

Minutes of the Regular Agenda Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Tuesday, March 19, 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, Public Safety Director and Chief of Police  
  Josue Licea, Planning Director  
  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:                Alan Benz, Resident  
  Dennis Littrell, Resident

Mayor Diaz called the Regular Agenda Meeting of March 19, 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 Statement 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 safe and stronger City. Amen.

Vice Mayor Lopez: Amen.

Mayor Diaz: Thank you.

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

Vice Mayor Lopez. Here.  
Acting Mayor Rogers. Here.  
Councilor Romero. Here.  
Mayor Diaz. Here.  
Councilor Flagg. Here.

Councilor Aguirre. Here.

Councilor Valenzuela. Here.

ITEM #05 - APPROVAL OF MINUTES

Mayor Diaz: The next item is approval of Minutes for the Regular Meeting of March 5<sup>th</sup>. Are there any additions, subtractions to the Minutes? Hearing none, may I have a motion to accept?

Vice Mayor Lopez: So moved.

Councilor Flagg: Second.

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

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Aye.

Councilor Romero. Yes.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Aguirre. Aye.

Councilor Valenzuela. Aye.

*Call to the Public*

Mayor Diaz: Anybody wishing to address the Council, please fill out a card and present it.

Ms. Moreno: I have two cards this evening, Mayor. The first is Alan Benz, his address is South Tucson Housing Authority, and topic is Transit.

Councilor Flagg: He used to be a librarian for the City. He's a good dude.

Mr. Benz: Ok, thank you very much Members of Mayor and Council. Once again, I am here to address the topic of transit in the Tucson area, especially in the City of South Tucson. The last meeting of Tucson Mayor and Council was two weeks ago and City Manager Ortega recommended to Mayor and Council that they start the process to reimplement fares for Sun Tran bus service, and Mayor and Council by vote basically rejected that recommendation by the Manager by saying that we are not opting into that recommendation and that you are hereby directed to come up with some other methodology to find the money. So they were supposed to have a meeting tonight on the transit issue but they kicked the can down the road again, and that is now set for April 19<sup>th</sup>. Also, the Norte-Sur Project that the City is doing along with the FTA, the northside alignment has been set from Tohono to Ronstadt via Stone, rather than Oracle, so that will be implemented. Then after that is done, then they will have to work on the one from Ronstadt down to the airport. So I think that is about it as far as the transit situation goes, and thank you very much for your time and diligence and until the next time.

Councilor Flagg: Thank you.

Vice Mayor Lopez: Thank you, Al.

Ms. Moreno: The next card is from Dennis Littrell, 301 E. Benson Highway, topic is Board Member.

Mr. Littrell: Good evening, Mayor and Council. I'm Dennis Littrell and my residency is 301 E. Benson Highway. I've been a resident of South Tucson for 32 years, 1992 to 2014, and I've been in business in the City of South Tucson from 1992 to 2018, 26 years. I want to talk to Item #09, Appointments to fill vacancies to the Board of Adjustment. I want to tell you, thank you for considering my application but although my application may not have been reviewed by Staff, it is timely and deserves as much consideration as the other applicants. Please independently review all applications on their face as submitted, not prejudiced by Staff recommendations. And the second item I would like to talk about would be I would like to apply to be a Board Member to fill one of the vacancies for the Board of Appeals. While I checked the City website and did not find any notice for related information, I asked the City Administration for an application and for a description of the position, and I was told there are not any documents or information that exists. Please take action to post notice on the website and furnish application and description for the position. Thank you for your time.

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

Ms. Moreno: I have no other cards, Mayor.

Mayor Diaz: Hearing none, we will continue on to Item #06.

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

Mayor Diaz: Any reports?

Acting Mayor Rogers: Mr. Mayor, I would just like to tell everybody so they can tell everybody else, that our McDonalds, after three years they have now opened up our McDonalds on 6<sup>th</sup> Avenue. We used to go there every Sunday after Church, can't get in, it's always the drive through. And a lot of the people here, and Anita and I both went to that, and they still talk about that, and it's open now, so you can tell everybody, because sometimes you had to wait in the drive in for two coffees because it's been locked for three years, and now it is open all the time, seven days a week. We were always going to the one by Walmart, so that's South Tucson, so we should get some money for Lourdes.

Mayor Diaz: Thank you.

Vice Mayor Lopez: Mr. Mayor, last Sunday at 10:00 there was a Health Fair down at South Tucson Housing Authority. It was such a very wonderful event that I was able to get in touch with the Pima County workers that came down that are working with the citizens right there at the Housing pertaining to some health issues, especially helping them to realize the symptoms of dementia and Alzheimer's. It just seems to attack the elderly a lot more quicker and more aggressively than other folks. So I think it is kind of important that we follow up on that. And then the other thing is there is another Health Fair on the 20<sup>th</sup> at the JVYC and it's from 9:00-2:00. And that's all I have, Mr. Mayor.

Mayor Diaz: In following up on that Health Care Fair on the 20<sup>th</sup> from 9:00-2:00 at the JVYC, it's a good event. This is the third annual and I've been to quite a few of these and the participants are the U of A College of Nursing, JEDI Group, and that's University of Arizona Mobile Health Clinic will be there also. The Center for Neuroscience Foundation Brain Bus, City of South Tucson Project Outreach Familia, and much, much more. These events are great, you pick up a lot of information, a lot of pretty good stuff that you can take home. So I encourage everybody to either attend or to let somebody else know that it is happening, especially here at the

JVYC Center. Thank you. Anybody else? Are there any items for the Future Agenda? Hearing none, we will go to Item #07.

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

Ms. Moreno: Yes, good evening, Mayor and members of the Council. I have a couple reports and one great thing that is going to be happening here soon, and I want to thank Vice Mayor Lopez along with community members such as the Garden Kitchen, Jennifer Parlin, Ed and Grace Beltran, Mel and Melissa Dominguez Brown. They have spearheaded a request to reopen the Alfonsa McKenna-Luis Redondo Park, so Public Works was able to do what they needed to do to get it set to reopen. As you know, it's been closed. If you noticed, it's here on 5<sup>th</sup> Avenue between 30<sup>th</sup> and 31<sup>st</sup> on the west side of the street. It's been closed for at least six years if not more due to vandalism. The way the park was built, I think over ten years ago, maybe closer to 15, there's some walls that have a barrier, and I think it's also because of the basketball court, so for now, the plan is to have folks that represent the Garden Kitchen as well as other community members help with opening and closing the park, but we are planning to have a grand re-opening of the park on April 26<sup>th</sup> at 5. So I will be sending Mayor and Council a formal invitation so you can attend, also hoping you be Master of Ceremony there, Mayor. Also, at the request of Council, we are working on the newsletter. I think all of you by now have provided by a biography, so the plan is to get it out by the end of this week, and the plan is also to get it to every single household within the City of South Tucson. So there's a lot of great things happening in the City of South Tucson to definitely getting the community involved. We want them to know what's going on and announce the Council meetings and events that are taking place in the City. We are also working on updating our website and making sure that it is user friendly and making sure the community has an opportunity to go online and look at what's going on. We also invite anyone in the community that has any special event that they would like us to post on our website, we are happy to do that on their behalf as well. Another thing that is happening this week is bulk and brush, so we have a contract with the City of Tucson for garbage pickup in the City of South Tucson. This is the week where they announce for bulk and brush where, of course, property owners can put bulk and brush on the sidewalk, and Public Works has done a good job of making sure that they follow alongside the City of Tucson Environmental Services to make sure nothing is left behind. So far I have gotten positive feedback. Everybody has listened to the request of the City to make sure there is no trash put out prior to two weeks of the pick up and hopefully by the end of the week they will be done with picking up all the bulk and brush you see out on the street, mostly on the sidewalk. And that completes my report, and our Planning Director has some reports as well.

Mr. Licea: Good evening, Mayor and Council, I hope everyone is doing good today. First, I want to start off real quick. A resource that came by our office recently is the Community Home Repair Projects of Arizona. They're doing free toilet replacements. It is a low-income program so there is income limits with this, but they will come over to your house if you meet eligibility. They have to be a homeowner occupied household. So they come in and replace one toilet if you have one. If you have two toilets, they will replace up to two toilets in your house. I'm going to leave some flyers here in case you have some community folks that you would like to get this word out to. Some other items that I have been working on, I'll give a quick update on the RTA. Last week there was a Technical Management Committee meeting held on the 13<sup>th</sup>. I think I sent everybody a follow up email with some information that came out of that meeting. I'm not going to spend too much time on that. I did send everybody an email with some information on there of what was proposed, a new plan that was proposed at that meeting. If you have any questions, feel free to reach out to me directly on that, but at the end of the day no action was taken at that meeting because the Management Committee needs

more information as far as revenue projections for the RTA Next, so they are waiting to make a decision on which plan to recommend to the RTA Board after there are updated revenue projections coming in, if that makes sense in a way.

Ms. Moreno: If I may, Josue.

Mr. Licea: Yes.

Ms. Moreno: This also includes the fact that the City of South Tucson will not have any changes to what we had in the final plan, right?

Mr. Licea: Yes. For South Tucson, yes, for our portion we are still looking at \$35 million worth of projects in the RTA Next, so that should stay the same in any of those plans that we considered. RTA Board meeting, the next one is scheduled for April 4, 2024, at noon. We talked a little, since we are on the RTA, I did want to make a little recommendation, you know, I know we talked about RTA, the 36<sup>th</sup> Street Project bid, but I am going to make one little recommendation. As I mentioned in the past, I am trying to keep momentum going with the City of Tucson's public outreach process for the 36<sup>th</sup> Street El Paso Southwestern Greenway Project, trying to keep the momentum going with them. We've still got the project before going out to bid, I'd like to keep that momentum going so possibly bid at the same time they go out to bid. If you are familiar with roadway type projects, anytime contractors bid mobilization of the contractors to come to a site is about 20% of the bid, so if we can take advantage of that situation when the City of Tucson is going out to bid, we might be able to save some funds on mobilization. My recommendation right now is, let me share this spreadsheet. I've given this out before.

Ms. Moreno: If I may, Mayor, Josue, do we want to dip into the next item where we have Discussion and Direction on this Item, because that's the next Item on the Agenda.

Mr. Licea: Actually, yes. So this will be a precursor to that. So if we look at this, we are not going to get into that right now yet. I will make that recommendation on the actual agenda item. Quick update as Veronica mentioned, you got in your packet considerations coming for the Board of Adjustments, Luz (inaudible), update on the Tucson Clean and Beautiful tree planting project that is supposed to be coming up soon. The Tucson Clean and Beautiful folks went out to bid and unfortunately, all those bids came in really high, more than they have grant funds for. They are going to go back and do some re-strategizing to try to figure out a way to either increase their budget amount or lower that scope to make that project work. So for now that project along 6<sup>th</sup> Avenue for the tree planting is on standstill. So we talked a little bit about the update on the 2<sup>nd</sup> Avenue mini-park. I'll just give an update. Somebody from the community also inquired about the 2<sup>nd</sup> Street mini-park, so I just wanted to give you guys an update. So just you know, when we are getting ready to open the 5<sup>th</sup> Street park, that somebody else inquired about the 2<sup>nd</sup> Street park. So that concludes my report.

Councilor Flagg: Can I ask him a question?

Mayor Diaz: We have a question.

Mr. Licea: Yes.

Councilor Flagg: For RTA Next, do they have some kind of a timeline, like if Sahuarita says, we want to modify things, change it, that draws the whole thing out, and don't they need to get it together and put something forward soon? Is that an issue?

Mr. Licea: Yeah, of course. Anytime there is a new plan being proposed, yeah, it definitely slows everything down because there's something else to consider, so yes, I don't know, I guess at this point it is still the moving target date. They are trying to get the proposals out for the bond and the voters out by 2025 at some point, so that's the real end date that they are trying to shoot for.

Councilor Flagg: Ok.

Vice Mayor Lopez: Mr. Mayor.

Mayor Diaz: Go ahead.

Vice Mayor Lopez: I'd like to mention something to support the Greenway, you know, we have been going through this for a long time.

Mayor Diaz: Hang on for just a second.

City Attorney Paladini: If we are going to talk about the Greenways, that's the next Item on the Agenda.

Vice Mayor Lopez: Ok.

Mr. Licea: Ok, I'll just stay up here for that.

Ms. Moreno: So that concludes the Reports from Staff.

Mayor Diaz: Unless there are any questions, that concludes the Reports. Thank you.

Ms. Moreno: Mayor, would you like to call Item #08?

ITEM #08 - DISCUSSION AND DIRECTION REGARDING EL PASO SOUTHWESTERN GREENWAY BIKE/PEDESTRIAN LANE PROJECT - PUBLIC OUTREACH AND INPUT ACTIVITIES FOR THE PLANNING AND DESIGN OF THE MULTI-MODAL PATH

Mr. Licea: So again, this recommendation is coming from my office. Again, as I mentioned earlier, I am just trying to keep the momentum going with the City of Tucson. They are actively engaging with the community and at some point an obvious design is going to be going out for bid, and that's what I'm really hoping to do is when they go out to bid, we go out to bid also. Even though we don't have enough construction money to make this project complete, hopefully by that time when all this process is done, we will have identified those funds. So if you see the spreadsheet that I passed out, under the call for 2023, it shows you that we have \$150,000 for this project. Again, that's not nearly enough money to construct this project. However, we can start using that money for the outreach process. Several meetings back when the City of Tucson was here, I think Councilor Valenzuela mentioned, you know, that we want to do some outreach South Tucson style, so this is our opportunity to do that, so I am looking for that direction to work with the either whole Council or someone named specifically, to get the process going with this \$150,000.

Mayor Diaz: Vice Mayor.

Vice Mayor Lopez: Mr. Mayor, yes. Being in discussion with this bike project here for quite a while and I think it's almost coming to an end and I just think in order to finalize it we move for full support of the Council and give guidance not only to the City but also to our Planning Director so that he can execute the plan and close it for once and for all and make it happen. Go ahead, Mr. Mayor.

Mayor Diaz: I'd like to ask the Vice Mayor, were you in the committee to begin with our portion of the bike path?

Vice Mayor Lopez: Yes, I was.

Mayor Diaz: So, I guess, did you have any input from the residents before it was decided how it was going to be designed?

Vice Mayor Lopez: Actually, we had a presentation at the Library, and the community was invited and I think there were very people who showed up. There was me, my wife, and I think there was Michelle and Karen and a few other people, but it was just the beginning, the planning stages, in which at that time they realized they didn't have any money but they were planning to raise it, and it was going to come back to us and come up with a plan and hopefully they will have secured funding for the project. But no there wasn't, it just happened the way it did.

Mayor Diaz: Ok, thank you.

Councilor Aguirre: Mayor, I appreciate that, Vice Mayor, that information. I attended a couple of the meetings way back when they first began, too. I didn't stay very involved in the process, I'll be honest. At the time I had a lot going on. I think we really need to focus on residents along 36<sup>th</sup> and how they will be affected, making sure we are doing extra outreach to that part of the community to make sure that we get input from them because, you know, the South 12<sup>th</sup> Avenue Project that happened in the City of Tucson, I think is a good learning experience, and I think even the City of Tucson has mentioned that. If you don't have input from the right community members when we are doing this project and making sure that, you know, I know there was input process on the 12<sup>th</sup> Avenue Project, but the problem was there was a lot of business interest in that, you know. I'm not saying that's the same thing happening here, but my concern again is that we are going to build a project that might not necessarily benefit South Tucson or the residents along that corridor in the best way that it could if we have their input in the process. I know you guys have been doing outreach for a while now, but I think we need to focus on getting more community members and also an extra focus down the residents on 36<sup>th</sup>. As it is, it is hard for a lot of them to get in and out of their homes, the homes that are on 36<sup>th</sup> between the railroad track and 4<sup>th</sup> Avenue. I'd hate for that to cause more complications for them to be able to get in and out of their homes. Things like that I think we need to consider and look at more specifically.

Mr. Licea: Thank you for that comment, so yes, this is what I am asking for is specifically going to help address that problem, so by you guys saying yeah, go ahead and use that money for the outreach, we can do that specific outreach. We can go up and down that street, you know, we have consultants to help us do that or knock on doors. If we want direct input this is the process, we want because that is exactly what we want. We want input of those specific folks right there on 36<sup>th</sup> Street.

Mayor Diaz: I have a question. The other thing is, I think the last meeting we had, you mentioned that any redesign might come out of the money, might need to come from South Tucson. Is there any other way it is going to be funded, other revenue sources? Are there such a thing, grants or anything?

Mr. Licea: This is one of those questions we are still waiting to pose to the RTA in general. We haven't finished a full analysis on our end, so we haven't asked about the one percent yet, the one percent Legislative that is supposed to be given to every small jurisdiction. So pending that, no, there's no other monies that are

identified for this project. But, however, this \$150,000, you should be able to cover design and the outreach. So again, I don't have a specific dollar amount for all those activities because again, I'm just barely asking to initiate the process. If we initiate it now, I can certainly provide an update with what more or less that would look like. But right now, we don't have an idea of what it would cost to amend those projects. Let me go back and say this, along with the City of Tucson momentum, that is something they have been footing on our behalf, the design, since they have the contract directly with Kimley-Horn, this is something they have been paying for up until now. So yes, we've already got most of, or at least whatever percentage of what the design is created, up until now we have not paid for. It basically belongs to us, so that is a good starting point for us.

Mayor Diaz: So if I understand this correctly, as far as direction goes, that we are asking for more input in regards to the residents and so forth in there, is that right?

Mr. Licea: Yes, this specific process would allow us to engage with the community and ask, how do you feel about this project, how do you feel about the design, is there anything you like or don't like. That's what it's about, so there will be at these events there will be pictures, we will have the roll cloth which is basically the plan design that we brought here at the meeting with City of Tucson and they could comment on that.

Mayor Diaz: Yes, go ahead.

Councilor Aguirre: Is there, and I know because I've worked in construction for many years too, I don't know if there is a way to engage the public so they can actually have a say in how the design was created, moving forward, you know.

Mr. Licea: Yes.

Councilor Aguirre: And I think that's part of the issue. A lot of times people are presented with something, and they're like, yeah, that's really nice, but what are the options, I mean, maybe even if it is just a really simple streamline design that we can use to kind of let them work and create something.

Mr. Licea: Of course, again, if we are going down this route, I mean, we can sit down and go into specifics of what you want to see the community comment on, and we can go from there.

Mayor Diaz: Ok.

Councilor Valenzuela: How much do you anticipate this costing, it's not going to be the whole \$150,000?

Mr. Licea: I don't believe so, I really have no idea, to be honest, I can't put a dollar amount on it.

Councilor Valenzuela: Can you bring it back to us?

Mr. Licea: Yeah, if I get direction on it today, yes, I can start working on those numbers.

Councilor Valenzuela: Are you thinking of involving some of the Council members?

Mr. Licea: We can, yeah.

Councilor Valenzuela: How do you suggest, do we just reach out, will you pick?

Mr. Licea: Honestly, I like a third party doing it. You guys can certainly help, but honestly, I think it would be best if we have a third party be the main person driving the input and then have the community engagement session, you can all certainly show up and give us your feedback or bring your folks there.



Vice Mayor Lopez: Mr. Mayor, I have a question to Councilor Aguirre. Do you think by lowering the speed limit on 36<sup>th</sup> Street going east and west, once they finish their Greenway which will probably be used by bicyclists, at the same time the residents want to use the road, so if they have a slower speed limit they will be able to get in and out of their property safer?

Councilor Aguirre: Well, the speed limit is already 25. I think part of the issue might be the road design where people kind of barrel down the road at 40 rather than the actual speed limit, I think is more of an issue than the speed limit itself, because 25 is a residential. I believe every street in South Tucson is 25 with exception of the 6<sup>th</sup> Avenue strip, but I think it is more of a design, making sure that the roads are designed in a way that residents can have space and room to be able to maneuver in and out, because some driveways are really tight. The trucks, owners, and things like that, have a lot of trouble getting in and out as it is.

Mr. Licea: Excuse me, I don't want to get into design, but this is the design that is proposed right now, right now it is specifically addressing that comment in the fact that the design is recommending the path go on the south side of the street because that is where we have no residences at.

Acting Mayor Rogers: I see it.

Councilor Valenzuela: What I am hearing is that Councilor Aguirre is saying that we should be a part of the design process before it is presented to the community for community input, right?

Councilor Aguirre: Not necessarily. I think that there just needs to be a way for them to know they have options in changing the design, that we are asking them to actually give us input. We're not presenting them a design for their approval. That's my concern, that people just think they could look at it and say, yeah, we want that, but that there are actually options that they can actually change the design.

Mr. Licea. Definitely. I would say that is for everybody, you guys and the residents.

Councilor Aguirre: Yeah, because I don't live on 36<sup>th</sup> so I wouldn't want to recommend anything that doesn't come from the residents.

Vice Mayor Lopez: Mr. Mayor, I would like to make a motion that we approve this and give the Director a sense of direction as to where we want to go with this bike trail and hopefully that we can finalize it and approve it once and for all.

Councilor Flagg: I'll second that.

Acting Mayor Rogers: It's just a motion.

Mayor Diaz: It's been Moved and Seconded.

Councilor Aguirre: Can we have discussion?

Mayor Diaz: Yes, hang on, though.

Acting Mayor Rogers: What's the purpose of the motion? I thought it would just be something to tell him to do.

Mayor Diaz: Essentially it is.

Councilor Flagg: Yeah.

Mayor Diaz: Telling him what to do.

Acting Mayor Rogers: Usually, we don't take a vote.

Mayor Diaz: Councilor Aguirre.

Councilor Aguirre: Yeah, I just had a question about the company that is being used, Kimley-Horn. That's the company that's been working with City of Tucson?

Mr. Licea. Yes, they are under contract with the City of Tucson for the design.

Councilor Aguirre: Yeah, I feel like, I think we need to use those resources, but I think that you or the City of South Tucson, we all need to work with them to kind of guide the process to bring people in and maybe even tapping into some of our hubs like, (inaudible), the JDYC, but the -

Ms. Moreno: Project (inaudible).

Councilor Aguirre: Yes, or maybe the Los Actos or even, the YWCA has now the House of Neighborly Services, some of the hubs that already have our community members coming and gathering at where it is easier to get them to come in and have those conversations.

Mr. Licea: I agree, the more we can bring to the table, the better. That is what we want for this process to make it successful, so yeah, all I need right now is direction and then we can get to the nuts and bolts of working out that contract when we get there, so definitely we can take that into consideration and make sure it is in the grant.

Councilor Aguirre: Thank you.

Mayor Diaz: Ok, thank you. Roll Call.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Aye.

Councilor Romero. Aye.

Mayor Diaz. Aye.

Councilor Flagg. Aye.

Councilor Aguirre. Aye.

Councilor Valenzuela. Aye.

Mr. Licea: Alright, thank you.

Mayor Diaz: Thank you.

Councilor Aguirre: Thank you.

Vice Mayor Lopez: Thank you very much.

Mayor Diaz: The next item is Item #09.

ITEM #09 - APPOINTMENTS TO FILL VACANCIES TO THE BOARD OF ADJUSTMENT

Mr. Licea: Thanks again, Mayor and Council. I will be presenting on this Item here. Up until the time the agenda was completed, we have received four applications for this Board. Those considerations and people

submitted applications by the time the packet was put together are Mr. Johnathan Favela, local business owner, Elvia Sanchez, local business owner, Diana Sears, a local business owner, and Maria Tecson who is a local resident. There's currently four vacancies on the Board of Adjustment right now. The single person who is still on the Board is Elizar de la Cruz, a local resident. So again, right now we need to appoint up to four Board of Adjustment members for your consideration here.

Acting Mayor Rogers: Mr. Mayor, I would like to speak to that.

Mayor Diaz: Yes.

Acting Mayor Rogers: There's been another person we know of that presented. There was never any place anywhere of when you had to have them back. I think bringing two, three or four to the Board, but it wasn't known, and I happen to know you have one other that was given to all the Council. So it just looks like you are picking up four, and four only. So I think it is very important that the other person be in there, they did the thing (inaudible). I just wanted to tell you about it.

Mr. Licea: I understand that. Just as far as I know, yes, it is the time when the packet for the City Council meeting was put together, there was just those four applications that were submitted to that point.

Ms. Moreno: If I may, Mayor and Council. I will just chime in, which is the reason why we, or the Council decided at the last meeting, is to table this item for the next meeting.

Mr. Licea: Yes.

Ms. Moreno: So the last Council meeting we had, there was an application that was submitted late as well, so the Mayor and Council did not consider them because they came in late, so the direction to Staff was to put it back on the agenda for this evening. It is up to Mayor and Council, we did technically receive five applications, the four that you have in your packet, as well as the one that came in yesterday morning from Dennis Littrell. It is fair to say that the application is from Dennis Littrell, currently also, Mr. Littrell has recently submitted an appeal to a notice of violation that was issued to him recently. So speaking with the attorney and getting advice from the attorney, any potential candidate that has an open case that is subject to review by the Board of Adjustment and was by defacto going to be the Board of Appeals, he would not be able to be a potential candidate until such time as the case has been closed. So right now, Mr. Littrell has an open case he submitted and paid for a hearing with the Board of Appeals. Josue Licea has not gotten that far into his report but part of the responsibility of the Board of Adjustment will also be the de facto Board of Appeals. So there will not be a separate application that is submitted for the Board of Appeals because the Board of Adjustment will act as that review Board. Does that make sense?

City Attorney Paladini: Yes.

Acting Mayor Rogers: Mr. Mayor, this is an appointment on this printout for the Board of Adjustment. The Board of Appeals hasn't even been known to anybody except a note from you. If you look on the thing, there's only one thing to the public, Board of Adjustment. If you say we are putting together, nobody else knows that the Board of Appeals is up.

Mr. Licea: As far as I know from -

Acting Mayor Rogers: It can't happen if it's not going to the people.

Mr. Licea: Excuse me, Acting Mayor, from what I read in our City Code, Neighborhood Preservation Ordinance, there is nothing specific to the process. In order to speed up what we saw as an urgent matter and basically kill two birds with one stone, we opted for the option to basically, you know, we are already going through the process of filling all the vacancies for one Board, and in all honesty, they are very similar Boards. We figured we might as well do both at the same time. They both deal with land use and building violations and so hand in hand, they could actually be the same Board and the same members.

City Attorney Paladini: Just to make clear, when we talk about the Planning Commission and the Board of Adjustment and Zoning Code, there is actually specific reference as to how those folks are appointed to those bodies. In the Neighborhood Preservation Code, it simply refers to a Board of Appeals, but it doesn't necessarily designate it as a separate Board. The Neighborhood Preservation Code doesn't set out a process for separate appointments to a Board of Appeals. The Council could do that in theory, you know, as difficult as it has been in getting Planning Commission appointments done and getting those folks to show up in quorums, and now getting the Board of Adjustment, full slate on the Board of Adjustment and getting those folks to show up to meet quorum requirements, our recommendation is going to be that the Board of Appeals as referenced in the Neighborhood Preservation Code that the Board of Adjustment be designated as that same Board, because otherwise you are just going to have to find five more people to sit as a separate Board. You have seen how difficult it has been to seek the two Boards that we actually have.

Mayor Diaz: I do have a comment. I'm assuming that the larger the Boards are the more guaranteed that you would come up with a quorum. It's just that, again, limited to seven or less, that for both Boards, and also have to come up with a quorum. That's the problem we have always had is a quorum.

City Attorney Paladini: I respectfully disagree with that. I think if you have an 11 or 15 person Board, and you need six or eight people to show up, we can't even get three people to show up, so in my experience, a smaller Board of five reliable people that are committed to showing up whenever they have a meeting, is going to be much more regular than trying to find 13 or 11 or 15 people who may or may not show up.

Mayor Diaz: Let me ask another question. Is that by accepting this with the way we are combining, well, accepting this motion to appoint these people, we are also accepting the combination of the Board of Adjustment and the Board of Appeals?

City Attorney Paladini: No, that's our recommendation at this point, so right now the only item for the Council's consideration is appointment of up to four members to the Board of Adjustment. We are not really here to talk about the size of the Board, changing the size, growing it, shrinking it. Right now the agenda is you can choose any of these four, Mr. Littrell, you could appoint the Chief, I mean, you can pick anybody. It is your call who you are going to appoint to the Board of Adjustment now that you have four openings, and you need at least two more and you can have a meeting, because you only have one person that is on the Board. My recommendation is appoint at least two because then you would at least have a quorum, assuming all those three show up. But if you have that opportunity to appoint four to fill the slate, then that's to me the best practice.

Councilor Valenzuela: I think what Mayor Diaz is saying is that if we do these recommendations, it's also going to include to the Board of Appeals to the Board of Adjustment. I think he is asking if this motion also includes the merge of Appeals with Adjustment.

City Attorney Paladini: No, it doesn't. Right now it's just for appointment and again, we are strongly recommending at the point in time when an appeal is going to the Board of Appeals is ready, we are going to come back to you and say, do you want to appoint five people to a Board of Appeals that sits and hears a case every couple of years, or ever, or do you want to designate the Board of Adjustment as the Board of Appeals for this particular matter. But that is a separate item to happen down the road.

Councilor Valenzuela: Ok.

City Attorney Paladini: It will be Staff's recommendation.

Mayor Diaz: Go ahead.

Councilor Flagg: Based on our City Attorney's analysis that if you have an open case, you can't be on the Board of Adjustment, I would make a motion that we accept the Staff recommendation on the appointments to the Board of Adjustment and those would be Johnathan Favela, Elvia Sanchez, Diana Sears and Maria Tecson so I would do that motion.

Acting Mayor Rogers: You're supposed to do them one by one.

Mayor Diaz: So you are actually doing all four on the motion?

Councilor Flagg: Yeah.

Councilor Aguirre: I'll second it.

Mayor Diaz: So the motion is to appoint the four that are recommended and it was seconded, instead of each individual. So I guess it's been Moved and Seconded. Roll Call.

Ms. Moreno: And Mayor, just to let the record reflect, Staff doesn't make recommendations to this Board based on the applications we received, so there was no recommendations from Staff. These are the applications that Staff received. We only received those four.

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. No.

Councilor Romero. Yes.

Mayor Diaz. Yes.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Councilor Valenzuela. Yes.

#### ITEM #10 - ADJOURNMENT

Councilor Aguirre: I move to Adjourn.

Vice Mayor Lopez. Second.

Mayor Diaz: It's been Moved and Seconded. Adjourned.

The meeting adjourned at 6:48 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 Regular Agenda Meeting of the City Council of South Tucson, Arizona, held on the 19th day of March, 2024. I further certify the meeting was duly called and a quorum was present.

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

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