

MINUTES
Regular Meeting
San Luis City Council
San Luis Council Chamber
1090 E. Union Street
June 24, 2015
7:00 p.m.

<p>APPROVED by Council Date: August 12, 2015 Clerk's Office: /s/ S. Cornelio</p>

1. CALL TO ORDER Mayor G. Sanchez called the Regular City Council meeting to order at approximately 7:00 p.m.

ROLL CALL

PRESENT: Mayor Gerardo Sanchez
Vice-Mayor Matias Rosales
Council Member Africa Luna-Carrasco
Council Member Maria Cecilia Ramos
Council Member Mario Buchanan Jr.
Council Member Ruben Walshe
Council Member Gloria Torres

OTHERS PRESENT: Tadeo De La Hoya, Assistant to the City Manager
Sonia Cornelio, City Clerk
Aracely De La Hoya, Senior Services Director
Chris Kasid, Parks & Recreation Director
Daniel Paz, I.T. Director
Eulogio Vera, Public Works Director
Geraldine Gutierrez, Asst. to Council/PIO
Glenn Gimbut, City Attorney
Hank Green, Fire Chief
Jennifer Cisneros, Parks and Recreation
Jenny Torres, Community Development Director
John Starkey, Building Safety Director
Manuel Rojas, Assistant Public Works Director
Maria Sabori, Human Resources Specialist
Omar Heredia, Human Resources Training Programs Coordinator
Jose Guzman, Assistant Planner
Kay Macuil, Assistant City Attorney
Katie St. Louis, Finance Director
Olivia Jenkins, Utilities Director
Victor Figueroa, Acting Chief of Police
Yolanda Dueñas, Fleet Services/Facilities
Rosendo Morales, City Magistrate
Francisca Guzman, Meeting Translator
Miguel Alvarez, Police Corporal
Adelaida Buchanan, Resident
Juan Castillo, Meter Reader Technician

Eddie Loo, Sam Hudson Construction
Elizabeth Carpenter, Sam Hudson Construction
Marco Pinzon, Resident
Rick Bauermann, Fire Inspector
Andrea Ruiz, Court Administrator
Jose De La Vera, Visitor
Alfredo Campa, Police Sergeant
Victor Olivares, Animal Control Officer
Jose Leonardo Suarez, Resident

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member M. Buchanan Jr.

3. INVOCATION

The invocation was made by Mr. Hank Green, Fire Chief.

Item 5.1 was moved by Mayor G. Sanchez to be discussed first on the agenda. There was no opposition from the City Council.

5.1. Discussion and presentation by Ron Pickett updating San Luis on the Solar Wind Energy Tower project. (Glenn Gimbut)

Mr. Ron Pickett, Arizona Green Power L.L.C, stated that they had hired bug consultants out of Phoenix and had determined a pathway for fried to get power into interconnect for 560KB to deliver into California where the main market is at. Although with possible potential in Arizona they will examine the Arizona market. At the moment, the California Energy Commission, has certified them as a renewable product. Although they are new they went through the process, any utility or buyer in California will get the renewable energy credits when they bought the pallets. Furthermore, Mr. Picket stated that the North America Development Bank is now working together and will be helping meet criteria for the common good. Along with EBA program, they had to repair an independent third party economic analysis of the financial impact of the South Western Arizona Project, especially the Yuma area.

He stated that they have done preliminary marketing for the power purchase agreement and have received good feedback. While the project is new, they are confident in it, on the other hand the Power Purchasers are a bit hesitant that when something is turned on, that has not been turned on before there will be start up issues.

Mr. Picket informed the City Council that it was recommended to add a small peaking generator beside the plant to make up any short outages, which will be gas operated. Teaming up with Siemens has completed a proposal and are prepared to submit their site plan for a special use permit. It is important for the project that, they add a peaking

facility because there is gas company next to the property, although they are already working on the situation with South West Gas.

Mayor G. Sanchez stated he believed it is an excellent solution especially during the City's coldest winter nights.

Vice Mayor M. Rosales stated he believed it is a good project and it would be a great help for job opportunities.

Mr. Pickett responded that the numbers are from an independent third party and it does not include tourism impact. He reminded everyone that spending will only bring the City more money.

No action from the City Council was required, as this was an informational item only.

4. CONSENT AGENDA

Disbursements from June 1, 2015 to June 12, 2015

Total disbursements \$691,822.43

(Six Hundred, Ninety-One Thousand, Eight Hundred, Twenty-Two Dollars and Forty Three Cents)

MOTION: Council Member G. Torres/ Council Member M. Buchanan Jr. to approve the Consent Agenda as presented. Motion passed unanimously.

Mayor G. Sanchez moved CALL TO THE PUBLIC to be next on the agenda. There was no opposition from the City Council.

5. CALL TO THE PUBLIC

Mr. Chris Kasid, Parks and Recreation Director, stated that he is there to invite the Mayor and Members of the Council to the Fourth of July Event from 5 p.m. to 1 a.m. on July 4, 2015; the fireworks will go off at 10:30 p.m.

Mr. Adrian Caberdia, 1405 S. Monreal Lane, wanted to know if the people who discussed the issue with the shade structures for the past two (2) meetings were being taken in consideration.

Mr. Alberto Cardenas, 155 Villa Street, stated that fifteen (15) years ago he tried to acquire a permit for a shade structure, he was told he did not need one and that he only needed to follow some regulations. He recently received a certified return receipt letter from the City that was stamped at \$4.75 to be sent. Mr. Cardenas believes it is not correct to send the letters at a high price when the money could be used differently.

Mr. Emilio Curriel, resident, stated that he believes it is unfair what the City is doing with the shade structures situation because the sun rays are strong in the summer time.

Ms. Berenice Harrigey, 1333 B Street, stated that she recently talked to an engineer regarding the new City's regulations and was told there was no law that talked about the type of shade structures the citizens and herself have. She believes that at the moment there should not be a law that states shade structures are or are not allowed in the City when it does not exist in a code book for buildings.

Mr. Ramon Castillo, 1187 C Street, stated that he also tried to acquire a permit for a shade structure, he was told the same thing as everyone else and invested in a shade structure. Mr. Castillo stated the shade structures are a necessity and not a luxury for the citizens, he is asking for the City's support on the shade structures.

Mr. Jose Muñoz, 578 N. Sanchez Drive, stated that he had gone to the last Council meeting and is asking the City to take them serious. Mr. Muñoz is asking the City to do something about the situation.

Mr. Jose Benavides, 1435 Rangel Avenue, stated that he recently received a certified letter from the City regarding the move the City has taken against the shade structures on his property. He stated Building and Safety Department should have gone to the houses personally and explained the situation instead of sending letters to them.

Mr. Albanda, 1096 N. Babbit Avenue, stated that he too received a letter from the City regarding a shade structure. He stated the City is wasting time and resources on items that are not essential to the City.

Mr. Raul Mesa, 1607 E. San Pedro Street, stated that he also received the letter from the stated that while a lot of money is invested on the shade structures for people home it surprises the City just spoke up. He hopes Council comes to an agreement with the citizens regarding the shade structures.

Mr. Jorge Villicaña, 1445 Babbit Lane, stated that citizens are feeling intimidated by the letters that are sent by the Building and Safety Department. Mr. Villicaña stated he does not understand why the City has waited so long to do so. He stated that the City has shade structures in some City buildings and the regulations should also be applied to them as well.

Mr. Cesar Nebor, 1555 Monreal Lane, stated that he has lived at his residence for twenty (20) years. He stated that on the west side of his house the sun hits directly. Once he got the approval from the City he constructed his shade structure. He stated that if there's any way the City could help, it would be greatly appreciated.

Ms. Ana Figueroa, 1816 Udall Lane, stated that ten (10) years ago she had asked the inspector if it was possible to put a shade structure towards the back, that way she could place the kids toys because she runs a daycare. A year ago she placed a shade structure in the front, so the children would not be that affected by the heat in the car. She stated that her shade structures are not for her but are for the children.

Mr. Jose Luis Diaz, 1759 D Street, stated that it is a necessity for the residents to have the shade structures.

Mr. Rodolfo Lopez, 2077 San Luis Lane, stated that he built his shade structure eight (8) years ago and was never told a thing. Mr. Lopez stated that the building regulations should be applied to everyone and not just certain people.

Ms. Hilda Perez, 1362 Kennedy Lane, stated that she has had her shade structure for the past three (3) years and was never told a thing. She also stated that she is there to get the City's help.

Ms. Sylvia Montijo, 1469 Montreal Lane, stated that she is there regarding the shade structures. She stated that her husband had gone to the City to get approval and was told there was no problem with it and no permits were needed.

Ms. Elena Amador, 490 Sanchez Drive, stated that she built her shade structure last year and it has helped her through the hot summers. She is asking for the City's help to keep her shade structure.

Ms. Leticia Ortiz, 1472 Babbit Lane, stated that she has had her shade structure for the past three (3) years. And just recently she was updating the material when she got the letter from the Building and Safety Department.

Ms. Raquel Muñoz, 578 Sanchez Drive, stated that she was there because of the shade structures; all she is asking is for the City to give the residents the authorization to keep them as soon as possible.

Ms. Socorro Perucho, 1478 Bentu Avenue, stated that she wants the City Council and Mayor to consider the residents when it comes to the shade structures.

Ms. Maria Consuelo Arias, 2063 E Stephen Street, stated she was there to ask for the City's help with the shade.

Mr. Fernando Pichardo, 1954 E. Monreal Lane, stated that he is in favor of the shade structures done professionally to be approved with no person extraction.

Ms. Rita Corrales, 2049 Moreal Lane, stated that she is there because of the shade structures as well. She also stated that she finds it unfair that they are asked to remove them.

Ms. Claudia Parra, 1571 E. San Francisco Street, stated that she was there to talk about the shade structures. She stated that if the shades pass the regulations they should be able to keep them.

Ms. Marisela Cordova, 373 Adobe Street, stated that she is there to support the rest of the citizens. She believes Council should support them as well.

Mr. Jesus Parra, 849 N. Turn Drive, stated he is there to support the shade structures. He stated that he too believes the shade structures are a necessity.

Ms. Eva Santillar, 1575 San Pedro Street, stated that she is there to support the rest of the citizens and wants the City to support them.

Mr. Roberto Cordero, 944 Escondido Street, stated that he has two (2) shade structures and he is there to support the rest of the citizens.

Mr. Gustavo Lujanilla, 1916 San Pedro Street, stated that he does not have any shade structures but he is there to support the rest of the citizens. He finds it unfair for the City to be sending residents notices about their shade structures when they have put all they got towards them. He thinks the City should not ask those who have shade structures that are well made to be removed.

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

6.2. Discussion and possible action on any and all matters regarding to approval of the renewal agreement between the City of San Luis and Border Fitness Gym, L.L.C., for the gym benefit initiative for City employees. (Maria Sabori & Omar Heredia)

Ms. Maria Sabori, Human Resources Specialist, and Mr. Omar Heredia, Human Resources Training and Program Coordinator, stated that they are seeking Council's approval and agreement renewal between the City of San Luis and Border Fitness Gym. The City will be able to keep the same rates at \$1,000.00 for administrative fees and \$25.00 per person up to fifty (50) employees per month. Their goal is to continue to offer the City's employees a valuable wellness program while minimizing the impact of life and health care cost.

Mr. Heredia stated that the wellness program is a functioning committee with various employees from the City of San Luis; their purpose is to promote and support health wellness. The program goals are to increase productivity, prevent chronicle illnesses and to promote better employee morale. Mr. Heredia stated that the program is helping employees implement new lifestyles.

Every month, since the contract started, the Human Resources department receives a report from Border Fitness, with the report they decide who stays on the program based off of the employee agreement they signed. When it comes towards the inactive members, the City does not pay for them, the City only pays for the members who are actually using the membership.

Vice Mayor M. Rosales asked if there was going to be something offered for those City employees that live in Somerton or Yuma. Mayor G. Sanchez stated that because of prices being high in Yuma there was no action taken. But there are several different activities the employees may participate in the Workplace.

MOTION: Council Member M. Buchanan Jr. / Vice Mayor M. Rosales to approve the agreement for gym services as presented. Motion passed with four (4) aye votes and three (3) nay votes by Council Members A. Luna-Carrasco, G. Torres and M.C. Ramos.

5.3. Discussion and possible action on any and all matters regarding the City of San Luis Fire Department's request for FY2015-2016 budget authority to purchase a new fire truck. (Hank Green)

Mr. Hank Green, Fire Chief, stated that previous budget presentations had indicated the City of San Luis Fire Fighters Engine one (1) has gone through several different problems. This fire truck has been in service for the past eighteen (18) years. Recently there was an electrical shortage and is now out of service, meaning the City of San Luis Fire Station does not have a fire truck. With the authority of the equipment company on July 2, it would still take ten (10) and half months to build. The total cost would be \$652,912 .00, originally the total quote was \$852,000.00 but because for Fiscal Year 2014-2015, the Fire Department had purchased most of the equipment the fire truck they opted for the less expensive one.

MOTION: Council Member G. Torres/ Council Member A. Luna-Carrasco to approve the purchase of a new fire engine in the amount not to exceed \$652, 915.00. Motion passed unanimously.

5.4. Discussion and Possible action to authorize the City of San Luis Fire provide emergency ambulance services. (Hank Green)

Mr. Hank Green, Fire Chief, stated that this was an update from an item that was discussed and approved three (3) years ago, that item was to provide emergency ambulance services. Mr. Aaron Sam, Auditor for Department Health Services, has reviewed their application and came to the understanding that the City of San Luis Fire Department would be losing \$475,820.00 although the number could possibly change. Mr. Green stated that while the Fire Department has taken and relocated several expenses, the Fire Department has shifted almost 1,700,000.00 from the General Fund over into the ambulance services. Based upon the findings letter he received, it states the director grants the City of San Luis Fire Department rates and charges as supported by the bureaus analysis. To this day there have been no objections and the City of Somerton and City of Yuma are in support. The Department of Health Services will have to publish a record for anybody who has any concerns about them wanting an ambulance. The record would have to run for about two (2) weeks receiving no objections, after that it will then go to the director. At the moment there are almost near the end of the process and Mayor G. Sanchez stated that the time is now.

MOTION: Vice-Mayor M. Rosales/ Council Member M. Buchanan Jr. to acknowledge possible yearly deficiencies that may ensure from operations; the needs to cover such outcomes from General Fund moneys whenever necessary for the City of San Luis Fire Department and the need to continue with the application to the Arizona Department of Health Services for a Certificate of Necessity (CON) to provide emergency ambulance services. Motion passed unanimously.

5.5. Discussion and possible action of any and all matters regarding the previously approved purchase of fifteen (15) portable radios for the San Luis Police Department and payment of sales taxes. (Acting Chief of Police Victor Figueroa)

Mr. Victor Figueroa, Acting Chief of Police, stated that they had received an invoice that was a bit over what they had anticipated. When he first spoke to the vendor, he told him he needed everything included. When the new invoice came it comes with the sales tax included, the difference is \$6,299.72. This is not a budgeted item, the money will come from Capital Outlay, general funds.

MOTION: Council Member G. Torres/ Council Member A. Luna-Carrasco to ratify the purchase of fifteen (15) portable radios for the San Luis Police Department and authorize payment of the sales tax in the amount of \$6,299.72. Motion passed unanimously.

5.6. Discussion and possible action on adoption of Resolution No. 1101, a Resolution of the City of San Luis approving an intergovernmental agreement between the City of San Luis and the State of Arizona Department of Revenue. (Katie St. Louis)

Ms. Katie St. Louis, Finance Director, stated that the last intergovernmental agreement was made in 1999. The State of Arizona Department of Revenue is revamping the program because there are some Cities that are collecting their own taxes. Therefore, instead of making changes for certain Cities, they are making everything uniformed. Mr. Glenn Gimbut, City Attorney, informed Mayor and Council that the City has no choice; he stated that it is part of transaction privilege tax reform to the Arizona State Legislator. While the City of San Luis has the Department of Revenue collect the taxes other cities do not. While it is not a big change a new intergovernmental agreement must be placed to show the difference.

MOTION: Vice Mayor M. Rosales/ Council Member M. Buchanan Jr. to adopt Resolution 1101 authorizing the execution of an intergovernmental agreement as presented between the City of San Luis and the State of Arizona Department of Revenue for the uniform methods for handling excise taxes imposed by the State and the City. Motion passed unanimously.

5.7. Public Hearing followed by discussion and possible action to approve Resolution No. 1102, a resolution by Mayor and Council of the City of San Luis adopting the final budget for Fiscal Year 2016. (Katie St. Louis)

A. Open Public Hearing

MOTION: Vice Mayor M. Rosales/ Council Member A. Luna Carrasco to open Public Hearing. Motion passed unanimously.

Ms. Katie St. Louis, Finance Director, stated that the City meets all the requirements for the budget according to Title 42. All there is to do now is to have the Council approve the budget.

Mayor G. Sanchez asked what the total number of the Fiscal Year 2015-2016 Budget was going to be. Ms. K. St. Louis responded \$5,062,000.00. In the General Fund the total is \$18,694,910.00.

B. Close Public Hearing

MOTION: Council Member A. Luna-Carrasco/ Vice Mayor M. Rosales to close Public Hearing. Motion passed unanimously.

Action on Resolution No. 1102

MOTION: Vice Mayor M. Rosales/ Council Member M. Buchanan Jr. to adopt Resolution No. 1102 adopting the budget of the City of San Luis Fiscal year 2015-2016. Motion passed unanimously.

5.8. Public Hearing followed by discussion and possible action on any and all matters regarding Conditional use Permit Case no. 2015-0126, a request by Michelle Lamoureux on behalf of Verizon Wireless Communication for a Conditional use Permit to install a telecommunications monopole at 1063 E. Main Street in San Luis, AZ. (John Starkey)

A. Open Public Hearing

MOTION: Vice Mayor M. Rosales/ Council Member M. Buchanan Jr. to open Public Hearing. Motion passed unanimously.

Mr. Dan Trajo, in representation of his mother-in-law and aunt who own lot 111 and 123, stated that the property next to where the City wants to install the telecommunications monopole had been passed down to his mother-in-law and aunt several years ago. He stated that having a tower next to their property is a big concern, while they have not received any reports, impacts, or studies on how it would affect their property values. They are concerned and have questions; he stated that they certainly do not want any

guarantee or another tower next to their property. Mr. Trajo stated that he wants to see an impact report; he wants to know what it will cause and what will be put there.

Mr. Glenn Gimbut, City Attorney, stated that and informed Mr. Trajo that the City cannot say no to self-help, they cannot band it, regulate how they look, or how high they go. The only thing they can do is some sort of reasonable health safety or welfare regulations. The City only has one-hundred and fifty (150) days to take action, if they do not, the tower will be built. He stated that for the cell towers, they are requiring someone to show them legal action, that way a fire truck, police car, and the ambulance can get in and out of the property.

Ms. Abby Perez Po, 33611 Avenue E, Micafe California, daughter of property owner Ester, stated that they wanted to know if the property is going to be considered commercial or residential. Mayor G. Sanchez, clarified it would be commercial.

Mr. John Starkey, Building Safety Director, stated that zoning wise 1063 is commercial, the three (3) small lots to the left are rural wide protocol as long as the school that is next to it stays. The variance request is because the tower is going to be ninety (90) feet tall when it falls over it is ninety (90) feet to the ground resulting in it having to be ninety (90) feet from the property line. But because the property is not big enough there will be a set back on the North property line of forty-eight (48) feet, from the West property line of ninety-one (91) feet and the East property line of fifty-five (55) feet, and from the South property line it would be four-hundred (400) feet. The tower that is currently there has been there for fifteen (15) years and was built before variances or condition use permits were requested. If the City converts the lease from Park Lease to Public Purpose Lease Bureau of Land Management (BML) takes six (6) months to work.

Council Member M. Buchanan Jr., asked if the City could choose the place of the tower, since they cannot choose not to have it. Mr. Gimbut responded that with the 2012 Administration, the City is no longer allowed to tell them where not to put it.

Vice Mayor M. Rosales suggested that the next time there will be a new cell tower, the City should send out representatives from Pinnacle to inform the public and answer any questions they may have.

Mr. Starkey stated a better deal could be worked out.

B. Close Public Hearing

Public Hearing was left open and will continue on the next scheduled Regular Council meeting.

Action on Conditional Use Permit No. 2015-0126

MOTION: Council Member A. Luna-Carrasco/ Council Member M. Buchanan Jr. to continue the item to July 8, 2015. Motion passed unanimously.

6. BOARD OF ADJUSTMENT

6.1. MOTION TO ADJOURN AS CITY COUNCIL AND CONVENE AS BOARD OF ADJUSTMENT

MOTION: Vice-Mayor M. Rosales/ Council Member A. Luna-Carrasco to adjourn as City Council and convene as Board of Adjustment. Motion passed unanimously.

6.2 Public Hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2015-0130, a request by Michelle Lamoureux on behalf of Verizon Wireless Communications. The property is owned by Javier DeSantiago. The request for a variance is to reduce the setbacks from the property lines on property located at 1063 E. Main Street, San Luis AZ. (John Starkey)

A. Open Public Hearing

MOTION: Council Member A. Luna-Carrasco/ Vice-Mayor M. Rosales to open public hearing. Motion passed unanimously.

B. Close Public Hearing

Public Hearing will continue on to the next scheduled Regular Council Meeting.

No action taken as item was continued to the next scheduled Regular Council Meeting.

Action on Variance Case No. 2015-0130

MOTION: Vice-Mayor/Council Member A. Luna Carrasco to continue item on July 8, 2015. Motion passed unanimously.

6.3 MOTION TO ADJOURN AS BOARD OF ADJUSTMENT AND RECONVENE AS CITY COUNCIL

MOTION: Vice-Mayor M. Rosales/ Council Member G. Torres to adjourn as Board of Adjustment and reconvene as City Council. Motion passed unanimously.

7. SUMMARY OF CURRENT EVENTS:

Events by Mayor, Council Members, City Manager, and/or City Staff pursuant to A.R.S. §38-431 .02 (K)

Vice-Mayor M. Rosales stated that he attended the Border Trade Alliance in Washington pushing for the Border Trade Agreement from the Federal Government.

Council Member G. Torres stated that she attended the NALEO conference and stated there was a good agenda, the event was both for education and government entities.

8. Executive SESSION(S)

Vote to hold Executive Sessions pursuant to A.R.S. §§38-431.03.A.1., 38-431.03.A.3 and 38-431.03.A.4

8.1 MOTION TO GO TO EXECUTIVE SESSION(S)

MOTION: Council Member G. Torres/ Council Member M. Buchanan Jr. to go to Executive Session at approximately 9:17 p.m. Motion passed unanimously.

8.2 Discussion and possible action to hold an executive session pursuant to A.R.S. §38-431.03.A.1 on any and all matters relating to the position of City Prosecutor and the recruitment, employment, assignment, appointment, and/or salaries of that position. (Glenn Gimbut)

8.3 Discussion and possible action to hold an executive session pursuant to A.R.S. §§38-431.03.A.3 and 38-431.03.A.4 for legal advice and to consider the City's position and instruct its attorneys with respect to contracts with Sun City Development for work performed at the Municipal Court. (Glenn Gimbut)

8.4 MOTION TO GO BACK TO REGULAR SESSION

MOTION: Vice-Mayor M. Rosales/ Council Member M. Buchanan Jr. to go back to Regular Session at approximately 10:47 p.m. Motion passed unanimously.

9. Adjournment

MOTION: Vice-Mayor M. Rosales/ Council Member G. Torres to adjourn the meeting at approximately 10:48 p.m. Motion passed unanimously.



Certification of Council Minutes

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council meeting of the San Luis City Council held on June 24, 2015. I further certify the meeting was dully called and held and that the quorum was present and that the City Council approved these minutes at their Regular Council meeting held on August 12, 2015.

Dated this 13th day of August, 2015.

/s/ Sonia Cuello, City Clerk