

MINUTES
Regular Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
San Luis, AZ 85349
September 14, 2016
7:00 P.M.

1. CALL TO ORDER/ROLL CALL Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 7:01 p.m.

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
Aracely De La Hoya, Senior Services Director
Carlos Cortes, Assistant Finance Director
Christine Hagan, Management Analyst
Craig Higgins, Chief of Police
Derek Dueñas, I.T. Manager
Eulogio Vera, Public Works Director
Hank Green, Fire Chief
Jenny Torres, Community Development Director
Jonathan Dumadag, I.T. Technician
Jose Guzman, Assistant Planner
Joselyn Medina, PIO/Assistant to Council
Kay Macuil, City Attorney
Lizandro Galaviz, Parks & Recreation City Director
Manuel Rojas, Assistant Public Works Director
Olivia Jenkins, Utilities Director
Omar Velasquez, Parks & Recreation Department
Ralph Velez, City Consultant
Ric Bauermann, Fire Department
Antonio Carrillo, San Luis ComicCon
Caty Navarro, Yuma Regional Border Health Center
Cesar Neyoy, Reporter
Eduardo Garcia, Factor Sales
Francisca Guzman, Translator

Greg LaVaughn, Greater Yuma Economic Development
Guillermina Fuentes, Resident
Lucy Lopez, Reporter
Pamela Green, Visitor

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Matias Rosales

3. INVOCATION

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

4. PRESENTATIONS

4. A. Certificates of Recognition to the San Luis Police Athletic League participants at the 15th Anniversary Desert Showdown Amateur World Boxing Championship held July 19-23, 2016 in Indio, California. (Craig Higgins, Chief of Police)

Mr. Craig Higgins, Chief of Police, stated that the boxing team is out of town and requested that this item be placed on the next agenda.

4. B. Certificates of Appreciation to the Arizona Department of Public Safety Yuma GITEM Squad, Yuma Sector Border Patrol and the Cocopah Police Department for their assistance during the 4th of July event. (Craig Higgins, Chief of Police)

Mr. Craig Higgins, Chief of Police, explained that during the 4th of July event the San Luis Police Department received the assistance from local Law Enforcement agencies; there were over 20,000 people present enjoying the festivities and there were no incidents reported. He thanked the local Law Enforcement agencies for the assistance provided to the City of San Luis and issued certificates of appreciation.

Mayor Gerardo Sanchez thanked the different local Law Enforcement agencies for the help provided at the event.

5. CONSENT AGENDA

All matters are considered to be routine by the City Council and will be enacted by one motion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

5. A. MINUTES OF

-Regular Council meeting held July 27, 2016

5. B. DISBURSEMENTS FROM AUGUST 15, 2016 TO SEPTEMBER 2, 2016

Total Disbursements \$1,029,060.98

(One Million, Twenty-Nine Thousand, Sixty Dollars and Ninety-Eight Cents)

MOTION: Council Member Gloria Torres/Council Member Ruben Walshe to approve the Consent Agenda as presented. Motion passed unanimously.

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

6. A. Discussion and possible action on any and all matters regarding the purchase of three (3) new tractors, one (1) new aerator, and one (1) new loader attachment for the Parks and Recreation Department under the City Code Section 36.09 for Cooperative Purchasing. (Omar Velazquez, Parks Supervisor)

Mr. Omar Velasquez, Parks Supervisor, stated that the new equipment purchase has been approved for the budgeted Fiscal Year 2016-2017. The KUBOTA Tractors, LANDPRIDE Aerator and KUBOTA Loader Attachment will be purchased from Bingham Equipment, a public competitive procurement process, compliant purchase under City Purchasing Code Section 36.09. The City has previously purchased tractors and equipment from Bingham Equipment. Staff recommends subject purchase from Bingham Equipment in the amount of \$61,960.13.

Mayor Gerardo Sanchez asked if all items have a warranty, to what Mr. Velasquez replied yes.

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to approve purchase as presented in the amount of \$61,960.13 under City Code Section 36.09 and authorize appropriate City Officials to execute the purchase. Motion passed unanimously.

6. B. Public hearing followed by the 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 October 7-8, 2016 during the Aguilas baseball game vs. San Luis All Stars. (Alicia Muñoz Castillo, President of the San Luis FRONTERA Rotary Club & Louie Galaviz, Parks & Recreation Director)

A. Open public hearing

MOTION: Council Member Mario Buchanan Jr./Council Member Gloria Torres to open the public hearing. Motion passed unanimously.

1. Staff Presentation

Ms. Sonia Cornelio, City Clerk, stated that her office received the application for the Special Event Liquor License.

Mr. Lizandro Galaviz, Parks & Recreation Director, introduced Mr. Marcos Ramirez, San Luis FRONTERA Rotary Club to address the Mayor and City Council.

Mr. Ramirez explained that San Luis FRONTERA Rotary Club was contacted by Mr. Galaviz to inquire about their participation by having a concession stand. Mr. Ramirez added that they will be participating and have submitted all the necessary paperwork for the City Council's recommendation on their Special Event Liquor License application.

Mayor Gerardo Sanchez asked how many members are in the San Luis FRONTERA Rotary Club. Mr. Ramirez responded that there are eight (8) members and added that they have a good relationship with the other clubs.

2. Call to the Public on this item

There are were no comments from the public.

B. Close public hearing

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to close the public hearing. Motion passed unanimously.

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

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to recommend approval to the Arizona Department of Liquor Licenses & Control on the Special Event Liquor License application as presented. Motion passed with six (6) aye votes and one (1) nay vote by Council Member Maria Cecilia Ramos.

6. 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 at the 2016 Off-Road Expo on October 22, 2016. (Marcos Ramirez, Sergeant at Arms of the San Luis FRONTERA Rotary Club)

A. Open public hearing

MOTION: Council Member Gloria Torres/Council Member Ruben Walshe to open the public hearing. Motion passed unanimously.

1. Staff Presentation

Mr. Marcos Ramirez, San Luis FRONTERA Rotary Club, explained that this is the fifth Off-Road Expo that they participate in, furthermore he added that all the necessary paperwork has been submitted for the Special Event Liquor License including the steps required to have a safe and successful event such as having the beer in keg rather than selling canned beer. This is a fundraiser that is done in conjunction with the Miss San Luis Pageant.

2. Call to the Public on this item

There were no comments from the public.

B. Close public hearing

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to close the public hearing. Motion passed unanimously.

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

MOTION: Council Member Gloria Torres/Council Member Africa Luna-Carrasco to recommend approval to the Arizona Department of Liquor Licenses & Control on the Special Event Liquor License as presented. Motion passed with six (6) aye votes and one (1) nay vote by Council Member Maria Cecilia Ramos.

Mr. Lizandro Galaviz, Parks & Recreation Director, thanked the San Luis FRONTERA Rotary Club for their support in the renovation of the baseball field and looks forward for future funding opportunities.

6. D. Public hearing followed by discussion and possible action on any and all matters regarding recommendation on the Agent Change, Acquisition of Control and/or Restructure application submitted to the Arizona Department of Liquor Licenses and Control by Andres A. Salcido on behalf of Factor Sales, Inc. dba King Market, located at 654 Main Street, San Luis, Arizona. (Sonia Cornelio, City Clerk)

A. Open public hearing

MOTION: Council Member Africa Luna-Carrasco/Council Member Mario Buchanan Jr. to open the public hearing. Motion passed unanimously.

1. Staff / Applicant Presentation

Ms. Sonia Cornelio, City Clerk, stated that her office received the application from the Arizona Department of Liquor License & Control. The application and notice were posted at the proposed premises; this application is regarding an agent change, acquisition of control and/or restructure, in this case there has been a change in the directors of Factor Sales.

2. Call to the public on this item only

There were no comments from the public.

B. Close public hearing

MOTION: Council Member Africa Luna-Carrasco/Council Member Ruben Walshe to close the public hearing. Motion passed unanimously.

C. Action on recommendation of the Agent Change, Acquisition of Control, and/or Restructure application to the Arizona Department of Liquor Licenses and Control for Factor Sales, Inc. dba King Market

MOTION: Vice Mayor Matias Rosales/Council Member Mario Buchanan Jr. to approve the Agent Change, Acquisition of Control and/or Restructure application on behalf of Factor Sales, Inc., dba King Market to the Arizona Department of Liquor Licenses and Control. Motion passed unanimously.

6. E. Discussion and possible action on any and all matters regarding Resolution No. 1157. A resolution of the Mayor and City Council of the City of San Luis, Arizona, approving and adopting the Agreement renewal with the United States Department of Justice, Drug Enforcement Administration (DEA) for funds supporting the San Luis Police Department's participation in the DEA Task Force. (Craig Higgins, Chief of Police)

Mr. Craig Higgins, Chief of Police, explained that Task Force provides training to officers, helps communities, ensure safe environments and offers ideas from federal, state and local agencies. Mr. Higgins added that this resolution will approve the agreement for another year.

MOTION: Council Member Ruben Walshe/Council Member Mario Buchanan Jr. to approve Resolution No. 1157. Motion passed unanimously.

6. F. Discussion and possible action on any and all matters regarding Resolution No. 1158. A resolution of the Mayor and Council of the City of San Luis, Arizona declaring and adopting the results of the Primary Election held August 30, 2016 in the City of San Luis, Arizona. (Sonia Cornelio, City Clerk)

Ms. Sonia Cornelio, City Clerk, stated that this resolution officially adopts the election results for the Primary Election for the City of San Luis held on August 30, 2016.

Mayor Gerardo Sanchez commented that this election is one of the safest and honest election held in a long time. This is all about the candidates and their hard work; he congratulated Vice Mayor Matias Rosales, Council Members Gloria Torres and Maria Cecilia Ramos.

Vice Mayor Matias Rosales added that he is ready to work hard for the next our (4) years and he also thanked the voters.

Council Member Maria Cecilia Ramos mentioned that it has been an honor to work with the City Council and employees and that she will continue to work hard for the City of San Luis.

Council Member Gloria Torres thanked the City Council and voters, she said they want to continue working with the current City Council as they have been doing so.

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to approve and adopt Resolution No. 1158. Motion passed unanimously.

6. G. Public hearing followed by discussion and possible action on any and all matters regarding First Reading of Ordinance No. 358 by title only. An ordinance of the Mayor and City Council of the City of San Luis, Arizona amending the San Luis City Code Title IX, Chapter 95 relating to animals by adding Section 95.03, Personal Dog Kennels; repealing any conflicting provisions; establishing an effective date and providing for severability. (Marco Santana, Police Department Sergeant)

A. Open public hearing

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to open the public hearing. Motion passed unanimously.

1. Staff Presentation

Mr. Marco Santana, Police Sergeant, explained that this ordinance proposes an annual permit with a cost of \$60.00 and ability to revoke the permit if the requirements are not met for a personal kennel. Any person owning more than six (6) dogs will be required the personal dog kennel permit which has kennel requirements for space, sanitation, elimination of excessive noise, spaying and neutering of the dogs and a maximum of twelve (12) dogs.

There was some discussion and questions/answers amongst the City Council and staff.

Ms. Kay Macuil, City Attorney, said that the San Luis Police Department will be doing an education campaign before this ordinance goes into effect on April 1, 2017.

2. Call to the Public on this Item

Ms. Guillermina Fuentes, resident, asked if vaccines will be accepted from Mexico if their dogs obtain them outside the United States. Ms. Macuil responded that state law indicates that the only vaccines accepted are from the United States. Ms. Fuentes asked what will happen to the 90% dog owners who are in this situation. Ms. Macuil replied that when dogs are caught, then dog owners will be cited for their dogs not being licensed.

B. Close public hearing

MOTION: Council Member Africa Luna-Carrasco/Council Member Mario Buchanan Jr. to close the public hearing. Motion passed unanimously.

C. Action on First Reading of Ordinance No. 358 by title only

MOTION: Vice Mayor Matias Rosales/Council Member Mario Buchanan Jr. to approve First Reading of Ordinance No. 358 by title only. Motion passed unanimously.

Ms. Sonia Cornelio, City Clerk, read Ordinance No. 358 by title only.

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).

Mr. Hank Green, Fire Chief, reported that effective July 6, 2016 the City of San Luis Fire Department began starting operating an ambulance under the City of San Luis Certificate of Necessity, they will officially be in the ambulance business on September 18, 2016. The City of San Luis Fire Department will have fulfilled the Intergovernmental Agreement with the City of Somerton.

Mayor Gerardo Sanchez commented that eight (8) years ago, when he was elected, the City of San Luis had one full time ambulance and that ambulance was not available all the time, there were times where the City of San Luis was without one and the need to wait for assistance from other agencies was not acceptable then nor now. It is a big accomplishment for the City of San Luis to have three (3) ambulances available 24/7. He thanked Mr. Green and staff for the hard work and the City Council for what they have done for the City.

Vice Mayor Matias Rosales, reported that he attended the press conference for the professional baseball game between the Aguilas de Mexicali and the San Luis All Stars and invited everyone present to attend the games. Mayor Gerardo Sanchez thanked Mr. Louie Galaviz, Parks & Recreation Director and his staff.

Mr. Galaviz reported that Parks & Recreation composed the San Luis All Stars team through local talents and provided more details on the two (2) nights of the professional baseball games.

Council Member Maria Cecilia Ramos reported that some Council Members attended the annual League of Arizona Cities and Towns conference where Mayor Gerardo Sanchez and Council Member Gloria Torres were recognized for their eight (8) years of service as Elected Officials. She added that it was an honor to have represented the City of San Luis during the Parade of Flags at this event.

8. CALL TO THE PUBLIC

Ms. Martha Servin, 981 Kennedy Lane, San Luis, AZ asked what is happening at the San Luis Police Department as she was attacked, robbed and hit at her home and so far a police report is not available. A few days after, someone tried to burglarize her home again during the day and the burglars were caught by her and her husband and they were turned over to the police. Ms. Servin stated that the police said they did not know that had happened, she asked the Chief of Police if there is no communication amongst his agents. The response given to her husband when he goes to the Police Department for the report is that there are many inconsistencies due to Ms. Servin not knowing how to respond when asked how long she fainted for, because it was a lot of belongings that were taken for the time she lasted fainted. She added that the Chief of Police does not speak Spanish, but there will be someone who will translate to him everything that has been said today. Mayor Gerardo Sanchez mentioned that at the moment the City Council cannot discuss nor comment on this item as it is not a lined item on the agenda, but all that has been said will be explained to the Chief of Police as everything is recorded. Ms. Servin is requesting the police report to submit her claim to her insurance.

Ms. Guillermina Fuentes, 1630 N. 9th Avenue, San Luis, Arizona congratulated the three (3) re-elected Council Members Maria Cecilia Ramos, Matias Rosales and Gloria Torres. Ms. Fuentes added that Mayor Gerardo Sanchez won the lottery as he is fortunate to have very hard workers like them, serve on the City Council.

Mr. Antonio Carrillo, 1324 East E. Street, San Luis, Arizona stated that his group is working on the San Luis Film Festival and thanked the Mayor and City Council for the support provided to this event for the past five (5) years. Mr. Carrillo proceeded to provide a summary of this year's San Luis Film Festival. Mayor Gerardo Sanchez thanked Mr. Carrillo for the hard work he does.

9. EXECUTIVE SESSION(S)

Vote to hold Executive Session(s) pursuant to A.R.S. §38-431.03(A)(1), (A)(3), and (A)(4)

9. A. Discussion and possible action to hold an Executive Session pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) for legal advice and to consider the City's position and instruct its Attorney with respect to a proposal by Labrie Enviorquip Group. (Jenny Torres, Community Development Director and Kay Marion Macuil, City Attorney)

9. B. Discussion and possible action to hold an Executive Session pursuant to A.R.S. §38-431.03(A)(1), (A)(3), and (A)(4) on any and all matters relating to the position of Chief of Police including evaluation of performance and possible discussion of approval of terms and conditions pursuant to San Luis City Code §32.02 and possible consultation with and/or instruction to the City Attorney or City's Attorneys. (Tadeo A. De La Hoya, Interim City Manager and Kay Marion Macuil, City Attorney)

9. C. Discussion and possible action to hold an Executive Session pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) for consultation for legal advice with the City Attorney and/or Attorneys for the City and to consider instructing the City Attorney regarding any and all matters regarding the San Luis Regional Detention Center and related contracts that are subject to negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. Discussions to include but not limited to: negotiation regarding bond-holders, litigation regarding United States District Court for the District of Arizona case, San Luis Facility Development Corporation v. CEC and CiviGenics No. CV14002633 PHX DMF, litigation regarding Arizona Superior Court for Yuma County case, San Luis Facility Development Corporation v. CEC and CiviGenics Case No. S1400CV2010-586, litigation regarding Arizona Superior Court for Yuma County case, Houston Casualty Company v. CEC, Emerald, SLFDC Case No. S1400 CV 2016 00456, negotiation regarding the Amendments to the Operating and Management agreement with Emerald Correctional Management, LLC, and Discussion and consideration about instructing the City Attorney and/or Attorneys for the San Luis Facility Development Corporation on the direction of negotiations and litigation on all of the above. (Kay Marion Macuil, City Attorney and Ralph Velez, City Consultant)

9. D. Discussion and possible action to hold an Executive Session pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) on any and all matters regarding TRONIX SOUND charges for equipment and instruments for the bands at the 2016 4th of July event for discussion or consultation for legal advice with the City Attorney in order to consider its position and instruct the City Attorney regarding the City's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. (Kay Marion Macuil, City Attorney)

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to go into Executive Session at approximately 8:18 p.m. Motion passed unanimously.

10. MOTION TO GO BACK INTO REGULAR SESSION

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to go back to Regular Session at approximately 10:35 p.m. Motion passed unanimously.

11. DISCUSSION AND POSSIBLE ACTION ITEM:

11. A. Discussion and possible action on any and all matters regarding TRONIX SOUND June 27, 2016 charges for equipment and instruments for the bands at the 2016 4th of July event. (Kay Marion Macuil, City Attorney)

MOTION: Vice Mayor Matias Rosales/Council Member Africa Luna-Carrasco to waive formal purchase procedures pursuant to the San Luis Purchasing Code Section 36.01H because the services were provided to the City by Tronix Sound on the City's 2016 July 4th event and approve payment in the amount not to exceed \$4,500.00. Motion passed unanimously.

12. ADJOURNMENT

MOTION: Vice Mayor Matias Rosales/Council Member Mario Buchanan Jr. to adjourn the Regular Council meeting at approximately 10:36 p.m. Motion passed unanimously.