

Minutes of the Special Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Tuesday, July 23, 2024, at 6:00 p.m., at the City of South Tucson Council Chambers, 1601 S. 6<sup>th</sup> Avenue, South Tucson, Arizona.

Staff Present: Lourdes Aguirre, Finance Director  
Danny Denogean, Public Safety Director and Chief of Police  
Jon Paladini, 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: Lin A. Rodriguez, Resident  
Scott Sears, Resident  
Tom Boyle, Resident

Mayor Diaz called the Special Meeting of Tuesday, July 23, 2024, to order at 6:01 p.m. Please stand for the Pledge of Allegiance, and Land Acknowledgment and Mission Statements.

ITEM #03 – LAND ACKNOWLEDGMENT AND MISSION STATEMENT

Vice Mayor Lopez: On behalf of South Tucson residents, we honor the Tribal Nations who have served as caretakers of this land from time immemorial and respectfully acknowledge the ancestral homelands of the Tohono O'odham Nation and the multi-millennial presence of the Pascua Yaqui Tribe within South Tucson. Consistent with the City of South Tucson's commitment to diversity and inclusion, we strive toward building equal-partner relationships with Arizona's Tribal Nations.

Acting Mayor Rogers: The Mission of the City of South Tucson is to build up our community through mutual cooperation between we, your public servants, and you our citizens so that jointly we can build a safer and stronger City. Amen.

Vice Mayor Lopez: Amen.

Mayor Diaz: Thank you. Ms. Aguirre, Roll Call.

Ms. Aguirre: Good evening, Mr. Mayor and Members of the Council. Roll Call.

ITEM #04 – ROLL CALL

Vice Mayor Lopez. Here.

Acting Mayor Rogers. Here.

Councilor Romero. Here.

Mayor Diaz. Here.

Councilor Flagg. Here.

Councilor Aguirre. Here.

Councilor Valenzuela. Here.

Mayor Diaz: Thank you.

ITEM #05 - APPROVAL OF MINUTES

Mayor Diaz: We will need a motion for approval of the Minutes of the Special Meeting of June 25, 2024. May I have a Motion and then discussion.

Vice Mayor Lopez: Mr. Mayor, I move we approve the Minutes for Tuesday, June 25<sup>th</sup>, 2024.

Acting Mayor Rogers: I Second.

Mayor Diaz: It's been Moved and Seconded. Are there any corrections, additions?

Acting Mayor Rogers: I just want to say something about page 3 because it's a hard thing to do, but many times people put on different things like the fire truck, etc., and it's promised to be on the next meeting and again it isn't, and I want it to be known. So that is an extra comment about tonight's meeting, but I'd rather it be in and that I said it.

Mayor Diaz: Thank you. Is there any more discussion on the Special Meeting of June 25? Hearing none, I'll call for Roll Call.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Aye.

Councilor Romero. Yes.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Councilor Valenzuela. Yes.

Mayor Diaz: Thank you. The next one is the Special Meeting of July 9, 2024. I need a motion to accept approval of the Minutes.

Vice Mayor Lopez: Mr. Mayor, I make a Motion that we approve the Minutes of Tuesday, July 9, 2024.

Acting Mayor Rogers: So moved.

Mayor Diaz: It's been Moved and Seconded. Any discussion? Hearing none, Roll Call.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Yes.

Councilor Romero. Yes.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Councilor Valenzuela. Yes.

Ms. Aguirre: Motion passes.

*Call to the Public*

Mayor Diaz: I will go ahead and read the statement of the Open Meeting Law. "The open meeting law does not establish a right for the public to participate in the discussion or ultimate decision of the Public Body, Arizona Attorney General's Op 78-1. If public comment is allowed all individuals desiring to participate must

be provided with some period of time to do so. Pursuant to Chapter 7 of the AG Agency Handbook Section 7.7.7; 7.10.1 and A.R.S. § 38-431-01(H) action taken as a result of public comment will be limited to directing staff to study the matter; responding to criticism at the completion of the call to the public; or scheduling the matter for further consideration and decision at a later date by placing matter on a future agenda”.

City Attorney Paladini: Mayor, can I also add that Arizona Law also does not allow for public commentary or any other public comments to be used for campaigning, endorsing candidates, any kind of political statement. It does violate Arizona law by using city facilities to affect outcome of an election, so I just want the public to note that.

Mayor Diaz: Ok, thank you, and that’s been added to the announcement. We do have a period of time to do so. The statement there limits it to three minutes.

Ms. Aguirre: Mr. Mayor, we have a total of three speakers today. The first one I have in hand is Lin Rodriguez, resident, 31 W. 34<sup>th</sup> Street, topic Fire Department/DPS. Ms. Rodriguez, you may approach.

Ms. Rodriguez: Hi, I am Lin Rodriguez, I live at 31 W. 34<sup>th</sup>. I haven’t been here for a long time because you resolved the problem at 107, (inaudible) house. Well, most people have moved to 101 and the people that had owned 101 have lost the house; it has gone to foreclosure. The people that moved from 107 are still there, no water, no gas, no light and they’re still picking up the trash. Why? Who is paying the bill? I would call and talk with several police officers on the street and told them, they have the door on one side open, on the other side to circulate the air. They have not gone down there and inquired about nothing, and I told the Sanitation about the trash. They have not picked up the trash can. So enough about that. Are they going to do anything about that, investigate that? There’s water, they were living there before the people moved out because the house has gone to foreclosure, it goes to auction on the 31st of this month. Can you guys go in there and check it?

Mayor Diaz: May I have your card and your information so I can have it referred to the Administration here.

Ms. Rodriguez: Ok. And the other thing is the Fire Department. Why do you guys want to get rid of the Fire Department? We need the Fire Department. They’ve come to my house and taken me to the hospital because of my heart. They go to another house just east of my street on the opposite side behind the Window Depot. They go there multiple times to pick up a lady, multiple times, maybe twice a week. They just picked her up on Friday. Don’t get rid of them, please. If I have to go, I don’t want to have to call a cab or God help us not kill somebody on the way over there because they have taken me twice, for my doctor’s office because I had to go in there for my heart, and this last time for a blood transfusion that I need to have now.

Mayor Diaz: Thank you for the information, I’ll refer it to the proper -

Ms. Rodriguez: Thank you.

Acting Mayor Rogers: Thank you.

Ms. Aguirre: The next speaker is Scott Sears, resident, 2301 S. 6<sup>th</sup> Avenue, topic is City Business.

Mr. Sears: Good evening.

Acting Mayor Rogers: Good evening.

Mr. Sears: Good evening.

Acting Mayor Rogers: Good evening.

Mr. Sears: So, something positive. I approached the Captain several times a few meetings ago. I've seen South Tucson Police vehicles parked outside of businesses outside of South Tucson. He replied he had permission to do off-duty work and take the City vehicle. Who is paying for the gas and the vehicle maintenance, and he didn't reply. Now we find out there has been at least two accidents in those vehicles not mentioned; they were both at the Police Chief's fault. I looked up our records on these incidents and found out they are paying lawsuits against the City. I was wondering who is going to pay that bill.

Mayor Diaz: Ok, thank you.

Ms. Aguirre: We have the final speaker, Tom Boyle, resident, 1809 S. 6<sup>th</sup> Avenue, topic is Donation. Mr. Tom Boyle has actually requested that I read this letter on his behalf as he is unable to do so today.

Mr. Boyle: It is a pleasure to see you all, your Honor, Mayor, Vice Mayor and Council. Thank you, would you please.

Ms. Aguirre: Of course, yes. It reads, July 15, 2024, and addressed to Mayor and City Council. "Mayor Diaz, Vice Mayor Lopez, Acting Mayor Rogers, Council Members Aguirre, Romero, Flagg & Valenzuela. The American Patriot Memorial (APM) would like to thank the Mayor, City Council, City of South Tucson Offices & Departments for their assistance in making the 2<sup>nd</sup> Annual 4<sup>th</sup> of July Veterans Tribute happen. It is important as a part of the City of South Tucson that we provide a safe environment where the community can gather to enjoy the fireworks, food, entertainment, meet neighbors & new friends, & celebrate our country's birthday. It is a way that we at APM can give thanks to our veterans by providing them a free meal & a place to gather. We also strive to create a destination in the City of South Tucson for others around Pima County to feel they come to on the 4<sup>th</sup> of July. APM looks forward to this annual event to continue. American Patriot Memorial especially thanks the City of South Tucson Fire & Police Department for their support of this event in its first two years. With that said American Patriot Memorial is donating \$1,000.00 to the City of South Tucson Fire and Police Department for equipment. We look forward to a successful continuation of our work with the City of South Tucson to put on this and other events at our location in the Patriot City. Respectfully, Thomas G. Boyle, American Patriot Memorial, Founder, AZ Chapter of Honor and Remember, Director.

Mayor Diaz: Thank you. (Applause by Council members)

Mr. Boyle: Thank you so much. I want to thank you all so much for the wonderful event and the outcome of this community to come to this event and we are looking forward to seeing you at the events to come in future times. So, thank you so much, thank you for your Fire Department who assisted us wonderfully and also to the Police Department. So, I say again, thank you so much and it's a pleasure seeing you. Thank you all.

Acting Mayor Rogers: Thank you, Tom.

Mayor Diaz: Thank you.

Ms. Aguirre: Mr. Boyle, just really quick.

Mr. Boyle: Yes, Ma'am.

Ms. Aguirre: You indicated that this donation is for both Fire and Police.

Mr. Boyle: That is correct.

Ms. Aguirre: Would you like to indicate how much in each direction?

Mr. Boyle: Well, it should be split right down the middle.

Ms. Aguirre: Perfect, so \$500 to Fire and \$500 to Police.

Mr. Boyle: To both places, right.

Ms. Aguirre: That's exactly how we will do that.

Mayor Diaz: Thank you.

Ms. Aguirre: Mr. Mayor, that actually concludes our speakers for tonight.

Mayor Diaz: Thank you.

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

Mayor Diaz: Are there any reports? None? Ok. Any future agenda items? Does anybody want to do that?

Acting Mayor Rogers: Mr. Mayor, the one I said that's supposed to go on, I need it to go on, about the Fire thing. The Fire thing was supposed to be on about the truck, etc., this time but it's not there. In the Minutes I said that this is going to come up next time.

Councilor Aguirre: I was just going to say the same thing. I believe this is a Special Meeting and that's probably why it's not on the agenda, because this is not a regularly scheduled meeting where all the public would normally come out to. Of course, we announced this the way we need to legally to be here tonight, but I think that's why, because it's a Special Meeting, but I agree with Councilmember Rogers that we should make sure to put that on the next agenda.

Mayor Diaz: Ok. Yes?

Councilor Valenzuela: Just to clarify a question. Is it specifically for a truck, for the purchase of a fire truck?

Acting Mayor Rogers: It was put in, however it was written in the Minutes and it doesn't happen.

City Attorney Paladini: Mr. Mayor, I think the direction was to put it on for discussion and direction because, as you recall, we have to go through a procurement process in one form or another when you buy a vehicle, so this would primarily be for discussion, direction at a broader level.

Mayor Diaz: That is correct, at the next Regular Meeting.

City Attorney Paladini: Yes.

Acting Mayor Rogers: Write that in there.

Mayor Diaz: But Acting Mayor Rogers does bring some very big concern of mine, is the City is governed by governance. That means whenever we have consensus of all of our members, or that we have a majority vote on the issues, and these issues that have been brought forth by the public have never really made it to the agenda as far as for discussion or action. So, to me, that's quite a log of complaints that the public has brought before the Council and have never been discussed or brought to a, as I said, either a consensus or majority

vote for action. I would bring a list of those complaints throughout the six months that have been going on, and one-by-one we'll set it for discussion only to be set on either the next following agenda or the following agendas that come up, because there is quite a lot of the items that have been brought to the Council and never been discussed. That would be my comments for the future agenda items. Are there anymore?

Councilor Valenzuela: Mayor, I think last meeting, we also talked about putting on update and discussion and direction for the problem properties in the southern part of our City, so making sure that goes on the agenda. And I'm not sure if we are going to do Executive Session about discussion and direction, but that needs to be on next Regular Meeting agenda.

City Attorney Paladini: The plan for this evening was during the Department Heads Report to give you a status update on the crime abatement case that involves the two properties. That's going to be in the Report.

Councilor Valenzuela: In the report, so the next item would be for discussion and direction on the slum and blight area.

City Attorney Paladini: Right.

Mayor Diaz: Ok, do you have that?

Councilor Valenzuela: Yes.

Mayor Diaz: Ok. Are there anymore?

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

Mayor Diaz: Ms. Aguirre.

Ms. Aguirre: Mr. Mayor, being that this is a Special Meeting, all Department Head Reports will be presented at the next meeting.

City Attorney Paladini: I can give Council just a quick update on the Spanish Trail and 6<sup>th</sup> Avenue Suites. The crime abatement case has been dismissed. Mr. Bowers has achieved all of the required corrections to both properties as of I think last week, and that was confirmed by the Police Department. So, that case is dismissed but it's dismissed without prejudice, which means that if problems persist, crime problems persist, we can bring another case that may require additional corrections or additional actions, or we can request that the Judge order additional actions be taken. At this point, it is my understanding, we don't have enough time to have actual statistical data, but that the calls for service have dropped dramatically on both properties.

Mayor Diaz: Thank you.

Councilor Valenzuela: Mayor, there is actually one more item, if we can go back, and I'd like to add to the agenda, community policing, and if we could include a report, a crime stat report.

Councilor Aguirre: Mr. Mayor.

Mayor Diaz: Yes.

Councilor Aguirre: Just back to the topic on the lawsuit, I know that in talking to a lot of tenants that have lived there or are currently living there, there's a lot of issues with the upkeep of it, like how livable some of



the units are that some of the people are forced to live in, and is there any legal action we can start thinking about down that road?

City Attorney Paladini: As we discussed both in Exec Session and publicly, the City's tools in the toolbox presentation that you have seen at least a couple of times, City Code or City authority is stretched, I would say, if you were to try to go in and require certain standards or quality of the interior of the residential units, we do know that when HUD comes, the VA comes and they do their spot checks and random inspections, both of those properties pass. I don't know if the standard is fairly low, but they do pass inspection. So that gives us one layer or one level or one set of regulations that HUD and VA requires for vouchers.

Mayor Diaz: Can I interrupt here. I think we also talked in regard to the fact that we were going to discuss either at the next meeting or that we were trying to at one point ask for legal advice, so we're getting into not more or less the full discussion on it because other people have other ideas in regard to what's going on there.

City Attorney Paladini: Sure, I would be happy to, depending on the nature of the discussion, we could do it in public, in Executive Session, or a little bit of both. It all depends on what you all want to discuss, but we've done publicly the presentation on the City's tools in the toolbox which goes from Code Enforcement on one end to slum and blight on the other, and they call that the nuclear option, and that's really what's available. We ran the crime abatement case, and I think we were very successful with that. However Council wants to discuss it, let me know.

Mayor Diaz: Ok, thank you.

Councilor Valenzuela: It's my understanding that the lawsuit was done under the Neighborhood Preservation Ordinance, is that correct?

City Attorney Paladini: No, it was under the crime abatement Statutes under Arizona law.

Councilor Valenzuela: So, can we put that item, because I think there's some tools in there that we can use but we need to study it and understand the Codes. Can we put that on the next agenda for a study session on the existing Neighborhood Preservation Ordinance? Is that fair, because there's a lot of stuff on living conditions and Code Enforcement to assist us?

City Attorney Paladini: I have to caution Council that these are Administrative level activities of Code Enforcement, and the Council is a policy-making body, so unless you want to talk about changing the Neighborhood Preservation Code, I would suggest or advise Council to not get involved in the day-to-day activities of Code Enforcement for a whole bunch of reasons, but the primary one is that we have a separation of Council policy-making and City Manager endowed to the Administrative functions. And, you also have a separation of powers because you approach the Judge and Code Enforcement goes through the City Court, so that's why when you say, when you suggest putting things on an agenda for discussion, it's very difficult sometimes to understand what it is that you want to discuss and for open meeting law purposes, they have to be a little bit precise in terms of what the discussion is about. For instance, when you say let's put the fire truck on for discussion, we have to sort of whittle that down into something that is manageable so that we have a topic. Same with this, you sort of need some clarity for this in particular, we need some clarity as to what it is you are looking to do. I am happy to talk off-line with you about what your interest is and your topic, and if Mayor, you want to have a topic, it's probably better to do it offline than to have seven different topics thrown at me at this point.

Councilor Valenzuela: Isn't that what a study session is, an opportunity for us to learn about the item and get the public input?

City Attorney Paladini: Yeah, if you want a study session on the Neighborhood Preservation Code, we can do that, sort of an overview, I guess, of the Neighborhood Preservation Code. I'm not sure that I would be able to get a complete presentation ready for the next meeting, though, because there is a pretty hefty Code section. It has a lot of different things in it, so I'll do my best, but if that is what you are looking for, Councilmember, but I think other Councilmembers may want other topics.

Acting Mayor Rogers: Yeah.

City Attorney Paladini: At least that's what I'm hearing that from Mayor, you want a different topic of discussion, so like I said, it's best if you email me or call me and let me know what it is, what topic it is that you want to discuss in study session, and I'll try to figure out what we can do legally in terms of discussion. Obviously, in study session, there is no direction at all, it's just a presentation.

Councilor Valenzuela: Right, ok, fair enough. I do think we need a study session so then we can realize if we are going to change the Code or not, or policy or not.

Mayor Diaz: Ok, so you are suggesting, what I understand is that we are going to change the whole topic as to the Neighborhood Preservation study session versus the fact that, at that point.

Councilor Valenzuela: I think there are two different items. I think that a study session on this particular Ordinance, and then the item on the agenda to discuss how to move forward with the blight and slum issues. I'm sorry, I'm hearing a lot of background noise.

Mayor Diaz: We also went into the fact that we needed to go into Executive Session in regard to some of the legalities that happens during the Neighborhood Preservation Act.

Councilor Valenzuela: Well, he said we didn't use the Neighborhood Preservation Act, so it's just a separate item.

Mayor Diaz: No, we can, right?

City Attorney Paladini: Yes. The Neighborhood Preservation Act covers a lot of territory. It is a Code Enforcement function.

Mayor Diaz: Right.

City Attorney Paladini: So, if you are asking me to do a presentation on what the Neighborhood Preservation Act says and does, I can do that. If you are talking about, whatever spectrum we have from Code Enforcement has to slum and blight redevelopment, then we had civil nuisances in Superior Court, we had crime abatement, so we had four big buckets of options we had to choose from. The slum and blight discussion, like I said, we've done the presentation publicly, we've had discussion in Executive Session and then if you are going to talk about slum and blight redevelopment, then I would suggest we do that in Executive Session because at this point, unless you want to have a re-presentation of what is involved, then the discussion should really be talked about what it is you are trying to achieve, and the properties you are looking to target.

Councilor Valenzuela: Right.



Mayor Diaz: So, if we narrow it down during the study session, then we can proceed either through Executive Session or through a Regular Agenda item.

City Attorney Paladini: The study session would strictly be about Code Enforcement.

Mayor Diaz: Ok.

City Attorney Paladini: And then it would be a separate item in Executive Session on redevelopment of part of the City.

Councilor Valenzuela: Right.

City Attorney Paladini: Unrelated to Neighborhood Preservation Code, this would be a discussion about options for development or redevelopment of a part of the City. That would be part of the discussion, remember, we talked about this publicly, this is where you partner with developers, it's a whole long of time intensive, money intensive mission.

Mayor Diaz: Now, I believe you extended the study session really broad.

City Attorney Paladini: The study session we did on slum and blight redevelopment, or the presentation I did, that wouldn't change. I'm happy to do that again but I think, it sounds like Councilor Valenzuela wants to drill deep into the Neighborhood Preservation Code and that is going to take some time to present. So, I am happy to do it, but get comfortable because it is going to take a while.

Councilor Valenzuela: Ok, thank you, yeah, that's good.

Mayor Diaz: Any more discussion? No? Ok.

#### ITEM #08 - AUTHORIZATION TO ENTER IN KROGER OPIOID SETTLEMENT

Mayor Diaz: So, Ms. Aguirre.

City Attorney Paladini: I will cover this one, Mayor. This is part of the One Arizona Settlement that the City has been involved in. As you will recall, as a group of cities and towns and counties and the State Arizona and many other states, what you call is jurisdictional litigation, entered into settlements with drug manufacturers at first, then entered into settlements with the drug distributing companies, which is a separate entity, and now we are looking at entering into settlements with the retailers, the pharmacies. The first one is Kroger, which is obviously Fry's, and so this is really a simple decision. You lock into the settlement, the City of South Tucson gets its share of the money pooled with Pima County. Pima County uses it regionally as sort of a regional task force kind of concept, which makes sense because it's better used regionally or county-wide for those kinds of activities. The other option is to opt out of the settlement, which means that you get no money and no participation in that pot of money that goes to the county, but you can go ahead and sue Kroger yourself for damages, right, which is a really simple option to me, is to opt into the settlement and build the county pool of funds bigger at this point. I suspect, it's not my prediction but just speculation, is that Walgreens or CVS are probably the next two big pharmacies that will end up seeing a settlement on. That's no guarantee and no promise, just some speculation. So, this is, so it's gone from the manufacturers to the middleman, the distributors, and now to the retailers. The only thing you won't see settlements of is doctors, because they just are not big enough, no big enough groups. Maybe hospital groups, but that's hard to say, too.

Councilor Flagg: I move that we join the lawsuit against Kroger, the City of South Tucson.

Vice Mayor Lopez: I Second.

Mayor Diaz: It's been Moved and Seconded. Discussion?

Councilor Valenzuela: I have a question. So, Pima County is just going to, is it just like a pass-through? Has it already been decided on, how much, I know it's based on population, right?

City Attorney Paladini: So, the One Arizona Agreement that the City signed a couple years ago, basically splits the settlement money between the state at 44% and the cities and towns and counties at 56%. Then, based on that 56% of the settlement money then goes to the counties by population, primarily, although it does say by impact, but I don't think they really use that. And then, I think Pima County is around 23%, 24%, Maricopa County is at 57%, and everybody else gets a percentage in rural counties. Within that 23%, South Tucson gets, I forget, 3%, maybe 2%, so when you, the county pool, the group of cities and towns that have joined, are obviously Pima County, I think Oro Valley, Tucson and South Tucson. The holdouts are Sahuarita and Marana. I could have mixed Marana for Oro Valley, but they are getting direct payments, but again, their populations are 40, 50, 60,000, and that was sort of their business decision to make. When it comes to the population here, you really are going to get a better bang for your buck if you pool the money, which you have already decided you are going to do, by the way, by entering into that separate IGA with Pima County. You entered into two agreements, one with One Arizona and one with Pima County. This is just to add into that funding from Kroger.

Mayor Diaz: Ok, thank you.

Councilor Valenzuela: And the County is the Administrator for us?

City Attorney Paladini: Well, the County administrates it for us but there is usually a Board or a Body that gets input from each of the jurisdictions on how to best use it, but the great thing is because the County administers it, it meets all reporting requirements. As you recall, the ARPA money and all that is a nightmare, so that is also a saving grace by being part of the pool, is it cuts down on a whole bunch of administrative time and money.

Councilor Valenzuela: Ok, thank you.

Mayor Diaz: And just for information that our representative is Councilman Brian Flagg.

Councilor Aguirre: I just wanted to ask, and I know this might be a little, I don't want to say a stupid question, but maybe a little naïve, but you mentioned there's no lawsuits against the doctors, but has anybody or is there anything going against the FDA for originally rolling back the, I believe the FDA has rolled back a lot of the regulations that allow for some of these manufacturers, not only to start

City Attorney Paladini: I'm not aware of any lawsuit against the Federal government, you would have to sue the United States.

Councilor Aguirre: So, my other question is, these opioids are still being manufactured and still being prescribed to this date, correct?

City Attorney Paladini: Yep.

Councilor Aguirre: Thank you.

City Attorney Paladini: When I got my wisdom teeth out, I was prescribed some. I didn't use them but -

Councilor Aguirre: I know, yeah, it just seems like none of the root of the cause of the issue that got within any of these lawsuits. Thank you.

Mayor Diaz: Ok, is there any more discussion? Ms. Aguirre, Roll Call.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. No.

Councilor Romero. Yes.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Councilor Valenzuela. Yes.

ITEM #09 - PUBLIC HEARING ON PROPOSED BUDGET AND PROPERTY TAX LEVY FOR FISCAL YEAR ENDING JUNE 30, 2025

Mr. Mayor: Ms. Aguirre.

Ms. Aguirre: Mr. Mayor, Members of the Council, this is the time in which members of the public that wish to speak on behalf of this item are welcome to approach. By now, we have already complied with the various statutes as listed in the summary that I have provided to you all. The total budget that was approved by Resolution No. 24-17 on July 9<sup>th</sup> was for \$38,235,196.00 of which, we can turn over to the first page of the attachment, of that total, approximately \$7.4 million was for general fund and \$30.9 million for restricted. I need to mention that in the restricted budget, we have included \$15 million just to build budget capacity in the event the City was able to issue bonds and pay off pension liability, PSPRS, the Personnel Retirement for Public Safety. It also includes \$6.1 million for general obligation bonds which Mayor and Council approved to be placed on the ballot for General Election in November. The attachment that was included with this item here has also been distributed or made available to the audience here and gives a really good breakdown because it addresses questions such as the process for budget approval and adjustments. Also, what were those increases that were approved in the entire budget? What were those increases for. It also talks about the primary property tax rate, the limits. It also talks about statutory requirements that the City has already complied with and we've listed a series of meetings we have had to address anything having to do with the budget, City finances, also election items. We've had quite a few meetings starting from March to current. Again, that said, at this time if you wish me to give a little more elaboration on what some of these increases were for or property rates, I can do that.

Mayor Diaz: Ok, since this is a public hearing, the audience is able to participate. Are there any comments from the audience or wish to speak to the proposed budget, or for or against the property tax levy? Ok, seeing none, hearing none, I guess the item would be accepted as far as public hearing closed.

City Attorney Paladini: Now, the two items that relate to this are Item #10, which is a Resolution adopting a final budget which would mirror the preliminary budget unless you change it, and Item #11 which is the Ordinance setting the tax levy for property taxes. That is what the public hearing was for, so it is up to the Council as to what you want to do.

Mayor Diaz: Ok, so we are on Item #10.

ITEM #10 - RESOLUTION NO. 24-18 OF THE CITY COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, DETERMINING AND ADOPTING ESTIMATES FOR THE AMOUNTS REQUIRED FOR THE PUBLIC EXPENSE FOR THE CITY OF SOUTH TUCSON, ARIZONA; ADOPTING A BUDGET; SETTING FORTH THE RECEIPTS AND EXPENDITURES; THE AMOUNTS PROPOSED TO BE RAISED BY DIRECT PROPERTY TAXATION FOR THE VARIOUS PURPOSES FOR THE FISCAL YEAR 2024-2025

Mayor Diaz: (Mayor Diaz read aloud the above Resolution.) That is the Resolution. Do I hear a Motion?

Councilor Aguirre: So moved to pass Resolution No. 24-18 as proposed.

Vice Mayor Lopez: I Second it.

Mayor Diaz: It's been Moved and Seconded. Any more discussion in regard to what we have had and also that we had a public hearing, so is there any more discussion? Ok, Ms. Aguirre, Roll Call.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Yes.

Councilor Romero. No.

Mayor Diaz. No.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Councilor Valenzuela. Yes.

Ms. Aguirre: Motion passes.

ITEM #11 - ORDINANCE NO. 24-01 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 \$.2192 UPON EACH \$100.00 OF ASSESSED VALUATION SUFFICIENT TO RAISE THE AMOUNT REQUIRED IN THE ANNUAL BUDGET FOR THE YEAR ENDING JUNE 30, 2025; THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE

Mayor Diaz: (Mayor Diaz read aloud the above Ordinance No. 24-01.) Do I hear a Motion?

Councilor Aguirre: Mayor, I would like to move to pass Ordinance No. 24-01 as proposed.

Vice Mayor Lopez: I Second it.

Mayor Diaz: It's been Moved and Seconded. Do we have discussion? Hearing none, Ms. Aguirre.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Aye.

Councilor Romero. Yes.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Councilor Valenzuela. Yes.

Ms. Aguirre: Motion passes.



ITEM #12 - RESOLUTION NO. 24-19 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING, ADOPTING AND RATIFYING THE AGREEMENT BETWEEN THE CITY OF SOUTH TUCSON ("COMPANY") AND THE GREAT SCOTT ENTERPRISES I, LLC. ("CONTRACTOR"), AUTHORIZING THE MAYOR AND/OR THE CITY MANAGER TO EXECUTE THE AGREEMENT

Mayor Diaz: (Mayor Diaz read aloud the above Resolution No. 24-19.) Do I hear a Motion?

Councilor Flagg: You know, I'd like to ask a question.

Mayor Diaz: It's a Motion.

Councilor Flagg: Ok, whatever, you tell me.

Councilor Valenzuela: So Moved.

Vice Mayor Lopez: Second.

Acting Mayor Rogers: Mr. Mayor, is it Resolution No. 24-19, is that correct?

Mayor Diaz: Yes. It's been Moved and Seconded. Discussion?

Councilor Flagg: So, this is for IT? Can you explain that and has it been passed every year for five years, ten years?

Ms. Aguirre: Mr. Mayor and Councilor Flagg, this is part of a series of Resolutions that are normal housekeeping items.

Councilor Flagg: Yeah, yeah.

Ms. Aguirre: So, they are renewal. We do contract our IT services with this specific company. They have been providing our IT services for a few years now and this is in lieu of us having someone here on Staff. So, we contracted with the firm, and they provided all the services that are in the scope of this work which goes anything from management and overseeing our individual workstations, making sure that they are protected and up to date as well as our servers, and we have a few servers for multiple departments.

Councilor Valenzuela: You say we have someone in house and in addition we have this company?

Ms. Aguirre: Mr. Mayor and Councilor Valenzuela, no. We have contracted with this company for IT services, in lieu of having in-house service.

Councilor Valenzuela: Ok, thank you.

Mayor Diaz: Ok, thank you. Anymore discussion? Hearing none, Ms. Aguirre, Roll Call.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Aye.

Councilor Romero. Aye.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Councilor Valenzuela. Yes.



Mayor Diaz: It was requested we take a brief recess.

Councilor Valenzuela: You don't have to take a break. You can go on without me, I'll be real quick.

Mayor Diaz: We will continue, we still have a quorum. Councilor Valenzuela stepped out for a few minutes.

ITEM #13 - RESOLUTION NO. 24-20 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING, RATIFYING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT ["IGA"] BETWEEN THE CITY OF SOUTH TUCSON, ARIZONA ["CITY"] AND PIMA COUNTY ["COUNTY"] RELATED TO PAYMENT FOR THE INCARCERATION OF MUNICIPAL PRISONERS, AUTHORIZING THE MAYOR OF THE CITY OF SOUTH TUCSON TO EXECUTE SAID IGA

Mayor Diaz: (Mayor Diaz read aloud the above Resolution No. 24-20.) Do I have a Motion?

Vice Mayor Lopez: Mr. Mayor, I make a Motion that we approve Resolution No. 24-20.

Councilor Aguirre: I'll second that.

Mayor Diaz: It's been Moved and Seconded. Any discussion? Hearing none, Ms. Aguirre, Roll Call.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Yes.

Councilor Romero. Yes.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Councilor Valenzuela has stepped out.

Ms. Aguirre: Motion passes.

ITEM #14 - RESOLUTION NO. 24-21 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, RATIFYING, APPROVING AND ADOPTING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SOUTH TUCSON AND PIMA COUNTY FOR THE PURPOSE OF PROVIDING YOUTH PROGRAMS AND RECREATION ACTIVITIES AT THE JOHN VALENZUELA YOUTH CENTER, WITH PAYMENT UP TO \$113,000

Mayor Diaz: (Mayor Diaz read aloud the above Resolution No. 24-21.) I need a Motion.

Vice Mayor Lopez: Mr. Mayor, I make a Motion that we approve Resolution No. 24-21.

Acting Mayor Rogers: Second.

Mayor Diaz: It's been Moved and Seconded. Any discussion? Hearing none, Ms. Aguirre, Roll Call.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Yes.

Councilor Romero. Yes.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Councilor Valenzuela. Yes.

Ms. Aguirre: Motion passes.

ITEM #15 - RESOLUTION NO. 24-22 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, RATIFYING, APPROVING AND ADOPTING THE FISCAL YEAR 2024-2025 JOHN A. VALENZUELA YOUTH CENTER RECREATION FUNDING AGREEMENT BETWEEN THE CITY OF SOUTH TUCSON, ARIZONA AND THE PIO DECIMO CENTER, A NON-PROFIT CORPORATION

Mayor Diaz: (Mayor Diaz read aloud the above Resolution No. 24-22.) Do I hear a Motion?

Vice Mayor Lopez: Mr. Mayor, I'd like to make a Motion that we approve Resolution No. 24-22.

Acting Mayor Rogers: Second.

Mayor Diaz: The Motion has been Moved and Seconded. Any discussion?

Councilor Valenzuela: I just wanted to make sure that the money that is going to JVYC is coming through this CDBG grant only. It's not coming from any of our general funds, right?

Ms. Aguirre: Mr. Mayor and Councilor Valenzuela, this actually has two funding sources, or two pots of money for Youth Center operations. One is for \$100,000 that comes through the CDBG, and there is a second one that is for \$90,000. The City gets \$113,000 and uses \$90,000 of it for operations. So, those two different fundings come from the County. Nothing is paid out to Pio Decimo who runs the Youth Center, out of general funds, just those two funding sources.

Councilor Valenzuela: CDBG and what's the other funding source? It still comes from the County, but what is the name of it?

Ms. Aguirre: Correct, we just refer to it as the JVYC Fund.

Councilor Valenzuela: Ok, thank you.

Mayor Diaz: Any more discussion? Hearing none, Ms. Aguirre, Roll Call.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Yes.

Councilor Romero. Yes.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Councilor Valenzuela. Yes.

Ms. Aguirre: Motion passes.

ITEM #16 - RESOLUTION NO. 24-23 OF THE CITY OF SOUTH TUCSON, ARIZONA, MAYOR AND COMMON COUNCIL, DESIGNATING THE CHIEF FISCAL OFFICER FOR OFFICIALLY SUBMITTING THE FISCAL YEAR 2025 EXPENDITURE LIMITATION REPORT TO THE ARIZONA AUDITOR GENERAL

Mayor Diaz: (Mayor Diaz read aloud the above Resolution No. 24-23.) Do I hear a Motion?

Vice Mayor Lopez: Mr. Mayor, I make a Motion that we approve Resolution No. 24-23.

Acting Mayor Rogers: Second.

Mayor Diaz: Moved and Seconded. Any discussion regarding this? Ms. Aguirre, Roll Call.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Yes.

Councilor Romero. Yes.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Councilor Valenzuela. Yes.

Ms. Aguirre: Motion passes.

ITEM #17 - RESOLUTION NO. 24-24 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, ADOPTING THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM PENSION FUNDING POLICY AND ACCEPTING THE CITY'S SHARE OF ASSETS AND LIABILITIES UNDER THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM ACTUARIAL VALUATION REPORT

Mayor Diaz: (Mayor Diaz read aloud the above Resolution No. 24-24.) Do I hear a Motion?

Vice Mayor Lopez: Mr. Mayor, I'd like to make a Motion that we approve Resolution No. 24-24.

Acting Mayor Rogers: Second.

Mayor Diaz: It's been Moved and Seconded. Discussion? Hearing none, Ms. Aguirre, Roll Call.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Yes.

Councilor Romero. Yes.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Councilor Valenzuela. Yes.

Ms. Aguirre: Motion passes.

Mayor Diaz: Thank you.

ITEM #18 - RESOLUTION NO. 24-25 OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING THE DESIGNATION OF APPLICANT'S AUTHORIZED REPRESENTATIVE FORM SUBMISSION TO THE ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS, WHICH DESIGNATES THE CITY'S REPRESENTATIVES FOR APPLYING FOR CERTAIN PUBLIC ASSISTANCE; AND AUTHORIZING THE APPLICANT'S AUTHORIZED REPRESENTATIVES TO EXECUTE AND DELIVER SAID APPLICATION ON BEHALF OF THE CITY OF SOUTH TUCSON

Mayor Diaz: (Mayor Diaz read aloud the above Resolution No. 24-25.) Do I hear a Motion?

Vice Mayor Lopez: Mr. Mayor, I'd like to make a Motion that we approve Resolution No. 24-25.

Acting Mayor Rogers: Second.

Mayor Diaz: It's been Moved and Seconded. Discussion? Hearing none, Ms. Aguirre.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Yes.

Councilor Romero. Yes.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Councilor Valenzuela. Yes.

Ms. Aguirre: Motion passes.

Mayor Diaz: We have one more item.

#### ITEM #19 - ADJOURNMENT

Acting Mayor Rogers: I vote for adjournment.

Vice Mayor Lopez: Second.

Mayor Diaz: Moved and Seconded. We stand adjourned.

Councilor Valenzuela: Mr. Mayor, I have one thing before we adjourn.

City Attorney Paladini: We already adjourned.

Councilor Valenzuela: They said there was a Motion and a Second. I don't think they said discussion. So, I remember last meeting, I missed it, sorry, on Item #13, that Councilmember Flagg asked who pays the jail bill for felonies, if we can have an answer for it at the next meeting.

Chief Denogean: I can have an answer for you right now. For felonies, the County picks that up.

Councilor Valenzuela: Like immediately or after so many hours?

Chief Denogean: I don't know. We don't pay anything for felonies.

Councilor Valenzuela: Thank you.

Councilor Aguirre: Do we need to adjourn?

Acting Mayor Rogers: Do we need to put that Ms. Veronica was missing?

City Attorney Paladini: We are not on the agenda item, so I'm not sure what the discussion is. There is a Motion to Adjourn.

Councilors Flagg: I'll Second.


Councilor Aguirre: We've got a Second. We just need a vote, we just need all in favor.

Acting Mayor Rogers: Herman Seconded it.

Unanimous Ayes from Mayor and Council.

Acting Mayor Rogers: I just want to make sure the Minutes showed that Veronica wasn't here.

The meeting adjourned at 7:02 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 23rd day of July, 2024. I further certify the meeting was duly called and a quorum was present.

Dated this 10<sup>th</sup> day of August, 2024.

  
\_\_\_\_\_  
Veronica Moreno, City Clerk