

Minutes of the Regular Agenda Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Tuesday, October 1, 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: Veronica Moreno, Interim City Manager  
Lourdes Aguirre, Finance Director  
Danny Denogean, Chief of Police and Public Service Director  
Josue Licea, Planning Director  
Jon Paladini, City Attorney

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

Others Present: None

Mayor Diaz called the Regular Agenda Meeting of Tuesday, October 1, 2024, to order at 6:00 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.

Mayor Diaz: Thank you.

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

Vice Mayor Lopez. Here.

Acting Mayor Rogers. Aye.

Councilor Romero. Absent. Excused.

Mayor Diaz. Here.

Councilor Flagg. Yes.

Councilor Aguirre. Arrived at 6:17 p.m.

Councilor Valenzuela. Here.

Mayor Diaz: We do have a quorum.

ITEM #05 - APPROVAL OF MINUTES

Mayor Diaz: Approval of Minutes for September 17<sup>th</sup>. Are there any corrections, additions to those Minutes?

Vice Mayor Lopez: Mr. Mayor, I would like that we approve the Minutes for September 17<sup>th</sup>.

Mayor Diaz: Is there a Second?

Councilor Flagg: Second.

Mayor Diaz: It's been moved and Seconded, Roll Call, please.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Aye.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Valenzuela. Yes.

*Call to the Public*

Mayor Diaz: To accommodate all those who wish to address the City Council, and to facilitate the expeditious consideration of the agenda, it is requested that each person wishing to address the Mayor and Common Council under an agenda item limit his or her comments to a maximum of three minutes. Would anybody in the audience like to address the Council? Seeing none, we will go ahead and move to the next Item.

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

Mayor Diaz: Is there anybody on the Council that wants to report on current events?

Vice Mayor Lopez: Mr. Mayor, I've got a couple of things. The CAP is having a dinner at the Desert Diamond Casino on October 9<sup>th</sup> from 6-8. This is just to try to get things going all over again. On the 11<sup>th</sup>, there is a meeting at the Air Base at 8:00. On the 12<sup>th</sup>, it is a celebration for the Indigenous Peoples Day, and on the 13<sup>th</sup>, it's the International Day of the Girls and there is a celebration at the Library from 10:30 to 1:30. And, last by not least, on the 27<sup>th</sup> we have Cyclovia from 9 to 3.

Councilor Flagg: Is that first one the Central Arizona Project?

Vice Mayor Lopez: Yeah, CAP.

Mayor Diaz: Ok, is there anymore? No? Ok, how about future agenda items? None, so Item #07.

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

Ms. Moreno: I do have a report, Mayor, and if I haven't said it, I will say it again. The swearing in of the newly elected Council is November 19<sup>th</sup>, so we will have three members that will be new to the Council, and Mr. Diaz will come back and we will appoint a new Mayor, a new Vice Mayor, and possibly an Acting Mayor. So, November 19<sup>th</sup> we will have a new Mayor.

Mayor Diaz: Ok, thank you. Anymore? No? Ok, Item #08.

ITEM #08 – DISCUSSION/DIRECTION TO APPLY FOR AVAILABLE GRANT FUNDS TO BUILD UP COMMUNITY CAPACITY RELATING TO ENVIRONMENTAL/CLIMATE JUSTICE MATTERS AND HELP IMPROVE GOVERNANCE & COMMUNITY ENGAGEMENT

Mayor Diaz read aloud the above Item #08.

Ms. Moreno: Mayor, Planning Director Josue Licea will report on the next two items.

Mr. Licea: Good evening, Mayor and Council. Thank you for this time. We have two applications we have been working on here on the Planning side with the community and some non-profits. The first one is, as some of you call tell, some of the non-profits in the region, they are all the buzz right now in the grant program. It's the Environmental Protection Agency and environmental and climate justice change grant. We are applying under track 2 which is more of the social community building governing side, so it's more of a social/trending grant. The idea with this grant is to try to build up community capacity and engagement in addressing environmental issues, environmental and climate issues in our community. As you may know already, there are several here in the City of South Tucson, so we've got some to pick from. We have not exactly tied it down with the community what the exact ask is going to be as far as environmental wise, but the whole idea here is to try to get some funds to help mobilize it to build that to capacity to help foster more engagement from the community level up to the governing body, which would be, you know, City Council and so on.

Councilor Flagg: Do you have any specific examples of things that you have thought about or what is in there?

Mr. Licea: So, some of the potential projects that could come out of it could be something like maybe a Citizens Advisory Board, it could be something where it is a workshop training program where educating folks on environmental issues, you know, and basically help drive decisions and resources to the community to address those issues. That's basically it. It's about literally trying to build up that community capacity and engage in empowerment from the local level, grassroots level, sorry.

Mayor Diaz: So, as far as the direction, what would you like to hear from us?

Mr. Licea: Just consensus that we have your go ahead to continue with this grant application.

Councilor Flagg: Write them grants. Brownfields, too.

Mr. Licea: Ok, cool, so that's for #09, too?

Mayor Diaz: Wait a minute. We're not having a motion, so we're kind of saying this is more of a mutual agreement between us.

Councilor Flagg: Write them grants, bro.

Vice Mayor Lopez: Sure.

Mr. Licea: Sounds good. Can we take that for #09 then, too?

City Attorney Paladini: That's on the City Council.

ITEM #09 - DISCUSSION/DIRECTION TO APPLY FOR AVAILABLE GRANT FUNDS TO ADDRESS BROWNFIELD CHALLENGES AND BRING OR KEEP SITES INTO PRODUCTIVE REUSE

Councilor Flagg: Can you talk more about the Brownfield?

Mr. Licea: Yes.

Councilor Flagg: So would that be like for developers, how does that interact with developers coming in and wanting to, you know, deal with some of our more infamous properties.

Mr. Licea: So, the Brownfields grant is not, it's Environmental Protection Agency, but this is more of an assistance to property owners with site assessments, environmental, so let me give you an example. It is more geared to local mom and pop-type, not your big developers although they can benefit from them too, but let me give you an example. Let's say you have a small company that wants to relocate to South Tucson. They find a site, the building was built in the 1950's, the bank says, before we loan you money to buy this property, you need to do an environmental site assessment. So they could come to the City and receive this technical report. The City would fund it, and it would basically conduct a Phase 1 report which is basically a historical search on the property, and what type of uses have happened on that site. Let's just say if it was a mechanical shop or laundromat or something of that sort, it would warrant additional investigation and we would conduct a Phase 2 where they actually would come out and do a sampling, paint sampling, ground sampling, soil sampling, that type of stuff, so there's no clean up required, it's just literally a report to take to the bank to say, hey, you know, this property is ok for you to provide funding for.

Councilor Valenzuela: I was going to say that we've applied for this multiple times, right, like this is not a new grant.

Ms. Licea: Yes, correct.

Councilor Valenzuela: I know that we have been benefactors of some of those grants.

Mr. Licea: Yes.

Councilor Flagg: Who uses them, Josue? Like we, the City, have secured that grant numerous times. How has it been used?

Mr. Licea: I'll give you some examples. Some of the bigger properties I have received, Tucson Greyhound Park had received one.

Councilor Flagg: In recent years?

Mr. Licea: Yeah, in recent years, yeah.

Councilor Flagg: Like one year ago, two years ago?

Mr. Licea: Yeah, with the current grant that we have right now, yeah, that we're closing out, as a matter of fact, yeah. So, this is good and bad, but the good thing is it allows you to know what's there so then it puts the onus on the property owners to make sure that they do what is right whenever it comes to them revitalizing that property, that they are making repairs and so on, you know, and that is has some kind of environmental concern that there are laws that need to be followed, so it gives a heads up to the local government. It's a resource.

Councilor Valenzuela: Thank you.

Councilor Flagg: You know one other thing, the very northern border of South Tucson around 10<sup>th</sup> Avenue, the City is planning to do hundreds of units of housing and when pressed by the community up there, they're never, they always say we don't have any specifics on it, so a woman who has been active in environmental issues on the southside for years, named Linda Robles, went to this one meeting with the City and yelled and screamed, she didn't yell and scream, but she really brought up the fact that there needs to be an environmental impact report done on that property. I should have done this in the current event thing. So, that's like an ongoing thing where people are mobilized there and it's a similar issue to Brownfields, so tomorrow night at 5:30 at the Santa Rosa Center, the gym there, the City is going to talk like the environmental impact that the Terracon and Somas, these two companies has done. So they are going to talk about that to the community. So, I assume that aint Brownfields but it's a similar type thing, so it's great that on our northern border people woke up.

Mr. Licea: Yeah, to add to that for whatever it is worth, so the term Brownfield literally just means any site that has a past use, so it's not as opposed to green space like a green patch that's never really been developed.

Councilor Flagg: Oh, ok.

Mr. Licea: The term, though, seems negative but it's not necessarily a negative thing. That's what these reports sometime help clarify whether the property is clean or not. So just because it is a Brownfield does not mean it is a bad property.

Councilor Flagg: But you know, I've talked to people over the years who insist that it would be really, really, really hard to mitigate places like junk yards over here off of 3<sup>rd</sup> Avenue, between 3<sup>rd</sup> and 4<sup>th</sup>, because it's just like for decades it's been chemicals going into the property.

Mr. Licea: It would be nice to get in there and do some testing, yeah.

Councilor Flagg: Well, if there's going to be development there or anywhere.

Ms. Moreno: If I may, Mayor and Councilor Flagg and Josue, I'm having some thoughts about what you mentioned, Councilor Flagg and Josue, for example, using what Councilmember Flagg used as an example about what's going on with the City of Tucson, so development that is taking place there, it was I believe like a former refuse transfer station, so that property has already been used for the purposes. Brownfields could not be used for that particular property.

Mr. Licea: Yeah, I believe so. The City of Tucson would be able to use their own Brownfield grants but South Tucson –

Ms. Moreno: So for that purpose you could.

Mr. Licea: Yeah.

Ms. Moreno: I understood that the property would have to be if there was a former activity there or that if, like a transfer center, then it could be.

Mr. Licea: It could be used for any property in South Tucson where it has been vacant. What Phase 1 does is it does a historical records search just because the property doesn't have anything developed on it currently or

there is no sign that a structure has been there, sometimes a historical search will prove there had been a structure there maybe 100 years ago. So that is what that investigation does. Any site in South Tucson would be eligible for Brownfields funding. The whole idea is to try to keep the property in reuse, you know, property taxes, jobs, employment, people living there, you know.

Mayor Diaz: Ok, so, back to direction as far as consensus, is that grant consensus?

Vice Mayor Lopez: Yes.

Acting Mayor Rogers: Aye.

Mayor Diaz: So, you have consensus. Ok, so Item #10.

#### ITEM #10 - PRESENTATION - NEIGHBORHOOD PRESERVATION ORDINANCE

City Attorney Paladini: Mayor and Council, you have the slides in front of you. Unfortunately, the technology to put it up there isn't working today, but there are enough copies for the audience and Council, so I am going to go through these slides fairly quickly because I don't read slides. They are there for you. The way this presentation works is I link the broad general powers under State law to more specific powers under State law to the City's Neighborhood Preservation Code. The bottom line of all this is that the City does have authority and power to deal with slum conditions into the interior walls, or the living conditions, I guess, of rental units. Before, as we talked to the broader concept of Code Enforcement, typically that is the exterior of the property so that people keep their property well-maintained so as to not create a nuisance, visual nuisance or other type of nuisance for neighbors, this discussion is about dealing with the conditions of really inside the building or affecting the livability of the building. So, the broad general powers are laid out on the first two slides. Basically, cities and towns have authority to define nuisance and abate nuisance.

Mayor Diaz: May I interrupt just for a second? I would like the record to reflect that Councilmember Aguirre is present now.

City Attorney Paladini: And then, so that is sort of what we are dealing with in this situation, sort of a much more localized nuisance in terms of looking at rental units. The State also gives cities and towns the authority to do residential rental inspection programs. I think the broad point of that is that you have sort of an established program across the board. We are not looking to use this to target any particular property. I think we have to come up with a sort of program that where City staff can react to complaints or requests whether from residents or others who may see sort of health and safety conditions as not being met for residents of primarily rental property. The reason I bring that up is that as we roll into a new budget plan starting probably in January with the new Council, the budget is really your opportunity to prioritize how you are going to spend the City's general fund and other money. This type of inspection program has a pretty high demand on how staff people do this if you decide to go down this route. I don't know, this is a full-time job in and of itself, but it takes a person with the right kind of experience, training, knowledge and temperament to do this kind of program, you know, to do it objectively. Sort of a Code Enforcement job, but it also has some building official type knowledge or experience it needs as well. So, the inspection part either allows the City to inspect the interior of a building on the complaint or request of a resident or the owner, I suppose, or if the City or that Code person or that Inspector, from an exterior look at the property has, or can tell, or has concerns that it is affecting the livability of the inside, for instance, if there are boarded up windows, if there doesn't appear there are air conditioning units running, if there are other external indicators of potential slum property, then

that Code Enforcement person can undertake an inspection with either the permission of the tenant, permission of the landlord, which is called an administrative warrant which is sort of akin to a search warrant but it's sort of a lesser standard to get an administrative warrant, but you also aren't looking for criminal activity. You are literally looking to get in and inspect the property. It's primarily for conditions that materially impact the health and safety of the occupants, so that is what we are talking about here. There is a list of what are conditions that materially affect the health and safety of occupants. I am not going to read these to you, but they are common sense issues, not enough water, no heat, bathrooms aren't working, ventilation isn't working, broken windows, broken doors, no locks on the doors for people's safety. The next slide, which is slide 6, there is additional natural light or lack of natural light and ventilation required by the building code, so that's why Staff people or person that does this has to have some understanding of the building code, you know, room and space dimensions as required by the building code. For instance, typically a building code will require for a bedroom at least 50 square feet per person. Nowadays most bedrooms, other than maybe the master bedroom, are usually 10x10, 12x12, so you have 100-140 square feet, so typically building codes say that's a two-person occupancy. Now, with families with a lot of kids, they may put two bunkbeds in, but when it comes to renters, that is sort of a different standard I guess for that. If there is infestation, sewage disposal, garbage and rubbish removal, so are there big commercial bins out there, do they get picked up regularly, that kind of thing. Under the statute, there are other conditions that affect the health and safety of occupants. Basically, hazards under the building code, structural, wiring, plumbing, mechanical equipment, if things look like they are falling apart, that could be a reason for inspection. Failure to have those kinds of mechanical, structural, electrical, plumbing meet the building code, or it's not maintained or things are broken, that could trigger an inspection. Weather protection, are the windows sealed, are there fire hazards, what kind of materials are used for repairs, primarily being the properly not maintained, exists, egress and ingress, so for instance, the building code and the fire code do not allow for windows to be painted shut, for instance, because if there is a door, one door to let's say an apartment and there's one door and the windows are painted shut, if the fire blocks the ability to get out of the door, the window is the second option, so if it's painted shut, it creates problems. So, those are the kinds of things, so if these things are observed or seen or known, it allows for the City to then proceed on inspections. Also, high crime building, a history of documented building code violations, if the City is using its Code Enforcement or building code enforcement to get the owner to comply with building codes, consistent or constant violations of the building code, whether it is repairs or maintenance, that can trigger an inspection. So like I said, there is a lot of things that could trigger an inspection, you know, probable cause again, this is to get an administrative warrant that the building is not in compliance with the building code, which means, you need to find probable cause.

Chief Denogean: You have circumstances that lead you to believe a crime has been committed and the person you are looking at is the person who committed the crime.

City Attorney Paladini: So, in this case, you should have reasonable belief given the totality of circumstances that the owner is violating the building code on a regular basis doing repairs, maintenance, those kinds of things, or you get a complaint from a resident, owner, agent, then you can do an inspection. The town can charge fees for this, not the first time there is an inspection, but if there is a corrective order given and the corrections aren't done, then the town can charge fees for subsequent inspections. You can't charge fees for the regular inspections you would do to see if the corrections are being done for the building code. That's sort of a standard, you basically get a building permit and that fee covers all of your plan review and your inspections, but if it comes back that the owner who gets the notice to correct hasn't done the corrections, then subsequent inspections for that purpose to determine can be charged a fee, so that is something to think

about as part of this program, to adopt a fee for second, third, fourth, it can sort of graduate the more times you have to go out, the higher the fee. There has to be adequate notice, at least 15 days, we typically give 30 in Code Enforcement cases, in order to comply with whatever code is being violated, unless there is some sort of emergency. If something is a true fire hazard, then if it is really a health and safety emergency, then you can get around that 15 day and get the correction done right away if it is an imminent threat to health and safety. So, that is the State law we just talked about. Like I said, that is something that is a program so you want to have standards, you want to have staff, you want to set fees, so it is not something we can just implement tomorrow. I think we would have to create the program and get the staffing and provide the budget and the cost and all that. Then we get to the City Code under Article 3 of the Neighborhood Preservation and it defines slum property as residential rental property that has deteriorated or is in a state of disrepair, and manifests one or more of the following conditions that are a danger to health and safety to the public. And this is in both slides, I didn't number the slides, but it's on the 12<sup>th</sup> page. Here are the things that would meet the definition under City Code of slum properties. Structurally unsound, roof, surfaces, walls, doors, stairwells, railings, lack of potable water, adequate sanitation facilities, adequate water and waste pipe connections, hazardous electrical systems or gas connections, lack of safe egress, and then accumulations of waste in various forms, drug paraphernalia. So, if that exists at a property, the City can define it as a slum property, and residential rental property, the definition is just what it means, it is property that is leased to rent for residential purposes, so it doesn't apply to commercial purposes, it doesn't apply to hotels, motels, those kinds of things. So again, the City Code, like the State law -

Councilor Valenzuela: Jon, can you repeat that last sentence?

City Attorney Paladini: What did I say?

Councilor Valenzuela: You were saying that -

City Attorney Paladini: It doesn't apply?

Councilor Valenzuela: Doesn't apply to hotels.

City Attorney Paladini: It applies to residential uses. Residential uses are typically uses where the person resides there for 30 days, more than 30 days, or 30 days at a time, so it doesn't apply to hotels/motels or some sort of Air B&B type use or any other type use, it just really applies to what we would think of as traditional or typical residential rental property.

Councilor Valenzuela: Ok.

City Attorney Paladini: So, like the State law, the City Code gives the Code official authority to inspect. You need a request of the tenant if the property is occupied. If the tenant refuses to consent then you can, again, get an administrative warrant through the City Court here or through Justice Court. In addition, once a property is designated as a slum property, then you have the City Code that you can do inspections for three consecutive years. The way it is written, I don't believe it is once a year for three years, I think it is as needed to see that the corrections are being made to take it out of the designation. Once it is defined as a slum doesn't mean that it always going to stay defined as a slum, but if repairs are made and things are corrected, which is really, we've talked about this before, we call it Code Enforcement but in reality, it is Code compliance. We simply want the property owners to comply with the Code. We are not in it to fine people, we only use that to cite people but that is really a last resort. The whole idea is to get people to comply and

sometimes it can be done in a month, sometimes it takes many months. The philosophy that I always try to encourage is that as long as a person is making steady progress, you know, we will just keep monitoring and eventually they will get to that point. There are a host of reasons why maybe a property owner can't comply right away, whether it is cost, whether it is supply chain or various things, but again, the City attempts to work with those folks. And sort of talking earlier about grants, I think there are grants out there that the City can get and then help property owners, residential property owners, fix up and help maintain their houses. I don't know the specifics but I have heard of those types of grants before, whether it is the Arizona State Housing department or whether it is grants from charitable organizations, those types of things, so it may be something looking into by the grant person to do that because anytime you can help, particularly if it is owner occupied or if it is a small mom or pop rental where they may not have enough rental to do fixes that are required. If it's a big, for profit, commercial operator, I would probably be less likely to provide grants to those kinds of folks because they tend to make a lot more money than some of the small town operators. We can, under the State statute and City Code, we have sort of combined authority to do the inspections of a designated slum property and to take enforcement action when it comes to the interior of a building. If there is a failure to comply, the jurisdiction of any kind of citation is the City Court. The maximum civil penalty is a civil enforcement of \$1,000 plus \$100 for each month after the original violation until compliance has occurred. It is not a huge sum, but hopefully if you need to use the hammer, you have one that is available. This also allows, this part of the Code, Section 740, slide 17, unlike most codes, enforcement codes, it usually limits it to the Code Enforcement officer. This allows the Code official or Police Department or City Attorney to enforce. So, that means the Police Department can cite or inspect. The Code Enforcement or Code official can inspect, or the City Attorney can bring an enforcement action in City Court, but remember, sometimes we also have Superior Court enforcement tools as well if it rises to the level of a nuisance, we have some Superior Court jurisdiction, which is usually again, is a heavier hammer. Primarily, the jurisdiction is in the City of South Tucson, City Court. If the person is found responsible, they are found guilty in a civil citation, the City Court can order them to do whatever is necessary to correct the fix. The failure to do that is essentially a contempt of court which could into a criminal intent if it is egregious enough. It could turn into a criminal act if the person who is ordered by the Court to take some action just doesn't do it. It is up to the Judge's discretion as to whether to hold someone in civil contempt, which is essentially a fine, or criminal contempt which could end up in a jail cell or some bigger fine. And the last slide is repeated twice, we can delete that out, so I am happy to discuss, again, that was a very big picture, quick rundown of the City's authority to deal with slum property, meaning the interior or the exterior of the property as to how it affects the residents of the property, whereas when we talk about nuisance property, it is more how it affects the neighbors or the visual blight, things like that. This is intended to help residential rental occupants if they are living in bad conditions.

Mayor Diaz: Brian, did you have a question?

Councilor Flagg: Yeah, so, I would say that one of the biggest issues that we have here in South Tucson, and we have attacked it, is the worst slumlord who owns two huge properties in the south end of town. And when we sued him, we failed and the guy is still in business and I don't know, I don't know about my colleagues, but I ain't going to take no for an answer. This guy has got to go because all of us have sat here and heard multiple times people that live at South Sixth Avenue Suites and the Spanish Trail come in here and tell you what it is like there, and all these things that our County Attorney, and by the way, it's a good, thorough explanation, I appreciate it. You know, they've made these points, everything that you just talked about, they've talked about not having at the Spanish Trail or the South Sixth Avenue Suites, windows broken, paraphernalia all over the place, the laundry room doesn't work, the toilets don't work, there isn't coolers, you know. One guy that I

know, when I went to his house he had a cooler, or like he has a little fan, kind of like that one, and he is afraid to use it because it would increase his bill. I could go on and on and on, and you've heard it. All of you have been here, so my question is, enough with the niceties, how do we immediately jump in here and use our Code to get rid of the worst slumlord, because it affects all those poor people that are in there as tenants, but we all know that significant drug and prostitution comes out of there. Another dysfunction, too, that really drags our whole community down. It is in everybody's interest. So, how do we start on this? Do you want to add to that, anything on that?

Councilor Valenzuela: I do, I like the idea of having residential inspection program. I wonder, I know that our Staff is at capacity, but I wonder if we have people already on Staff at these program because we don't want to wait two to three months to initiate something when we know we have the Codes. We have proof that, or probable cause, sorry, to start these inspections. It's just a matter of staffing. Can we manage, can we juggle that?

Councilor Flagg: How are we going to juggle that, how are we going to make this happen, because he just said we don't have the staff for it.

Ms. Moreno: Yes, Mayor and Councilor Valenzuela, as you know by now, we have a vacancy in our Code Enforcement and we have asked the County to help us with this, with plan reviews, with inspections for all types of purpose, and business inspections that are coming through, so that has been addressed. I have been trying to strategize in terms of how do we go with the Code Enforcement, so I know it's a very important position. I know its the consensus of the Council so I want to make sure that we are able to either make that position something that would be overseen by the Police Department and it would kind of work kind of like a dual role as the attorney mentioned. It would require the individual to possess a skill set not only in Code Enforcement, but also have the ability to have knowledge with, and experience definitely in inspections. So that would really be a specialized position we could recruit for, but I think initially in looking at the way operations are now, we have to look at the Police Department, which the Chief and I have been in discussion, and of course, it always goes back to staffing, staffing and staffing. I hear that this is a priority so we will take conversations and see what we can do, but I think to prioritize the concerns to the particular properties that Brian was mentioning, I think that there are potential violations without having to get into specifics on the subject matter, but we've heard from neighboring properties, from Burger King, from Food City, and I do agree that something needs to be done sooner rather than later.

Councilor Valenzuela: That's an understatement.

Ms. Moreno: Yes.

Councilor Valenzuela: I just want to clarify that we currently have an IGA with the County, so they are acting as our interim inspection, building inspection, right?

Ms. Moreno: Yes.

Councilor Valenzuela: Ok, so the current needs are being met by that now.

Ms. Moreno: Right.

Councilor Valenzuela: So, well, go ahead.

Councilor Aguirre: If I could, Mayor.

Mayor Diaz: Go ahead.

Councilor Aguirre: So, I just want to make sure I understand. I have spoken with a few developers and business owners that have been waiting on some permits and getting some inspections done.

Councilor Flagg: Me, too.

Councilor Aguirre: That still haven't gotten completed, and I understand that, my question is, the County is kind of taking that over and helping us with those? Am I understanding that because I am sure they have a backlog, and for us to just come in and be like, hey, can you help us, I'm sure they're not addressing stuff like –

Ms. Moreno: If I may, Mayor and Councilor Aguirre, so in the past, we have been presented with this in the past, we have a gap in terms of not having an inspector so we have to make sure we have someone out in the community to conduct inspections for electrical and things like that. We have reached out to an inspector at the Housing Authority, so that inspector has of course limitations because their certification is for Housing Authority, but we have been able to use them temporarily to do certain inspections so that is happening right now. All of the other inspections I can turn over to the Planning Director. I don't know what's going on with Planning and Zoning, but we are getting things done.

Councilor Aguirre: No, I'm sure it's more of a delay and so from the ones, the people I spoke to, they finally got a date now. It's not like things aren't getting addressed, I want to make sure I understand how we are addressing them as a City.

Ms. Moreno: We are, yes.

Councilor Aguirre: So I'm not trying to say they're not. The other thing is, sorry, I had another question, ok, so looking at the administration and enforcement, it says Code official, Police Department and/or City Attorney shall, I'm sorry, Josue.

Mr. Licea: It's all good.

Councilor Aguirre: And of course, right now we are lacking a Code official.

Ms. Moreno: Yeah.

Councilor Aguirre: Has that position been posted because we do have the money in the budget, correct?

Ms. Moreno: Not as of yet because I was hoping I could get someone in uniform at Police because it would have that Police presence, so we really haven't come to a solution as of yet because there was some other challenges we are facing that includes permits, so I can safely assume that I am going to have to recruit for that position because it's very specialized.

Councilor Aguirre: Yes.

Ms. Moreno: And of course, as mentioned, someone has to have the ability not only to the enforcement portion but also have the ability to have building inspections as well.

Councilor Aguirre: Yeah, and that's my concern. I feel like as a team as a City, between the City Attorney, the Police Department could do a lot, but I feel we do need to have somebody that technically understands the Code Enforcement, the code part of it and the enforcement and how, you know, they have special skills and they have a lot of knowledge around the building code. So, that would be my concern and I feel like this is a

conversation that we need to have more of at a future meeting, but I think that, I feel like moving forward, we need to start thinking about recruiting and finding somebody to do the Code official so that we can get, figure out a plan how we can use the resources we have to start making this work.

Councilor Flagg: And our cops have enough to do.

Ms. Moreno: Right. Just generally speaking, when the Neighborhood Preservation Ordinance was adopted, that role was assigned to a Police Officer back in 2017 I think it was, or 2007, I can't remember, or 2008, but it evolved into a position outside of Police and we were able to roll both Code Enforcement and building inspection into one, so it's really unique.

Councilor Flagg: Whatever works.

Councilor Valenzuela: So, temporarily, we can continue using a Police Officer until we can recruit and find somebody, but as Councilmember Aguirre said, we can put it on the next agenda for action to recruit a building and enforcement position.

City Attorney Paladini: She can do that without Council action.

Councilor Valenzuela: Great.

Councilor Flagg: So, you want to direct Staff to start hiring someone.

Councilor Aguirre: Yeah, to recruit a Code official, so that way we can have -

Councilor Flagg: Doesn't that, do we make a motion to put an explanation point on it?

City Attorney Paladini: The Manager already has, this is just for presentation. The Manager has authority to approve staff, so it's already there. You don't need Council action on it.

Mayor Diaz: I'd like to add that I guess you guys got a grant from Representative Grijalva.

Councilor Flagg: You guys?

Mayor Diaz: Yeah, sorry, Councilor Brian, Councilor Aguirre, Councilor Valenzuela.

Councilor Flagg: I don't get nothing from him.

Mayor Diaz: I think the City Planner staff has presented that grant and in that grant there was \$25,000 available for emergency house repair, and that I believe is administered by Pima County.

Mr. Licea: Hello again, everybody. I am not aware that that has been awarded. There's been talk about it, but I haven't seen any official notice either from Congressman Grijalva about this, or the feds, that this has been awarded. I haven't seen anything, to be honest.

City Attorney Paladini: Remember that the process is not technically a grant, it's a Congressional appropriation so you would have to go through and get it approved by at least a majority of the House, so it is sort of common but given that it is an election year, I don't know if they are getting a whole lot done. I don't want to say it is an easier process to get it approved, but it is a much more lengthy process because it all depends on how quickly they can vote on it in the Congress.

Mayor Diaz: But anyway, I think there is that emergency house repair at Pima County that we can apply for or our residents can apply for that is established at this time.

Mr. Licea: Yes, so South Tucson is served by Pima County Home Repair, but applicant's would have to apply directly, or residents would have to apply directly to Pima County for that program which I think they open and close it regularly and they have a wait list, but we can certainly get more information and put it on our website, or do flyers and send it to our Housing if you would like.

Councilor Flagg: Yeah, right on, that would be great because we are in need here. That would be great if we got that.

Councilor Valenzuela: I just think those grants are limited to once in a lifetime, right, like you can't continue to go back for more.

Mr. Licea: I believe they can't help you more than once every ten years. That might have changed, but the last time it was once every ten years.

Councilor Valenzuela: Ok.

Mr. Licea: There is also another program since we are on that note that might be able to help a lot of residents through the County also. It's called the Community Action Agency and through that program, they have a lot of partners that fund similar types of resources where they provide emergency rental assistance, emergency utility assistance, rapid re-housing which is basically if you are on the brink of going into homelessness they could provide you some funds to remain in your home or temporary rental unit of that sort. We continue to bring resources here to at least present to you and I will get the word out if that is something you guys would be interested in.

Councilor Flagg: Is that part of Community Services with Andy Flagg and Dan Sullivan?

Mr. Licea: It is, yes.

Councilor Flagg: Ok.

Councilor Aguirre: Thank you.

Mr. Licea: Thank you.

Councilor Valenzuela: Thank you.

City Attorney Paladini: No action by the Council.

Councilor Flagg: How do we make this like a major priority and put an urgent on it and make it go speedy because like, we just sat here for a long time. I'm guilty, and we haven't done jack except try to sue him and it didn't work. So, all these problems go on every day, and we hear about it, and it is absolutely unacceptable. We need to like put an urgent on it. How do we do that?

City Attorney Paladini: Well, I don't think you do. There's a process that this requires you to go through and by the way, for the record, the purpose of this program isn't to drive anybody out of town. I'll just say that. With all due respect, Councilor Flagg, the purpose is not to go after any individual, any company, any person, any particular property, and that's why I say in the beginning, it's a program to deal with slum conditions for residential renters. The purpose is to get compliance because enforcement comes down to relatively small

finer, about \$1,000, especially if it's like I said, a big operator \$1,000 isn't going to really be that much of a hurt. There is also, if push comes to shove, the Court can order compliance but that would take some time, too, because you have sort of exhausted all your other possible remedies and then you go back to the Court and say this guy has been fined, it's accruing \$100.00 a month, you aren't doing anything. Now you ask for a Court order to order them to do something. So, things aren't going to happen in a month or a week.

Councilor Flagg: Tell that to the residents of Spanish Trail, of South Sixth Avenue and their neighbors and business neighbors.

Councilor Valenzuela: So, if I may, can we start, can we get a report of all the Code enforcements that are happening now, and maybe we can start our inventory of what can happen until we create this program with an inspector.

Mr. Dodson (audience): May I ask a question?

Mayor Diaz: Sir?

Mr. Dodson: Is it \$1,000 per property or \$1,000 per unit?

Councilor Valenzuela: From what I am reading, and in talking to Councilmember Aguirre, it seems like once you designate it slum,

Councilor Aguirre: Yes, so in order for a property to be designated a slum, there has to be multiple violations, correct?

City Attorney Paladini: Yes, well, it depends on the designation and the particular unit.

Councilor Aguirre: I'm sorry, so it was the ones that were listed that we have previously gone over. So, once it is designated a slum, and if they are not correcting it, then it's the \$1,000 fine plus \$100 ever month, right? It could be up to \$1,000 plus \$100 for every month that they are not in compliance. So that is per person, per property. If they own multiple properties, it could be –

City Attorney Paladini: It's per citation, so let's say there was a slum owner or slum residential owner that had 12 units, you could in theory cite them 12 times, depending on the facts. Let's assume every unit had something wrong with it that rises to the level of a threat to the health and safety of the resident, you could cite them 12 times. The Court may merge those into one case, it's called judicial economy, but if there are 12 citations, again, that's 12 times the work for the Staff, 12 times the work for the prosecutor because 12 cases is 12 cases. It's really sort of a strategic tactical decision of what to do, how to do it. When it comes to external nuisance, it's usually one citation listing all the violations, so since we really haven't done this before, we have to start to think about for a single property would you cite each individual unit in one citation with the various violations, or would you cite 60 times if there are 60 units. Again, if the prosecutor does that, the Court can always consolidate them into one case. In theory, you might be able to have 60 citations and \$60,000 fines, but in reality, it is hard to tell.

Councilor Valenzuela: Ok.

Mayor Diaz: Excuse me. I need to apologize to the Council in regard to letting an attendee speak during our agenda. So, I apologize but could you go ahead and identify yourself, please.

Mr. Dodson: Sure, my name is Chris Dodson, a resident.

Mayor Diaz: Thank you.

Councilor Aguirre: You know, I wonder, this is kind of a question to all my colleagues and to you, City Attorney, I'm wondering if maybe Staff has been directly already to fill the vacant position, that's one step we are taking. Maybe we can follow up at our next meeting, I'd like to know a little more, I think we also, I have a few other questions to think more about these processes and figure it out, but I think it might be wise for us to give Staff a little more direction on how we want to continue down this road so we continue to bring it up so the community sees that we are not just, you know, not doing anything.

Councilor Flagg: Right on.

Councilor Aguirre: How do you all feel about that? So, I have a motion to continue discussion at our next regular meeting with also an update on how the hiring process is going.

Councilor Valenzuela: And a report.

Councilor Aguirre: And a report on what Councilor Valenzuela had mentioned earlier about any open citations currently, any open violations that are happening currently in this City.

Councilor Flagg: I'll second that.

Mayor Diaz: Can you repeat the motion for clarification?

Councilor Aguirre: So, I move to continue discussion –

City Attorney Paladini: Since this is a presentation, we're really not set up to take motions and votes. If Council wants to give direction just to put this on the next agenda for further discussion, and hearing about other things you want, it's kind of like the grants. That's good enough, you don't have to do a formal motion.

Councilor Aguirre: And the specifics, ok.

Mayor Diaz: The motion is –

Councilor Aguirre: There's no motion.

City Attorney Paladini: Just direction.

Vice Mayor Lopez: We just verbally agree to pursue.

Mayor Diaz: Ok, so continue discussion.

**ITEM #11 - DISCUSSION AND DIRECTION REGARDING ASSISTANCE FROM OUTSIDE ENTITIES FOR EMS AND FIRE PROTECTION**

Ms. Moreno: Yes, Mayor, Members of the Council, as you read out loud, the Item placed on the agenda is to have the ability to ask Mayor and Council if I could get permission on your behalf to reach out to outside entities requesting assistance. As Council works through the challenges facing the Fire Department, we need to staff daily, especially the Chief, are daily making sure that we have at least four on duty per shift every single day. You know, we have two apparatuses and you never know from one day to another if one could just stop working, or two, so until such time as the Council determines what is going to be a long-term plan, we need to be able to reach out to other entities to see if they can help with either staffing or equipment as

we work it out. So I am asking for Council consensus, if I can reach out and discuss this with other entities. It could be a Tribal entity, it could be the fire districts that surround us, to see if they could possibly have a lender in terms of a vehicle and staffing, and I would come back to Mayor and Council as to see what the response would be.

Councilor Valenzuela: Absolutely.

Mayor Diaz: Discussion?

Councilor Aguirre: Yeah, I feel like we could use all the help we can get. You know, I take my hat off to Captain Luna for all the work he does, you know, but he's got his hands full. I think that we can really use some expertise on a lot of different aspects and different parts of the field, and yeah, I believe that there are outside entities that are not only willing to help but are actually wanting to help and I think that we should really go for that.

Vice Mayor Lopez: Mr. Mayor, I also agree with Councilor Aguirre. I just think that we need to pursue more and continue finding out those that can assist us throughout the whole process, not just replacing a fire truck but through the whole process to where we are ready to come up with how or what we are going to do with the Fire Department in the future, as well as replacing our firemen and as well as our trucks. If that is part of the process, so be it. That's all I have.

Mayor Diaz: Any more discussion?

Councilor Flagg: No.

Mayor Diaz: How about, I would like to ask a question in regard to funding. I guess we do ask for, I guess some agencies might require some kind of funding, are we proposing that also?

Ms. Moreno: Mayor, I don't know, I mean, the first thing I will do is ask. If it comes back in terms of a fee, then I will let you know but I think it is worth whatever fee they charge us. Not whatever, but with budget constraints, of course, but I don't know yet. I am asking for permission to have those conversations and if they say yes, we are willing to do it at no cost, maybe it's a minimum \$1 fee. So, I will let you know if there is a cost associated with reaching out and each agency wanting to help us out there may be a fee.

Mayor Diaz: Ok, so the direction would be to go ahead and proceed with said discussions?

Ms. Moreno: Yes.

Mayor Diaz: Consensus?

City Attorney Paladini: Any decision or agreement comes back to the Council, so it's just asking at this point.

Mayor Diaz: Correct, just asking. Consensus?

Councilor Flagg: Discuss.

Mayor Diaz: We do have direction. It's consensus.

ITEM #12 – ADJOURNMENT

City Attorney Paladini: Ask for a consensus.

Mayor Diaz: All in favor, say Aye.

Councilmembers: Unanimous Ayes.

The meeting adjourned at 7:04 p.m.

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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 Agenda Meeting of the City Council of South Tucson, Arizona, held on the 1st day of October, 2024. I further certify the meeting was duly called and a quorum was present.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Veronica Moreno, City Clerk