

MINUTES
Regular Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
San Luis, AZ 85349
December 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 Ruben Walshe (arrived at approx.7:06 p.m.)
Council Member Maria Cecilia Ramos
Council Member Africa Luna-Carrasco
Council Member Mario Buchanan Jr.
Council Member Gloria Torres

OTHERS PRESENT: Tadeo De La Hoya, Interim City Manager
Sonia Cornelio, City Clerk
Andrea Moreno, Police Department
Angel Ramirez, Fire Department
Aracely De La Hoya, Senior Services Director
Axel Chayra, I.T. Technician
Craig Higgins, Chief of Police
Eulogio Vera, Public Works Director
Francia Alonso, Administrative Assistant
Glenn Gimbut, Assistant City Attorney
Hank Green, Fire Chief
Janet Taylor, Legal Assistant
Jenny Torres, Community Development Director
John Starkey, Planning & Zoning Director
Johnathan Dumadag, I.T. Technician
Juan Castillo, Water Meter Reader
Kay Macuil, City Attorney
Ketie St. Louis, Finance Director
Kristin McManus, Municipal Court Judge
Lizandro Galaviz, Parks and Recreation Director
Manuel Rojas, Assistant Public Works Director
Melissa Lopez, Deputy City Clerk
Olivia Jenkins, Utilities Director
Ric Bauermann, Fire Department

Yolanda Dueñas, Fleet/Facilities Manager
Francisca Guzman, Translator
Azucena Torres, Resident
Cesar Neyoy, Reporter
Juan Carlos Cornelio, Resident
Juan M. Guerrero, Justice of the Peace Precinct #2
Lucy Lopez, Reporter
Pamela Green, Visitor
Rafael Torres, Resident
Scarlett Harper, Resident

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. OATH & SWEARING-IN CEREMONIES

- Oath & Swearing-in of office for re-elected Council Members Maria Cecilia Ramos, Matias Rosales and Gloria Torres to be officiated by the Honorable Juan M. Guerrero, Somerton-San Luis Justice of the Peace, Second Precinct.

Judge Juan M. Guerrero performed the swearing-in to re-elected Council Members Maria Cecilia Ramos, Matias Rosales and Gloria Torres.

- Oath & Swearing-in of office for newly appointed City Manager Tadeo A. De La Hoya to be officiated by the Honorable Juan M. Guerrero, Somerton-San Luis Justice of the Peace, Second Precinct.

Judge Juan M. Guerrero performed the swearing-in to Mr. Tadeo De La Hoya, City Manager.

Mayor Gerardo Sanchez congratulated the re-elected Council Members and Mr. De La Hoya. He added that the City Council as a team has proven that they have accomplished many things over the years for the City.

5. CONSENT AGENDA

5. A. MINUTES OF

- Regular Council meeting held September 14, 2016**
- Special Council meeting held September 21, 2016**
- Regular Council meeting held September 28, 2016**

5. B. DISBURSEMENTS FROM NOVEMBER 12, 2016 THROUGH DECEMBER 14, 2016. Total Disbursements \$1,565,416.04 (One Million, Five Hundred-Sixty Five Thousand, Four Hundred Sixteen Dollars and Four Cents)

5. C. Discussion and possible action on any and all matters regarding authorization to join the Strategic Alliance for Volume Expenditures (SAVE) Cooperative Purchasing Agreement. (Angelica Cifuentes, Purchasing Agent III)

5. D. Discussion and possible action on any and all matters regarding the previously approved purchase of a 2016 Chevrolet Colorado two-wheel drive extended cab truck for the Utilities Department to allow for waiver of formal procurement procedures as allowed by the San Luis Purchasing Code Section 36.01(H). (Olivia Jenkins, Utilities Director)

5. E. Discussion and possible action on any and all matters regarding the donation of two old ambulances and the purchase of two new ambulances. (Hank Green, Fire Chief)

5. F. Discussion on any and all matters regarding Fire Department purchase of Image-Trend software to interface with Computer Aided Dispatch and emergency medical service reports. (Hank Green, Fire Chief)

5. G. Discussion on any and all matters regarding the purchase of portable radio equipment for the Fire Department. (Hank Green, Fire Chief)

5. H. Discussion and possible action on any and all matters regarding the re-allocation of funds and request that the revenues generated by the City of San Luis Parks & Recreation Spooktacular Festival held October 31, 2016 be used in equal amount to replenish the Youth Center and Special Services accounts. (Lizandro Galaviz, Parks & Recreation Director)

5. I. Discussion on any and all matters regarding releasing of Probation Funds to refund certain Probation Fees. (Kristin McManus, Magistrate)

5. J. Discussion and possible action on any and all matters regarding Resolution No. 1167. A resolution of the Mayor and Council of the City of San Luis, Arizona, approving an Intergovernmental Agreement between the City of San Luis and Yuma County for the purpose of providing mandated Weekend and Holiday Municipal Court Services. (Kristin McManus, Municipal Court Judge)

5. K. Discussion and possible action on any and all matters regarding the adoption of Resolution No.1168. A resolution of the Mayor and City Council of San Luis, Arizona to receive funding for overtime and mileage by approving an Intergovernmental Agreement and authorizing execution of Subrecipient Agreement Operation Stonegarden Grant Program - Overtime and Mileage between the State of Arizona through the Arizona Department of Homeland Security and the City of San Luis, Arizona through the San Luis Police Department. (Andrea Moreno, Police Administrator)

5. L. Discussion and possible action on any and all matters regarding the adoption of Resolution No.1169. A resolution of the Mayor and City Council of San Luis, Arizona to receive funding for equipment by approving an Intergovernmental Agreement and authorizing execution of Subrecipient Agreement Operation Stonegarden Grant Program - Equipment between the State of Arizona through the Arizona Department of Homeland Security and the City of San Luis, Arizona through the San Luis Police Department. (Andrea Moreno, Police Administrator)

5. M. Discussion and possible action on any and all matters regarding Resolution No. 1172. A resolution of the Mayor and City Council of the City of San Luis, Arizona, declaring as a public record that certain document filed with the City Clerk and titled "The City of San Luis Records Management and Retention Policy". (Sonia Cornelio, City Clerk)

MOTION: Council Member Africa Luna-Carrasco/Vice Mayor Matias Rosales to approve the Consent Agenda as presented. Motion passed unanimously.

6. PRESENTATION

6. A. Presentation of proposed plans for Friendship Park. (Lizandro Galaviz, Parks & Recreation Director)

Mr. Lizandro Galaviz, Parks & Recreation Director, presented the proposed master plan for Friendship Park. Mr. Galaviz spoke about the pedestrian entrance, playground area, memorial bike rack area, water feature plaza, amphitheater area, kiosk, shade structures, gallery area, historic/visitors' center, informational calendar/event board,

police sub-station, and the parking lot. Mr. Galaviz added that one of the thoughts is to be able to utilize the funding from the parking to sustain the park.

Mayor Gerardo Sanchez thanked Mr. Galaviz for the update on the Friendship Park and stated that most of the City's projects are not self-sustained, therefore this is a good idea.

Council Member Africa Luna-Carrasco commented that she liked the proposed layout presented by Mr. Galaviz.

7. DISCUSSION AND POSSIBLE ACTION ITEMS:

7. A. Discussion and possible action on any and all matters regarding proposed agreement with Tadeo A. De La Hoya as City Manager. (Kay Macuil, City Attorney)

Ms. Kay Macuil, City Attorney, explained that this item came up at the last meeting and staff was instructed to come back before the Mayor and City Council with a contract for Mr. Tadeo De La Hoya as City Manager. The contract is a normal City Manager contract, it is at will contract, with the minimum for the salary based on the salary survey for 2006 and recommended approval of the contract.

MOTION: Council Member Mario Buchanan Jr./Vice Mayor Matias Rosales to approve the City Manager's contract as presented for Tadeo A. De La Hoya. Motion passed with six (6) aye votes and one (1) abstention vote by Council Member Gloria Torres.

7. B. Discussion and possible action on any and all matters regarding Resolution No. 1170. A resolution of the Mayor and City Council of the City of San Luis, Arizona approving a Development and Protected Development Rights Agreement for a solar wind energy tower between the City of San Luis, Arizona and Arizona Green Power, L.L.C. (John Starkey, Director of Planning and Zoning, Glenn Gimbut, Assistant City Attorney, and Ron Pickett of Arizona Green Power)

Mr. Ron Pickett, Arizona Green Power, provided an update on the progress of the solar wind energy tower project and requested to enter into a new Development and Protected Development Rights Agreement under the name of Arizona Green Power.

Mayor Gerardo Sanchez thanked Mr. Pickett and added that residents are inquiring about the solar wind energy tower. The City of San Luis continues to support the project.

MOTION: Council Member Mario Buchanan Jr./ Council Member Gloria Torres to approve Resolution No. 1170. Motion passed unanimously.

7. C. Discussion and possible action to adopt Resolution No. 1173. A resolution of Mayor and City Council of the City of San Luis, Yuma County, Arizona prescribing standards of Financial Disclosure for local Elected Officials; repealing conflicting resolutions; providing for severability and declaring an emergency. (Sonia Cornelio, City Clerk)

Ms. Sonia Cornelio, City Clerk, explained that this resolution is regarding the Financial Disclosure Statement which is to be filed by any Elected Official on a yearly basis. Ms. Cornelio stated that the primary change was a new category on the statement that requires reporting of certain travel-related expenses, which when reported are exempt as a “gift” under the law. Additionally, the law no longer requires the specific names of the public officer’s spouse or children to be included on the statement as long as a general description is provided and allows the public officer to provide a home or work address. Lastly, the Secretary of State is authorized to prescribe the electronic format for the local public officer’s Financial Disclosure Statements. The law becomes effective on January 1, 2017 therefore this resolution contains the emergency clause to comply with effective date.

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve and adopt Resolution No. 1173. Motion passed unanimously.

7. D. Discussion and possible action on any and all matters regarding Resolution No. 1174. A resolution of the mayor and City Council of the City of San Luis, Arizona, approving and adopting an intergovernmental agreement with Gadsden Elementary School District to apply for rights of way from the State of Arizona and make improvements on the rights of way. (Jenny Torres, Director of Community Development)

Ms. Jenny Torres, Community Development Director, said that staff has been working with the Gadsden School District on an Intergovernmental Agreement (IGA) for the purpose of acquiring right of way from the State Land Department to provide access to three (3) elementary schools in that area. This IGA will provide for a joint application to obtain access and allow the City to widen and improve their streets in the area and the school to build a road to access the schools. State law provides for a five-year window to build the road or the access reverts back to State ownership. The IGA provides that if the road is not built within that time, the School is agreeing to the City blocking access to the area to prevent trespassing. Staff recommended approval subject to final form of agreement because the City is working with the School's legal counsel on last details of current liability and the engineering work for the legal description for the exhibits are not yet completed. However, the IGA is substantially finished and staff requested approval so as not to delay the project and related funding.

Mayor Gerardo Sanchez stated he knows that staff has been working hard to resolve this problem; it has been 17 years of this issue and is long over-due.

Vice Matias Rosales agreed with Mayor Gerardo Sanchez.

Council Member Maria Cecilia Ramos commented she is happy as this will alleviate the problem with the dust when vehicles drive through there.

MOTION: Council Member Ruben Walshe/Council Member Mario Buchanan Jr. to approve and adopt Resolution No. 1174 subject to final form of agreement. Motion passed unanimously.

7. E. Discussion and possible action on any and all matters regarding First Reading of Ordinance No. 360. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending the City Code of the City of San Luis, amending Chapter 37, adopting the City of San Luis Records Management and Retention Policy, repealing and conflicting provisions; and providing for severability. (Sonia Cornelio, City Clerk)

Ms. Sonia Cornelio, City Clerk, stated this ordinance is for the adoption of the City of San Luis Records Management and Retention Policy to provide guidance to staff to plan and manage the City's Records Management Program.

A. Approval of First Reading of Ordinance No. 360 by title only

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve First Reading of Ordinance No. 360 by title only. Motion passed unanimously.

Ms. Sonia Cornelio, City Clerk, read Ordinance No. 360 by title only.

7. F. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2016-0498, and first reading of Ordinance No. 361. An ordinance of the Mayor and Council of the City of San Luis, Arizona, amending the official zoning map of the City of San Luis by changing the zoning classification of approximately 10 acres located north of County 22nd Street and east of the East Main Canal from Rural Area Residential (RA-10) to Medium Density Residential (R1-6); repealing any conflicting provisions; and providing for severability. (John Starkey, Planning & Zoning Director)

A. Open Public Hearing

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

1. Staff presentation and applicant (if available)

Mr. John Starkey, Planning & Zoning Director, explained that this is a request by Mr. Najeh Edais, Edais Engineering, Inc., on behalf of Riedel Holding LLC to rezone approximately 10 acres, located north of County 22nd Street and east of the East Main Canal from Rural Area Residential (RA-10) to Medium Residential (R1-6) zoning district. The Planning & Zoning Commission held a public hearing for this item on November 29, 2016. The commission recommended approval of the request with the condition that the developer must provide a secondary access to the subdivision. In addition to the recommendations, there was an additional comment that the secondary access for this project link up to the Los Alamos subdivision providing for safer secondary access for Los Alamos subdivision as currently there is no improved road providing secondary access to Los Alamos.

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 First Reading of Ordinance No.361 by title only. Public Hearing

Council Member Maria Cecilia Ramos stated she has been inquiring about an additional roadway to Los Alamos since this is a safety issue for her; she would like to know if staff can study other road options as discussed at a Work Session and presented it at the next City Council meeting; then probably those roads could be united through Los Alamos for another exit.

Mayor Gerardo Sanchez responded that the motion can always be amended and asked legal counsel if this subject could be discussed.

Ms. Kay Macuil, City Attorney, responded this aspect of it can be part of the discussion, it is appropriate for the agenda. The City has more planning power, because once a rezoning is approved by the City Council then there is less opportunity for options for that secondary access.

Mayor Gerardo Sanchez asked if restrictions were being added to the rezoning for Las Quintas. Council Member Maria Cecilia Ramos said the City Council was not adding restrictions to the rezoning, but this is the time to request to add an additional exit.

Council Member Ruben Walshe asked what the recommendation from the Fire Department is. Mr. Starkey responded the recommendation from the Fire Department is to provide secondary access to Las Quintas II Subdivision and added that the secondary access to these ten (10) acres is part of Ordinance No. 361 adopting the rezoning change, in addition to the other requirements.

Mayor Gerardo Sanchez asked if restrictions can be added to a rezoning and if so, can those restrictions be added at a later date.

Ms. Macuil responded yes the City Council can conditioned a rezoning and can be done at a later date, but looking for what options there are for roads to be utilized as an exit is Council Member Maria Cecilia Ramos' inquiry for a study from staff; to verify if there is an opportunity to connect an additional access to Los Alamos from 10th Avenue to County 19th Street.

Mr. Eulogio Vera, Public Works Director, commented that Council Member Maria Cecilia Ramos' request was to look at right a ways of north of the east main canal for a possibility of connecting 10th Avenue to Los Alamos to the north. He is expecting to hear from the Yuma County in two (2) weeks or less on the right of way issues. This will not impact the way the roads will connect from the current zoning to the existing road.

Ms. Nieves Riedel, 1694 N. 9th Avenue, San Luis, Arizona, stated this is a zoning request, they do not have a plat and do not know if they will do the minimum lots allowed. She understands that if there are over 30 houses, two (2) entrances will be needed. She understands Council Member Maria Cecilia Ramos' concern, however County 22nd is the only option she has to connect the subdivision. The only thing she is requesting is that they are informed by staff or the City of all that is needed to have it ready and then she will make a decision if they continue with the project or if they leave the project.

Council Member Maria Cecilia Ramos added she is not trying to stop the project, but one of her visions is to open Los Alamos through County 19th Street and was hoping that the roads could be connected.

Ms. Riedel commented it can be done if the City starts working on it, but will not happen overnight to connect the roads as it will probably be done in the next four (4) years.

Mayor Gerardo Sanchez said his biggest concern is there are multiple developments coming to the City of San Luis and have to plan for the future but at the same time it should not delay this street connect four (4) years to do. The City should not close the options and is something that can be added in the future.

Mr. Glenn Gimbut, Assistant City Attorney, explained that the City's time legally to put conditions on something is best at rezoning than wait for the subdivision plat later and agrees with Ms. Riedel that if there are special concerns with respect to this project, she should be informed as soon as possible and not wait until she submits the subdivision plat.

MOTION: Council Member Maria Cecilia Ramos/Vice Mayor Matias Rosales to continue this item for staff to study road options and present at the next City Council meeting. Motion did not pass with five (5) nay and two (2) aye votes.

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to adopt First Reading of Ordinance No. 361 by title only. Motion passed with six (6) ayes and one (1) nay vote by Council Member Maria Cecilia Ramos.

Ms. Sonia Cornelio, City Clerk, read Ordinance No. 361 by title only.

8. BOARD OF ADJUSTMENT

MOTION: Vice Mayor Matias Rosales/Council Member Mario Buchanan Jr. to convene as Board of Adjustment. Motion passed unanimously.

8. A. Public hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2016-0558. A request by Vianey Vega of Vega & Vega Engineering, on behalf of 5M Holding L.L.C, owner, for a variance to reduce street side setback from 10 feet to 5 feet in a Community Commercial (C-2) zoned property located at 800 N. Main Street, San Luis, Arizona. (John Starkey, Planning & Zoning Director)

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 and Applicant if available

Mr. John Starkey, Planning & Zoning Director, explained that this is a request by Vega & Vega Engineering for reduction of the street side setback from 10 feet to 5 feet. In commercial district the required setback between a roadway and a building is 10 feet away. The existing building is currently being used as an insurance office. The proposed addition is located in the north part of the property which is adjacent to the

right of way alignment of Avenue "E". The mentioned part of Avenue "E" right of way is being used as a parking lot by the same insurance office.

Staff has reviewed this request and has determined that the request meets the criteria for granting a variance from the Zoning Ordinance.

1. There exist special circumstances or conditions regarding the land or building referred to in the application, which do not apply to other properties in the zoning district.

The property has reduced buildable area and with the changes of downtown, access to the property became limited. The owner is using the adjacent property to the north to provide access and parking spaces for customers.

2. The above special circumstances or conditions are preexisting and are not created or self-imposed by the owner or applicant.

The current owner did not create the unique circumstances. The lot was designed in an odd form and small in size which makes it difficult for the owner to develop.

3. The variance is necessary for the preservation of substantial property rights. Without a variance, the property cannot be used for purposes otherwise allowed in this zoning district.

The ability to use the property as a commercial business is not compromised by reducing the setback. The property size limits the type of businesses in this lot. Therefore, without the variance the property cannot be used for bigger businesses allowed in Community Commercial (C-2) Zoning District.

4. The authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.

Any reduction of setback compromises the safety of the neighbor property or the pedestrians. If this variance is approved, it would not be materially detrimental to persons in the vicinity, adjacent property, neighborhood or the public welfare. The reason is because the property to the north is being used as a parking lot for the same business rather than an actual street.

Staff recommends approval of variance to reduce the required street side setback from 10 feet to 5 feet on property located at 800 N. Main Street, San Luis AZ.

The reason for this recommendation is that the applicant meets the four required criteria for a variance as required by City of San Luis Ordinance and by the Arizona Revised Statutes.

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 Variance Case No. 2016-0558

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve the Variance Case No. 2016-0558 and find that the applicant has met the criteria for a variance as required by the City of San Luis and Arizona Law. Motion passed unanimously.

9. MOTION TO ADJOURN AS BOARD OF ADJUSTMENT AND RECONVENE AS CITY COUNCIL

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to adjourn as Board of Adjustment and reconvene as City Council. Motion passed unanimously.

10. SUMMARY OF CURRENT EVENTS

Council Member Ruben Walshe thanked staff and everyone involved in the Christmas Parade, he has received excellent comments from the community.

Mayor Gerardo Sanchez thanked everyone involved in organizing the Christmas Parade.

11. CALL TO THE PUBLIC

There were no comments from the public.

12. EXECUTIVE SESSION

Vote to hold an Executive Session pursuant to A.R.S. §38-431.03(A)(3), (4) and (7).

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to go into Executive Session at approximately 8:24 p.m. Motion passed unanimously.

Discussion and possible action to hold an Executive Session pursuant to A.R.S. §38-431.03(A)(3), (4) and (7) for discussion or consultation:

- for legal advice with the City Attorney or City's attorneys, and/or
- with the City Attorney or City's attorneys in order to consider its position and instruct its attorneys regarding City Council's position regarding contracts that are the subject of negotiations, and/or
- with designated representatives of City Council in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property. (Kay Marion Macuil, City Attorney; Jenny Torres, Community Development Director; Ralph Velez, City Consultant)

13. MOTION TO GO BACK INTO REGULAR SESSION

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to go back into Regular Session at approximately 8:32. Motion passed unanimously.

13. A. Discussion and possible action to adopt Resolution No. 1171. A resolution of the Mayor and City Council of the City of San Luis, Arizona approving a Memorandum of Understanding between the City of San Luis, Arizona and San Luis Commercial Holdings, L.L.C., an Arizona limited liability company. (Jenny Torres, Community Development Director)

MOTION: Vice Mayor Matias Rosales/Council Member Africa Luna-Carrasco to approve and adopt Resolution No. 1171. Motion passed unanimously.

14. ADJOURNMENT

MOTION: Vice Mayor Matias Rosales/Council Member Mario Buchanan Jr. to adjourn the Regular Council meeting at approximately 8:33 p.m. Motion passed unanimously.