

Minutes of the Special Agenda Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Wednesday, October 25, 2023, at 6:00 p.m., at the City of South Tucson Council Chambers, 1601 S. 6th Avenue, South Tucson, Arizona.

Staff Present: Veronica Moreno, Interim City Manager
Michelle Stinson, City Attorney

Councilors Present: Mayor Paul Diaz
Vice Mayor Herman Lopez
Acting Mayor Rita Rogers
Councilor Anita Romero
Councilor Cesar Aguirre
Councilor Brian Flagg
Councilor Roxanna Valenzuela

Others Present: Marylou Natividad
Jovan Ruvalcaba

Mayor Diaz called the Special Meeting of October 25, 2023, to order. Please stand for the Pledge of Allegiance.

ITEM #03 – LAND ACKNOWLEDGMENT AND MISSION STATEMENT

Mayor Diaz: We are going to skip these tonight and move on to Roll Call.

ITEM #04 – ROLL CALL (By City Manager Moreno):

Vice Mayor Lopez. Yes.
Acting Mayor Rogers. Aye.
Councilor Romero. Here.
Mayor Diaz. Here.
Councilor Flagg. Here.
Councilor Aguirre. Here.
Councilor Valenzuela. Here.

Ms. Moreno: We have a quorum.

ITEM #05 – APPROVAL OF MINUTES

Mayor Diaz: There are no Minutes available.

Call to the Audience

Mayor Diaz: Is there anybody in the audience that would like to address the Mayor and Council? Seeing none, we will go to Item #06.

ITEM #06 - MAYOR AND COUNCIL MEMBERS: REPORTS OF CURRENT EVENTS

Mayor Diaz: We have a Proclamation. Vice Mayor, would you like to read the Proclamation, please?

Vice Mayor Lopez: Sure, Mr. Mayor. Proclamation of the City of South Tucson, October 28, 2023, "Little Amal Day". *Whereas*, the City of South Tucson recognizes the importance of fostering cultural exchange, understanding and compassion; and *Whereas*, the City of South Tucson acknowledges the transformative power of art in bringing communities together and promoting social inclusion; and *Whereas*, Little Amal, a symbol of the refugee child, is embarking on a journey of hope and resilience across Europe, representing the stories and aspirations of millions of displaced children; and *Whereas*, the City of South Tucson is honored to be chosen as a destination for Little Amal's visit as part of her global journey; and *Whereas*, we believe that Little Amal's visit to our City will inspire empathy, solidarity and action among our residents, encouraging dialogue and understanding; and *Whereas*, the City of South Tucson values the principles of hospitality, inclusivity and respect for all individuals, regardless of their nationality, race, religion, or background; and *Whereas*, the presence of Little Amal is a reminder of our shared humanity and our responsibility to create a welcoming environment for those seeking refuge and a better life; *Whereas*, I, Paul Diaz, Mayor of the City of South Tucson, do hereby proclaim October 28, 2023, as the official day of welcoming and hosting Little Amal in our City. I call upon all residents, community organizations, and institutions to join hands in celebrating and embracing Little Amal during her visit, while also recognizing the challenges faced by refugees and displaced children around the world. In witness thereof, I have hereunto set my hand and caused the Seal of the City of South Tucson to be affixed this 28th day of October, 2023. Attest Mayor Paul Diaz and Veronica Moreno, City Clerk.

Mayor Diaz: Thank you. This will be presented to Amal when she gets here on Saturday.

Ms. Moreno: Yes, Mayor and Council. The representatives from Galeria Mitotera were here at the last meeting, Melissa and Mel Dominguez. They were inviting Mayor and Council to the event they will have here for Amal when she will be here in South Tucson.

Mayor Diaz: Thank you. Are there any more current events from the Mayor and Council? None? Ok.

ITEM #07 - CITY MANAGER AND DEPARTMENT HEADS: REPORTS TO MAYOR AND COUNCIL

Mayor Diaz: We don't have any City Manager's reports, either?

Ms. Moreno: No, Mayor, I didn't plan for any but one of the things I discovered before Council meeting, I looked at my mail in the front office and noticed that there is a third applicant to the position of Magistrate Judge, who happens to be the current Judge, Mr. Richard Madril. So because I just saw it, I didn't get an opportunity to invite him to the interviews for tonight. So if Council wishes, we need to hold another meeting here in the near future as soon as possible to give you the opportunity to interview him as well.

Councilor Flagg: We didn't have a deadline for getting it in, because this kind of messes things up.

Ms. Moreno: What happened, if I may, Mayor and Councilor Flagg, the notice that I posted on the internet and on our website indicated to email me, so I was expecting emails, not nothing in the box which is like a technicality, and it says open until filled, so I was expecting emails, I don't look in my box, I prefer email. So that's basically what happened. Submitting the application via email submittal was not done the way I had requested as far as the email, it was placed in my box since he is here during the week, he just probably found it easier to put it in my box.

Councilor Flagg: Did you have a date, a deadline?

Ms. Moreno: It just said open until filled because I didn't know if I could anticipate how many candidates I was going to get applications from, so basically that is the language I usually put because I can never predict how many and when.

Mayor Diaz: So I guess we need to be some kind of consensus in regard to the applicant that she has there, either we can go ahead with the interviews at this time or reschedule all three at the same time at a later date.

Councilor Flagg: No. They're here, man, on time, ready to roll.

Mayor Diaz: Right. So let's

Acting Mayor Rogers: We don't have another one but the other person that is currently our Judge?

Ms. Moreno: Yes.

Acting Mayor Rogers: I wouldn't go over whether it was a thing or in your mailbox.

Mayor Diaz: No, no, no. But I guess what I am asking is that we go ahead and interview these two and have another meeting for the third one. Is that the consensus then?

Acting Mayor Rogers: Yeah.

Councilor Aguirre: Yes.

Mayor Diaz: Yes? Ok. We will go on to Item #08.

ITEM #08 - EXECUTIVE SESSION PURSUANT TO A.R.S. SECTIONS 28-431.03(A)(1) - INTERVIEWS, DISCUSSION, AND CONSIDERATION OF CANDIDATES FOR CITY MAGISTRATE

Mayor Diaz: I will need a Motion to Convene in Executive Session for interviews, discussion, and as far as the Item goes, we will consider the candidates' employments for a later date, the other interview. Motion?

Councilor Flagg: We're not going into Executive Session, it's not for Executive Session, right?

Mayor Diaz: Yes, it is.

Councilor Flagg: It is for Executive Session? I don't like Executive Sessions unless we have to do it. We don't have a lawyer here?

Ms. Moreno: The attorney is waiting for us in Executive Session, but I can bring her out.

Councilor Flagg: What's the pleasure of the Council?

Ms. Moreno: If I may, Mayor and Councilor Flagg, typically our process has been for those positions that Mayor and Council host the interview during Executive Session and then my communication with the candidates is advise them that the interview will be conducted under Executive Session and then if they wish, because it is up to the candidate to have it in public setting, then they can make that request. I did not get a request from either candidate if they wanted their interview done in the public setting so therefore, I can

safely assume that they would like to have it in Executive Session. But they are present here, I can turn around and ask them if they would rather it be in Executive or in public.

Mr. Ruvalcaba: I have no preference if it is Executive or open in public.

Ms. Natividad: Whatever the pleasure of the Mayor and City Council is.

Mayor Diaz: Ok, but it does qualify for Executive Session, being a personnel matter.

Councilor Flagg: I'm going to start fighting that, it's bullshit. Mike Rankin does that, he does the business of the City of Tucson in the back room.

Mayor Diaz: We will need a Motion.

Ms. Moreno: Yes, Mayor, once again, both of the candidates mentioned out loud that they have no issue with the interviews done in a public setting so if the Council wishes to conduct them in that public setting (inaudible).

Councilor Flagg: Do whatever you want. Whatever you think, I'll go with it.

Mayor Diaz: Ok, my concern is, in the Executive Sessions where we do each individual one at a time that the questions that are recommended, we will need to discuss those before we ask the questions. The consensus is that we use the recommended questions in regard to, these are the ones that are recommended that would be under the no discrimination, no area that we will not get into trouble. How can I say it, you know, follow the rules of Executive Session where there is no discrimination against anything.

Councilor Flagg: Who makes the questions, man?

Mayor Diaz: Recommended by the League of Cities.

Ms. Moreno: Yes, Mayor and Councilor Flagg, these questions have been vetted and actually restructured by the League of Cities and Towns to put together and these have also been recommended by the League of Cities and Towns.

Councilor Flagg: And of course, we can add our own.

Ms. Moreno: Absolutely. These are just recommended to help you get information from the candidate.

Councilor Flagg: Right, gotcha.

Acting Mayor Rogers: I move that we go for Executive Session.

Mayor Diaz: So that's my concern is that we need to discuss these first so if we do that in Executive Session.

Councilor Aguirre: Yeah, here's another, if I could, Mayor, if we are asking questions of one candidate in a public setting, that gives the second candidate an upper hand because they already know how the other candidate has answered, so I think Executive Session.

Acting Mayor Rogers: I don't like it.

Mayor Diaz: If we do it in Executive Session, we can ask Council.

Acting Mayor Rogers: I do want to go into Executive Session.

Mayor Diaz: Ok, I will entertain a Motion to Convene into Executive Session pursuant to the interview discussion. Is there a Motion?

Councilor Aguirre: So moved.

Vice Mayor Lopez: Second.

Mayor Diaz: Moved and Seconded. All in favor, signify by saying Aye.

Acting Mayor Rogers: You better take a vote.

Council Members: Aye.

Council exits Special Session and Convenes into Executive Session.

Mayor Diaz: We're back. I'll entertain a Motion to Reconvene into Special Session, and also adjournment.

Councilor Flagg: So moved.

Vice Mayor Lopez: Second.

Mayor Diaz: Moved and Seconded. All in favor, signify by saying Aye.

Council Members: Unanimous Ayes.

Mayor Diaz: So we stand adjourned.

The meeting adjourned at 8:19 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 Agenda Meeting of the City Council of South Tucson, Arizona, held on the 25th day of October, 2023. I further certify the meeting was duly called and a quorum was present.

Dated this _____ day of _____, 2023.

Veronica Moreno, City Clerk