

Minutes of the Regular Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Monday, December 8, 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  
Anita Romero  
Miguel Rojas  
Mary Soltero  
Idelfonso Green  
Vanessa Mendoza  
Oscar Patino

Staff Present: Luis Gonzales, City Manager  
Veronica Moreno, City Clerk  
Lt. Inorio, Acting Police Chief  
Rey Alvarez, Fire Chief  
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

Mayor Diaz: If it's in regards to the liquor license, that's a public hearing and so if you want to address the Council at this time, fine. If you're gonna wait for ...

Mr. Green: Yeah, let me address the Council at this time.

Mayor Diaz: Okay.

Mr. Green: My name is Raul Green. I have (inaudible) West 36<sup>th</sup>. Mayor Diaz, Council, I have a concern about this liquor license. I know they've had the liquor license for quite a while. There's a new issue that we, basically, a new fact that you guys have to consider. Pasadera had their open house last week. They seem to be coming to town on the 15<sup>th</sup>, which is next week, so that means that we're gonna have a drug rehab half a block from this liquor place, and across the street from a school. It needs to be considered. Either Pasadera doesn't have, designate a permit for the drug rehab part of its facility or, I don't think it's prudent to have a liquor license that close to the drug/alcohol rehab, which is gonna be across the street from a school. I hope you either don't give these people their license, which will mean that probably the biggest employer in South Tucson would leave, or you don't give Pasadera a license to have a drug rehab. That's it. Thank you.

Mayor Diaz: Thank you.

ITEM #06 – APPROVAL OF MINUTES OF THE REGULAR MEETING OF OCTOBER 20, 2014, AND THE REGULAR MEETING OF NOVEMBER 10, 2014 – Motion by Councilman Rojas to approve the minutes of the Regular Meeting of October 20, 2014. Seconded by Councilwoman Mendoza. Motion passed unanimously. Motion by Councilman Rojas to approve the minutes of the Regular Meeting of November 10, 2014. Seconded by Councilwoman Mendoza. Motion passed unanimously.

ITEM #07 – PUBLIC HEARING: NEW LIQUOR LICENSE APPLICATION, LICENSE SERIES #09 GROCERY STORE – LIQUOR STORE FOR OFF-SITE CONSUMPTION OF ALCOHOL; BASHA FOOD CITY #77, 2950 SOUTH 6<sup>TH</sup> AVENUE, SOUTH TUCSON, AZ 85713

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

Mayor Diaz: Is there anybody who would like to speak to or address the Council at this time, please do so.

Councilman Rojas: Let's go to number #07.

Mayor Diaz: No, hang on. Let's see here. Acting Chief Linorio, would you address the Council in regards to the information that we have received?

Acting Chief Linorio: Mr. Mayor, members of the Council, as you're aware, Food City Bashas has had a liquor license for a number of years. We do respond to calls for service out there reference shoplifting and usually it is alcohol-related. Food City has been cooperative with us. They've actually employed loss prevention officers inside the store, which has drastically reduced the number of shoplifting incidents that are reported to us. Other than that, the police department makes no recommendation either way for the liquor license.

Mayor Diaz: Okay. Thank you. Chief Alvarez, is there any, are you concerned?

Chief Alvarez: Mayor and Council, we do respond there (inaudible). Usually, it's trip and fall. Sometimes, when police or somebody has a subject for arrest or detained, we will make (inaudible).

Mayor Diaz: Thank you. Is there a representative from Food City that would like to address?

Store Manager: I'm the store manager at Food City ...

Mayor Diaz: Would you (inaudible), please?

Store Manager: Good evening, Council members, Mayor. I'm the Food City store manager here at 2950 South 6<sup>th</sup> Avenue. I represent, well, Bashas and Food City. And I just got notified that, to be here and, you know, we've been there, I've been there since that store opened. (Inaudible) we have a police department responds (inaudible), you know, that's my only recommendation. I know we sell, we're a grocery store which, you know, sell groceries and liquor and all that stuff.

Mayor Diaz: Okay.

Councilman Green: Mr. Mayor, I have a question. Do you, offhand, know what percentage of alcohol you sell versus percentage of food?

Store Manager: It differs, you know what I'm saying?

Councilman Green: I mean on the average per year?

Store Manager: The average per year, it's out of, like 2.8, depending, ...

Councilman Green: 2.8 ...

Store Manager: ... you know what ...

Councilman Green: ... percent ...

Store Manager: ... I'm saying (inaudible) ...

Councilman Green: ... of all sales?

Store Manager: ... yeah, like holidays it goes up. Depending like on Super Bowl weekend, Christmas, you know.

Mayor Diaz: Cinco de Mayor.

Store Manager: Yeah, Cinco de Mayor, Fiestas Patrias, that's huge.

Councilman Green: And the other question is, this is just a name change. It's not an application for a new license, right? It's just to change the name of the owner?

Store Manager: Of the owner.

Councilman Green: Because the previous owner is deceased.

Store Manager: Deceased, yes.

Councilman Green: Alright. Thank you.

Mayor Diaz: Thank you. Is there anybody else that would like to address the Council?

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

ITEM #08 – NEW LIQUOR LICENSE APPLICATION, LICENSE SERIES #09 GROCERY STORE LIQUOR STORE FOR OFF-SITE CONSUMPTION OF ALCOHOL; BASHA FOOD CITY #77, 2950 SOUTH 6<sup>TH</sup> AVENUE, SOUTH TUCSON, AZ 85713

Mayor Diaz: Item #08 is the actual application for the liquor license and, of course, as we heard, it is a name change but it says application Liquor License Series #09 Grocery Store Liquor Store for Off-site Consumption of Alcohol; Bashas Food City #77. I'd like to have a motion first so we can go into discussion.

Councilman Rojas: On this new liquor license, move that we, a positive ...

Mayor Diaz: No, excuse me.

Councilman Green: We just open, we have to open the meeting.

Councilman Rojas: Okay.

Mayor Diaz: The ...

Councilman Rojas: Move that we open the discussion for the new liquor license application.

Councilwoman Mendoza: Second.

Mayor Diaz: It's been moved and second. So we go into discussion. Is there any discussion, further discussion regarding the name change?

Councilman Green: I do have a question, Mr. Mayor. Okay. At Call to the Audience, it was pointed out that Pasadera has gotten, or is getting permits and opening on the 15<sup>th</sup>. Is that what I heard?

Mayor Diaz: No, I have no information but I guess that's what we heard, yes.

Councilman Green: Mr. City Manager, have you heard anything on Pasadera or what the status of Pasadera is?

Mr. Gonzales: Could you repeat that question again?

Councilman Green: Okay. The question came up, the, it was a Call to the Audience. The individual came up before the Council and stated that putting, that Pasadera is picking up permits and opening up because they already had some kind of opening, or cold opening or, you know, soft opening, and it would be effective the 15<sup>th</sup> of December. Have they picked up, in fact, any permits or anything that you're aware of?

Mr. Gonzales: Mr. Mayor, Mr. Green, as far as I know, as of today, Pasadera has not come in for a permit other than the one that's been pending.

Councilman Green: Which is?

Mr. Gonzales: For restructure or some rehabbing of the area there, but that's the only (inaudible) received from Pasadera. There's no other permits pending.

Councilman Green: So they, they, basically, gave 'em a general construction permit?

Mayor Diaz: No.

Mr. Gonzales: Correct.

Mayor Diaz: No, they applied for it, excuse me.

Mr. Gonzales: They've applied for it but that permit has not been issued.

Councilman Green: Oh, has not been issued. Oh, I thought you said they, you know, as of today ...

Mr. Gonzales: They have ...

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

Mr. Gonzales: ... a pending submittal at this point. However, they have not closed, to our knowledge, on the property. Consequently, we have not issued a permit to a non-owner of the property. It's a position that we have taken and have already asked our City Attorney about that is that we are correct and we cannot issue a permit ...

Councilman Green: Unless ...

Mr. Gonzales: ... (inaudible) ...

Councilman Green: ... (inaudible).

Mr. Gonzales: ... the property.

Councilman Green: Right.

Mr. Gonzales: Until such time that the Pasadera and Arizona Children's Home close on that and then we have an opportunity to look at the covenants of that closing. At that time, then we would decide whether we will move forward for a permit or not.

Councilman Green: Can we schedule, or it's not a schedule, and this is, and the reason I'm saying all this and asking this, because this will be affecting this liquor license, and it ...

Councilwoman Mendoza: (Inaudible) ...

Councilman Green: ... may sound a little bit off.

Councilwoman Mendoza: Can I interrupt for a second?

Councilman Green: Yes.

Councilwoman Mendoza: I don't, it is in my opinion that we shouldn't be talking about this 'cause it's not on the agenda. And I could be wrong, but we're ...

Councilman Green: But ...

Councilwoman Mendoza: ... going into depth about something that's not on the agenda. And I don't know that we're allowed to be doing that.

Councilman Green: But the thing is ...

Mayor Diaz: Thank you. Hang on, Mr. Green, Councilman Green. Councilwoman Mendoza, you do bring up a point and it's a point of order, I guess, that ...

Councilman Rojas: Yeah.

Mayor Diaz: ... would be correct. So if you can tie it into, respect to the application ...

Councilman Green: And that's what ...

Mayor Diaz: And don't ...

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

Mayor Diaz: ... change ...

Councilwoman Mendoza: Without going into detail.

Mayor Diaz: Without going into detail.

Councilman Green: Okay. Basically, with that facility being there, going in there, whatever the status of that facility being there, you know, yeah, never mind. It's really difficult. I'd like to get with you and actually Planning and Zoning guy to see if a (inaudible) hearing can be conducted prior to any permits issued according to ...

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

Councilman Green: Yes.

Mayor Diaz: ... again. Again, ...

Councilman Rojas: (Inaudible) ...

Mayor Diaz: ... it's ...

Councilman Rojas: ... we're talking liquor license ...

Councilman Green: You know, that's what I'm saying. And that's what I'm saying. So that's a liquor discussion we're having. I just gave him the topic what I wanted ...

Councilman Rojas: Okay.

Councilman Green: ... (inaudible) liquor and I am ...

Councilman Patino: Give me a minute. I have to take this. It's the house.

Councilman Green: I don't really see any problem with it so, yeah, never mind.

Mayor Diaz: Okay. Thank you. Is there any more discussion?

Councilman Rojas: We have to close the public hearing?

Mayor Diaz: No.

Councilwoman Mendoza: We already did. We're ...

Mayor Diaz: Now you gotta make ...

Councilwoman Mendoza: ... (inaudible).

Mayor Diaz: ... the motion.

Motion by Councilman Rojas to approve the new liquor license application. Seconded by Councilwoman Mendoza.

Mr. Gonzales: If I may clarify a little bit regarding this application, as you know, the liquor licenses for Food City has been in place for quite a number of years. The main thrust of the issue here is that the owner has passed away. The old license had the name of Mr. Eddie Basha on the liquor application. What is happening here is that you are changing the name to an individual who is now alive and well, which is Mr. Michael Joseph Basha, who would be the new person that would be on this application. So the thrust of this is not that it's actually a new application, but rather there was a change of name to that. We've looked at that. We have reviewed it. And the recommendation from the City Manager is to approve it.

Councilwoman Mendoza: So should that motion ...

Mayor Diaz: Yeah, it ...

Councilwoman Mendoza: ... be to approve ...

Mayor Diaz: ... needs to be ...

Councilwoman Mendoza: ... the name change?

Mayor Diaz: Right. So the motion needs to be changed to reflect that and comments from the City Manager.

Councilman Rojas: Yeah, I so move and amend my motion to approve the name change.

Councilwoman Mendoza: Second.

Mayor Diaz: It's been moved and second. So we're at the point where the motion has been changed to reflect that it's a name change. All in favor of the motion signify by saying aye.

All ayes, none opposed. Motion passed unanimously.

ITEM #09 – RESOLUTION NO. 14-37 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING AND ADOPTING REVISIONS TO THE SOUTH TUCSON PUBLIC HOUSING AUTHORITY'S POLICIES IN THE ADMINISTRATIVE PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE STHA DIRECTOR TO SUBMIT SAME TO HUD

Mr. Gonzales addressed the Mayor and Council. He explained that the Housing Choice Voucher Administrative Plan basically states what the costs will be for rentals, etc. Mr. Gonzales stated that from time to time, there will be amendments to the plan. HUD requires annual approval of the program. Motion by Councilman Rojas to approve Resolution No. 14-37. Seconded by Councilman Green. Motion passed unanimously.

ITEM #10– REPORTS – MAYOR PAUL DIAZ – COUNCIL VACANCY

Mayor Diaz: We received a letter from Councilwoman Soltero, retiring effective December 5<sup>th</sup>, so that is, and I guess we, more or less, accept that because she has indicated that she wishes to retire at that time. So December the 5<sup>th</sup> was her effective date. So that creates a vacancy in the Council and there is a section in the ordinances that we need to follow, so we'll be following that and taking resumes and letters of interest for this, and they will be distributed to each council person in a timely manner. And we'll discuss it at a future Council meeting when it's part of the agenda. And that's my report in regards to Mary Soltero. She has served since June of 2007. And we wish her good luck. Thank you.

Councilman Patino: Mr. Mayor, I have three reports. The first report I have is when there was the shooting on South 10<sup>th</sup> Avenue and 39<sup>th</sup> Street, I got several calls from some of the neighbors there. So I went and talked to Rob Lane from ADOT and they fixed the lights already and he said that they would do that more frequently because he said that they didn't have an IGA with the City of South Tucson. The second report I have is I had met with Anita Fernandez and Ruben Perez from Prescott College, hopefully that they would buy the Arizona Children's Home. They came twice, the first to see the place and second, just to re-evaluate it. But they said it would just cost too much money to just try to fix the place. So it would be \$5,000,000 or something like that to buy the place plus an

additional, I don't know how much. They said it was just too much money. So, and then our third is I also spoke with Mr. Daniel Tylootsky from the County to see if the Arizona Children's Home property could be made a park for the residents of South Tucson. And he also stated that that would be too much money to buy the land and just to tear down a building that's there. He said sorry. So that's my report of what I've done so far.

Mayor Diaz: Thank you, Councilman Patino. Are there any more reports?

Councilman Green: I do have a question, Mr. Mayor.

Mayor Diaz: Councilman Green.

Councilman Green: Okay. On the vacancy, the Councilwoman, on her retiring, we have a certain amount of time. How are we going to notify the public or the community of the vacancy?

Mayor Diaz: That's what we've done with this report. It will be announced on the website and also ...

Councilman Green: Are we putting fliers out or anything? That's what we did for the other, you know, for the police chief circulation and, you know, these meetings that we have.

Mayor Diaz: Well, I guess that's a recommendation.

Councilman Rojas: We could.

Mayor Diaz: Is that a recommendation?

Councilman Green: Yeah, that would be my recommendation.

Councilman Rojas: Okay.

Mayor Diaz: Mr. Gonzales, is that appropriate or is there any problems with that?

Mr. Gonzales: Mr. Mayor, certainly, Mr. Mayor, Mr. Green, members of the Council, whatever process that the Council wishes to utilize we would certainly go with it and do whatever we need to do to make it known that there is a vacancy. As you know, that is a Council decision and you must do that within 30 days of the vacancy. So you have 30 days in which to appoint a new Council member to that vacancy. If that is the wishes of the Council, I will certainly put that together and we'll have the flier out. We'll put it on the website and the normal things that we normally would do to post it.

Mayor Diaz: Thank you.

#### ITEM #11 – ADJOURNMENT

Motion by Councilman Rojas to adjourn the Regular Meeting. Seconded by Councilwoman Mendoza. Motion passed unanimously. The meeting adjourned at 6:28 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 8<sup>th</sup> day of December, 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