURNMENT

Motion by Councilman Rojas to adjourn the Regular Meeting. Seconded by Councilwoman Soltero. Motion passed unanimously. The meeting adjourned at 7:00 p.m.

Paul Diaz, 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 20th day of October, 2014. I further certify the meeting was duly called and a quorum was present.

Dated this _____ day of _____, 2014.

Veronica Moreno, City Clerk