

MINUTES
Regular Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
San Luis, AZ 85349
June 8, 2016
7:00 P.M.

1. **CALL TO ORDER** Mayor Gerardo 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 Mario Buchanan Jr.
Council Member Africa Luna-Carrasco
Council Member Maria Cecilia Ramos
Council Member Gloria Torres
Council Member Ruben Walshe

OTHERS PRESENT: Tadeo De La Hoya, Interim City Manager
Sonia Cornelio, City Clerk
Ralph Velez, City Consultant
Crag Higgins, Chief of Police
Derek Dueñas, I.T. Manager
Eulogio Vera, Public Works Director
Hank Green, Fire Chief
Jennifer Cisneros, Acting Parks and Recreation Director
Jenny Torres, Community Development Director
John Starkey, Zoning Administrator
Johnathan Dumadag, I.T. Specialist
Joselyn Medina, PIO/Assistant to Council
Kay Macuil, City Attorney
Katie St. Louis, Finance Director
Manuel Rojas, Assistant Public Works Director
Ric Bauermann, Fire Department
Yolanda Dueñas, Fleet/Facilities Manager

2. **PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Council Member Maria Cecilia Ramos.

3. INVOCATION

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

4. CONSENT AGENDA

4. A. Minutes of:

- Special Council meeting held March 2, 2016
- Special Council meeting held April 14, 2016
- Budget Retreat held April 15 & 16, 2016
- Work Session held April 20, 2016
- Regular Council meeting held April 27, 2016

4. B. Disbursements from May 16, 2016 through May 27, 2016

Total disbursements \$722,289.53

(Seven Hundred Twenty-Two Thousand, Two Hundred Eighty-Nine Dollars and Fifty-Three Cents)

4. C. Discussion and possible action on any and all matters regarding the adoption of Resolution No. 1148. A resolution of the Mayor and Council of the City of San Luis, Arizona, authorizing the City Manager to amend the Classification and 2006 Salary Plan of the City of San Luis; create certain positions; and make other personnel and departmental changes to include transfers within the organization, in preparation for fiscal year 2016-2017. (Tadeo A. De La Hoya, Interim City Manager)

4. D. Discussion and possible action on and all matters regarding the matter of appeal of APS vs. City of San Luis in the Arizona Tax Court Case Number TX 2014-000404. (Kay Marion Macuil, City Attorney)

MOTION: Council Member Gloria Torres/Council Member Africa Luna-Carrasco to approve the Consent Agenda. Motion passed unanimously.

5. DISCUSSION AND POSSIBLE ACTION ITEMS:

5. A. Discussion and possible action on any and all matters regarding ratifying a contract for a Judge Pro Tempore/ Administrative Manager for the San Luis Municipal Court. (Kay Marion Macuil, City Attorney and Tadeo A. De La Hoya, Interim City Manager)

Ms. Kay Macuil, City Attorney, stated that the Superior Court issued an Administrative Order appointing Ms. Cora Romine as Judge Pro Tempore/Administrative Manager. Ms. Macuil added that the City would be providing the compensation for the position.

MOTION: Council Member Africa Luna-Carrasco/ Vice-Mayor Matias Rosales approve and ratify the contract with Cora Romine for Judge Pro Tempore/Administrative Manager as presented. Motion passed unanimously.

5. B. Discussion and possible action on any and all matters pertaining to the approval to award the 300 thousand gallon, tank (Well Site #3) & 500 thousand gallons, tank (Well Site #4) Maintenance/Rehabilitation Project contract to Revolution Industrial. (Manuel Rojas, Assistant Public Works Director)

Mr. Manuel Rojas, Assistant Public Works Director, stated that the City of San Luis went out to bid and Revolution Industrial was the lowest bidder. Mr. Rojas explained the project and commented that staff would possibly be working during the night on this project and would be advising surrounding residents.

Mayor Gerardo Sanchez requested a Public Notice be published in the newspaper in regards to the project.

MOTION: Council Member Gloria Torres/Council Member Maria Cecilia Ramos to accept the bid and approve the contract with Revolution Industrial for an amount not to exceed \$215,000.00. Motion passed unanimously.

5. C. Public Hearing followed by discussion and possible action on any and all matters regarding recommendation of a Special Event Liquor License application to the Arizona Department of Liquor Licenses and Control to authorize San Luis FRONTERA Rotary Club to sell alcohol on July 04, 2016. (Marcos Ramirez, President of the San Luis FRONTERA Rotary Club and Jennifer Cisneros, Acting Parks & Recreation Director)

A. Open Public Hearing

MOTION: Vice-Mayor Matias Rosales/ Council Member Ruben Walshe to open Public Hearing. Motion passed unanimously.

1. Staff Presentation

Ms. Jennifer Cisneros, Acting Parks and Recreation Director, stated that the liquor license is for the fourth of July event and added that this year would be the first year the City of San Luis will be receiving a portion of the sales. Ms. Cisneros added that FRONTERA would be doing the licensing on their behalf.

2. Call to the Public on this item

There were no comments from the public on this item.

B. Close Public Hearing

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to close Public Hearing. Motion passed unanimously.

C. Action on Special Event Liquor License Application to the Arizona Department of Liquor License Application to the Arizona Department of Liquor Licenses & Control.

MOTION: Council Member Africa Luna-Carrasco / Vice-Mayor Matias Rosales recommend to the Arizona Department of Liquor Licenses and Control approval of the San Luis FRONTERA Rotary Club application as presented. Motion passed with six (6) aye votes and one (1) nay vote from Council Member Maria Cecilia Ramos.

5. D. Discussion and possible action on any and all matters regarding reconsideration of Ordinance No. 354. An ordinance related to the Tax Code of the City of San Luis relating to the use Tax Rate for Purchases of Tangible Personal Property. (Kay M. Macuil, City Attorney)

Ms. Kay Macuil, City Attorney, stated that Ordinance No. 348 was recently passed and went into effect June 1, 2016. Through recommendations from experts and the Arizona Department of Revenue telling her that excise tax needed to be included, Ordinance No. 348 was amended by an entirely new ordinance that was approved at the last Regular Council meeting. Ms. Macuil added that Ordinance No. 354 had the incorrect effective date and is now suggesting removing Ordinance No. 354, keeping Ordinance No. 348 in effect and creating a separate ordinance for use tax. Ms. Macuil recommends reconsidering the motion from May 25, 2016 and denying Ordinance No. 354.

MOTION: Council Member Gloria Torres/ Council Member Africa Luna-Carrasco to reconsider the motion of May 25, 2016 which approved and adopted Ordinance No. 354. Motion passed unanimously.

5. E. Discussion and possible action on any and all matters regarding a motion to deny adoption of Ordinance No. 354. An ordinance related to the Tax Code of the City of San Luis relating to the use Tax Rate for Purchases of Tangible Personal Property. (Kay M. Macuil, City Attorney)

Ms. Kay Macuil, City Attorney, explained this item was related to the previously discussed item.

MOTION: Vice-Mayor Matias Rosales/ Council Member Mario Buchanan Jr. deny adoption of Ordinance No. 354. Motion passed unanimously.

5. F. Discussion and possible action on any and all matters regarding the acceptance of bid for the extension of two 12” ductile iron discharge pipes at the East Wastewater Treatment Plant. (Eulogio Vera, Director of Public Works)

Mr. Eulogio Vera, Public Works Director, stated that he is seeking approval of awarding the project to Yuma Valley Contractors. Mr. Vera explained the project and its purpose adding that Yuma Valley Contractors was the lowest bidder of two (2) bids received.

MOTION: Council Member Gloria Torres/ Council Member Ruben Walshe to accept the bid and approve the contract with Yuma Valley Contractors for an amount not to exceed \$78,000.00. Motion passed unanimously.

5.G. Discussion and possible action on any and all matters regarding Text Amendment Case No. 2016-0204 and Second Reading of Ordinance No. 350. An ordinance of the Mayor and Council of the City of San Luis, Arizona, amending the San Luis City Code, Chapter 152 Zoning Regulations, Section 152.259(B) and 152.260 relating to temporary signs and political signs; repealing any conflicting provisions; and providing for severability. (John Starkey, Zoning Administrator)

Mr. John Starkey, Zoning Administrator, stated that the item was a second reading of Ordinance No. 350 that changes the details of the City’s sign code to be current with State law. Mr. Starkey added it would be in effect thirty (30) days after it is passed.

A. Approval of Second Reading of Ordinance No. 350 by title only

MOTION: Council Member Gloria Torres/ Council Member Mario Buchanan Jr. to approve the second reading of Ordinance No. 350 by title only. Motion passed unanimously.

Ms. Sonia Cornelio, City Clerk, read Ordinance No. 350 by title only.

B. Approval and adoption of Ordinance No. 350

MOTION: Council Member Gloria Torres/ Council Member Mario Buchanan Jr. to approve and adopt Ordinance No. 350. Motion passed unanimously.

6. SUMMARY OF CURRENT EVENTS

Mayor Gerardo Sanchez commented that the Fourth of July event is approaching.

Vice-Mayor Matias Rosales commented that he attended the girls softball end of season tournament and reported that one group would be heading to compete at State. Vice-Mayor Matias Rosales added that the kickball tournament will start the week of June 12, 2016.

Mayor Gerardo Sanchez added that the turf soccer field at Parks and Recreation had their grand opening.

Council Member Africa Luna-Carrasco commended Chief of Police Higgins for having his officers patrolling Main Street on foot. Council Member Africa Luna-Carrasco added that there were a lot of interaction between residents and the members of the Police Department.

Mayor Gerardo Sanchez also commented that the City of San Luis held its First Annual David Sr. Boxing Tournament the previous weekend and added that there was a lot of good feedback.

Council Member Maria Cecilia Ramos commented that the Boxing event was very successful.

Mr. Craig Higgins, Chief of Police, thanked Ms. Jennifer Cisneros, Acting Parks and Recreation Director, and Officer Prieto for putting the event together. Mr. Higgins added that he is very proud of the POW program.

7. CALL TO THE PUBLIC

Mayor Sanchez stated on behalf of some residents that there is a growing population of stray cats in the City. He added that the City will be working on the issue.

Mr. Craig Higgins, Chief of Police, commented that recently the San Luis Police Department started a Community Board that meets once a month, in the meeting they had discussed the cat issue and it was recommended by Animal Patrol to pour vinegar around the yard to keep the cats out.

8. EXECUTIVE SESSIONS

MOTION: Council Member Mario Buchanan Jr./ Council Member Ruben Walshe to go to Executive Session at approximately 7:32 p.m. Motion passed unanimously.

8. A. Discussion and possible action to hold an Executive Session pursuant to A.R.S. §38-431.03(A)(3), A.R.S. §38-431.03(A)(4) and A.R.S. §38-431.03(A)(5) on any and all matters regarding discussion or consultation for legal advice with the City Attorney or City Attorneys to consider the City Council's position and instruct its Attorney or attorneys regarding staffing and or compensation contracts of public safety personnel of the San Luis Fire Department. (Kay Marion Macuil, City Attorney)

8. B. Discussion and possible action to hold an Executive Session pursuant to A.R.S. §38-431.03(A) subsections (3) and (4) on any and all matters relating to the San Luis Facility Development Corporation versus CEC Federal Case No. CV 14-02633 PHX MEA and related contracts for discussion or consultation for legal advice with the City Attorney or attorneys and in order to consider the City's position and instruct its attorneys. (Kay Marion Macuil, City Attorney)

8. C. Discussion and possible action to hold an Executive Session pursuant to A.R.S. §38-431.03(A) subsections (3), (4), and (7) for legal advice and consider the City's position and instruct its Attorney with respect to two (2) potential projects the potential purchase of land, financing, and potential lease for a possible commercial development and possible commercial lease contracts that are the subject of negotiations for the Price Center Building. (Kay Marion Macuil, City Attorney)

8. D. Discussion and possible action to hold an executive session pursuant to A.R.S. §38-431.03(A) subsection (1), (3) and (4) on any and all matters relating to the position of Magistrate to discuss or consider employment, assignment, appointment, including possible discussion of confirmation of appointment and/or discussion of approval of terms and/or conditions pursuant to San Luis City Code §34.20, and consultation with the City Attorney or City's Attorneys regarding the same. (Kay Marion Macuil, City Attorney)

8. E. Discussion and possible action to hold an Executive Session pursuant to A.R.S. §38-431.03(A) subsection (3), (4) for discussion and consideration of any and all matters relating to the independent contract of the Consultant to the Interim City Manager and City Council to discuss or consider approval of amending terms and/or conditions and consultation with the City Attorney or City's Attorneys regarding the same. (Kay Marion Macuil, City Attorney)

9. DISCUSSION AND POSSIBLE ACTION ITEMS

MOTION: Council Member Africa Luna-Carrasco/Council Member Gloria Torres to return to Regular Session at approximately 7:58 p.m. Motion passed unanimously.

As per Mayor and Council's request item 10.A. was discussed and then returned to Executive Session, there was no opposition from the Legal Department.

9. A. Discussion and possible action regarding any and all matters related to appointment of a Magistrate. (Kay Marion Macuil, City Attorney)

MOTION: Council Member Ruben Walshe/ Council Member Mario Buchanan Jr. approve and appoint Kristin McManus as Magistrate and approve and adopt the proposed contract for Magistrate. Motion passed unanimously.

MOTION: Vice-Mayor Matias Rosales/ Council Member Ruben Walshe to return to Executive Session at approximately 7:59 p.m. Motion passed unanimously.

MOTION: Vice-Mayor Matias Rosales/ Council Member Mario Buchanan Jr. to return to Regular Session at approximately 8:54 p.m. Motion passed unanimously.

9. B. Discussion and possible action regarding any and all matters related to amendments to the independent contract of Consultant to the Interim City Manager and to City Attorney. (Kay Marion Macuil, City Attorney)

MOTION: Council Member Ruben Walshe/ Council Member Mario Buchanan Jr. approve the proposed amendments to the contract of the Consultant to the Interim City Manager and to the City Council. Motion passed unanimously.

10. AJOURNMENT

MOTION: Vice-Mayor Matias Rosales/ Council Member Mario Buchanan Jr. to adjourn the Regular Council Meeting at approximately 8:55 p.m. Motion passed unanimously.