

MINUTES
Regular Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
April 12, 2017
7:00 p.m.

1. CALL TO ORDER/ROLL CALL: Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 7:00 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 A. De La Hoya, City Manager
Sonia Cornelio, City Clerk
Andrea Ruiz, Court Administrator
Axel Chaira, I.T. Technician
Carlos Cortes, Assistant Finance Director
Craig Higgins, Chief of Police
Derek Dueñas, I.T. Manager
Eulogio Vera, Public Works Director
Glenn Gimbut, Assistant City Attorney
Hank Green, Fire Chief
Jenny Torres, Community Development Director
Jose Guzman, Acting Planning and Zoning Director
Jorge Perez, Administrative Coordinator
Kay Macuil, City Attorney
Laura Herrera, PIO/Assistant to Council
Marco Santana, Police Department
Lizandro Galaviz, Parks and Recreation Director
Olivia Jenkins, Human Resources Director
Ralph Velez, City Consultant
Ric Bauermann, Fire Department
Yolanda Dueñas, Fleet and Facilities Office Manager
Eduardo Garcia, Factor Sales Inc.

Gary Black, Comite de Bien Estar
Guillermina Fuentes, Resident
Jorge Villacaña, Resident
Lucy Lopez, Reporter
Marco Pinzon, Resident
Marco Ramirez, San Luis Rotary Club
Nigel Reynoso, Police Department
Tony Reyes Sr., Comite de Bien Estar
Vianey Vega, Vega & Vega Engineering

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. PROCLAMATIONS/PRESENTATION

4. A. Proclamation – National Public Safety Telecommunications Week April 9- April 15, 2017

Mr. Tadeo De La Hoya, City Manager, read the proclamation in its entirety.

Mayor Gerardo Sanchez thanked the public safety telecommunications employees for attending the resident's needs.

4. B. Proclamation - Child Abuse Prevention Month April 2017

Council Member Maria Cecilia Ramos read the proclamation in its entirety.

Ms. Karina Reyes, Amberly's Place Advocate, thanked the City of San Luis for allowing them to provide their services to the community.

Mayor Gerardo Sanchez thanked Amberly's Place for the services they provide to the City of San Luis. He added that it is a good feeling to know the community can count on them when in need.

4. C. Presentation by Mr. Gene Dalbey, President of Yuma Region Bicycle Coalition, on a bicycle program and its benefits. (Gene Dalbey, President of Yuma Region Bicycle Coalition)

Mr. Gene Dalbey, President of Yuma Regional Bicycle Coalition, 1183 W. 37th Street Yuma AZ, provided a presentation on the benefits of bringing bicycling to the City of San Luis. Mr. Dalbey stated that he would like to bring a bicycling program to the City of San Luis.

5. CONSENT AGENDA

**5. A. DISBURSEMENTS FROM MARCH 11, 2017 THROUGH MARCH 31, 2017
\$1,049,426.83**

(One Million, Forty-Nine Thousand, Four Hundred Twenty-Six Dollars and Eighty-Three Cents)

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

Mayor Gerardo Sanchez moved Call to the Public to be next on the Agenda. There was no opposition from the Members of the City Council. Call to the Public was left open until the end of the meeting.

12. CALL TO THE PUBLIC

Mayor Gerardo Sanchez stated that he will read a statement regarding the mesh shades and asked that if anyone wants to address this issue to assign one person to speak regarding this matter due to the lengthy Agenda tonight.

Mayor Gerardo Sanchez read a statement in regards to the shade structures. He stated that the current shade structures that are up are against the law adding that there would be several letters sent out to the public to schedule an appointment with City personnel. For those who make the appointment and meet with personnel prior to June 1, 2017 for all shade structures that existed prior to January 1, 2017, the City will offer a financial agreement for those who need financial assistance. This agreement will state that the property owner will agree to be given a one year and six month period to come to compliance with the City Code. If they do not meet the code, then enforcement action will be taken if they bring the property to compliance then no action will be taken. He added that all other City ordinances are to be obeyed and no more illegal shade structures are to be constructed.

Mr. Jose Alberto Cardenas, 1582 San Pedro Street, San Luis AZ, asked the Mayor and City Council if there would be a charge for the assistance the City will be providing to the shade structure issue.

Mayor Gerardo Sanchez replied that there would be no charge.

Mr. Tadeo De La Hoya, City Manager, added that the only charge will be the construction permit fee if there is not one already issued. He added that the City will not be charging the penalty fee for not having a permit.

Mr. Cardenas added that his ramada is not made with mesh material but is made with aluminum sheets.

Mayor Gerardo Sanchez suggested making an appointment and discuss the issue with City personnel.

Mr. Jose Jauregui, 1336 B. Street, San Luis AZ, stated that ten (10) years ago when he constructed his shade structure, he was told he did not need a building permit by inspector Galindo. Mr. Jauregui added that there has not been any problems with the structure and that the City is seeking money from a permit that is not needed.

Mayor Gerardo Sanchez suggested Mr. Jauregui set up an appointment with City personnel to review his case individually as Mr. Galindo is no longer employed with the City.

Mr. Tadeo De La Hoya, City Manager, commented that a discussion cannot be held as it is not an item on the agenda.

Mr. Jorge Villacaña, 1445 Babbit Lane San Luis AZ, thanked the Mayor and City Council for providing the residents with an opportunity to preserve their shade structures and for allowing them to do it correctly. He added that City staff should be more aware of what is happening within the City as rules should be applied when the situation started and not months after.

Ms. Berenisa Jauregui, 1336 East B Street, commented that the letter she received regarding her shade structure had a value of \$6.59 and is asking what necessity was there for several letters to be sent out with that amount. Ms. Jauregui added that she wants the City's support the same way she has provided her support for the City.

Ms. Guillermina Fuentes, 1630 N. 9th Avenue, thanked the Mayor and Council Members for listening to the members of the public on how they have been affected. She also thanked the Members of Council who have allowed the members of the public to speak about their situation. Ms. Fuentes also thanked the Mayor and City Council for thinking about the people they represent.

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

6. A. Discussion and possible action on any and all matters regarding authorization to release Special Revenue Funds to pay indigent defense, to pay unexpected Pro-Tem services, and to cover other contractual expenses for the remainder of Fiscal Year 2016-2017. (Kristin McManus, Magistrate)

Ms. Andrea Ruiz, Court Administrator, stated that the Court is requesting the use of Special Revenue Funds to cover professional and contractual services for the remaining of the fiscal year. Ms. Ruiz added that the funds are needed to cover unexpected Pro-Tem services and to cover indigent defense and contractor services.

Council Member Gloria Torres asked how much money is coming into the court.

Ms. Ruiz replied that the Special Revenue Funds are the funds collected from the court.

Council Member Africa Luna-Carrasco asked what the problem was for clarification purposes.

Ms. Ruiz replied that there has been an increase in court appointed attorneys. She explained that when a person pleads not guilty the judge is to then determine if an attorney will be appointed. Ms. Ruiz added that each judge has a different criteria for appointing an attorney. The reason more attorneys are currently being appointed is because Judge McManus sees the need for them.

Mr. Glenn Gimbut, Assistant City Attorney, further explained the process and added that if the person is sentenced to jail, then the judge can order them to pay.

MOTION: Council Member Maria Cecilia Ramos/Council Member Africa Luna-Carrasco to approve release of fifty-five thousand dollars (\$55,000.00) from the San Luis Municipal Court's Special Revenue funds for allocation into accounts to cover indigent defense, pro-tem services and other contractual expenses for the remainder of Fiscal Year 2016-2017 as presented. Motion passed unanimously.

6. B. Discussion and possible action on any and all matters regarding the approval of an Engineering Design proposal of the 6th Avenue street-paving project by Nicklaus Engineering, Inc. (Eulogio Vera, Public Works Director)

Mr. Eulogio Vera, Public Works Director, requested approval of a proposal to expand the design of Union Street paving project to include 6th Avenue and provide a continuous roadway width to the intersection with Union Street. Mr. Vera added that it would include paving, sidewalks, and street lighting.

MOTION: Council Member Gloria Torres/Council Member Africa Luna-Carrasco to approve Nicklaus Engineering design proposal as presented in the amount of \$21,020.00. Motion passed unanimously.

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 5 de Mayo festivities to be held May 5, 2017. (Marcos Ramirez, Sergeant at Arms of the San Luis FRONTERA Rotary Club)

A. Open public hearing

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

1. Staff and/or Applicant Presentation

Mr. Marco Ramirez, Sergeant at Arms of the San Luis FRONTERA Rotary Club, stated that they were approached by Mr. Louie Galaviz, Parks and Recreation Director, regarding their participation in the 5 de Mayo festivities with selling beer in the event.

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 Africa Luna-Carrasco to close 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 Mario Buchanan Jr. to 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 aye votes and one nay vote from Council Member Maria Cecilia Ramos.

6. D. Discussion and possible action on any and all matters regarding Resolution No. 1180. A resolution of the Mayor and City Council of the City of San Luis, Arizona, approving an agreement between the City of San Luis, Arizona and Western Arizona Council of Governments (WACOG) for a License Agreement for Head Start Facilities. (Kay Marion Macuil, City Attorney and WACOG Representative)

Ms. Kay Macuil, City Attorney, stated that Western Arizona Council of Governments (WACOG) wishes to renew the license for the building they are currently located at. Ms. Macuil added that there are five (5) year increments on the license.

Ms. Deb Hayne, Head Start Director for Arizona Western Council of Governments, stated that they have been providing Head Start services at the listed location for 28 years and are seeking to continue to provide the services.

Mayor Gerardo Sanchez asked how many students are enrolled in the Head Start Program.

Ms. Hayne replied that there are 76 students enrolled.

Council Member Gloria Torres asked how many years the Head Start has been located at the current location.

Ms. Hayne replied that they have been in service for 43 years but 28 years in the location in San Luis.

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve Resolution No. 1180. Motion passed unanimously.

6. E. Public hearing followed by discussion and possible action on any and all matters regarding Resolution No. 1181. A resolution of the Mayor and City Council of the City of San Luis, Arizona, County of Yuma, authorizing the submission of application(s) for Federal Fiscal Year 2017 State Community Development Block Grant (CDBG) funds and Fiscal Year 2016 Community Development Block Grant State Special Projects funds (CDBG-SSP), certifying that said applications meet the community's previously identified housing and

community development needs and the requirements of the State Community Development Block Grant Program, and authorizing all actions necessary to implement and complete the activities outlined in said applications. (Jenny Torres, Community Development Director)

A. Open public hearing

MOTION: Council Member Africa Luna-Carrasco/Council Member Gloria Torres to open public hearing. Motion passed unanimously.

1. Staff Presentation

Ms. Jenny Torres, Community Development Director, stated that this is the second public hearing for these projects, the first public hearing was held on February 2, 2017. Ms. Torres, added that there were a total of three (3) project proposals submitted which were: Merrill Avenue Improvements Phase II, International Plaza I Improvements, and a request by Saguaro Foundation for a \$30,000.00 grant to represent a 20% match to secure a loan for construction or purchase of a new group home to house development disable adults or behavior health clients. Ms. Torres informed upon meeting with Saguaro Foundation representative it was determined that their proposal was not fully complete and eligible for funding as presented.

Ms. Torres stated that after reviewing of all three (3) projects, staff is recommending that Merrill Avenue Improvements Project Phase II be submitted for the Community Development Grant Regional Account and International Plaza I Improvements Project for the Community Development Grant State Special Projects.

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 Africa Luna-Carrasco to close public hearing. Motion passed unanimously.

C. Action on Resolution No. 1181

MOTION: Council Member Mario Buchanan Jr./ Council Member Africa Luna-Carrasco to approve and adopt Resolution No. 1181. Motion passed unanimously.

6. F. Discussion and possible action on any and all matters regarding Resolution No. 1182. A resolution of the Mayor and City Council of the City of San Luis, Arizona, County of Yuma, committing local funds as leverage for Fiscal Year 2016-2017 (Federal year) Community Development Block Grant applications. (Jenny Torres, Community Development Director)

Ms. Jenny Torres, Community Development Director, informed that staff took a look at the projects and there was a financial gap. She added that in order to meet the scope of work and be more competitive, staff would use local funds as leverage. Ms. Torres explained that based on the engineer's cost estimate, Merrill Avenue Phase II had a \$30,000.00 financial gap to complete the project. Ms. Torres also explained that the entire cost for International Plaza I Improvements was initially estimated at \$1.2 million. However, due to limited funding, staff had to reduce the scope of work and only include the most critical areas. She added that committing \$30,000.00 for Merrill Avenue Improvements Phase II and \$190,000.00 for Plaza I Improvements would allow the completion of both projects.

Mayor Gerardo Sanchez commented that it is time to work and focus on International Plaza I.

Vice-Mayor Matias Rosales commented that it is a great project and will benefit the city.

MOTION: Council Member Gloria Torres/Council Member Maria Cecilia Ramos to approve and adopt Resolution No. 1182. Motion passed unanimously.

6. G. Discussion and possible action on any and all matters regarding Resolution No. 1183. A resolution of the Mayor and City Council of the City of San Luis, Arizona, creating a street lighting improvement district and declaring its intention to purchase electricity, and maintain poles, luminaries, and underground conduit together with a charge for use of lighting facilities, for lighting public streets within an area described as Las Quintas de San Luis II Subdivision, Yuma County, Arizona. (Jose A. Guzman, Acting Planning & Zoning Director)

Mr. Jose Guzman, Acting Planning & Zoning Director, stated that the subdivision regulations require a lighting district in subdivisions. Mr. Guzman added that this resolution is to declare the intention for the street lighting improvement district for Las Quintas de San Luis II.

Council Member Gloria Torres asked where the money would come from to do the assessment.

Mr. Guzman replied that those who would be living inside the subdivision would be the ones who will pay for the assessment.

MOTION: Council Member Mario Buchanan Jr./Vice-Mayor Matias Rosales to approve and adopt Resolution No. 1183. Motion passed with six (6) aye votes. Mayor Gerardo Sanchez stepped out.

6. H. Discussion and possible action on any and all matters regarding Resolution No.1184. A resolution of the Mayor and City Council of the City of San Luis, Arizona, declaring its intention to provide the enhanced municipal services of operating and maintaining certain retention basins within the area described as Las Quintas de San Luis II Subdivision, Yuma County, Arizona. (Jose A. Guzman, Acting Planning & Zoning Director)

Mr. Jose Guzman, Acting Planning & Zoning Director, stated that this resolution is related to Las Quintas de San Luis II and is declaring the intention to provide enhanced municipal services.

Ms. Kay Macuil, City Attorney, stated that the improvement district will take care of the retention basins.

Vice-Mayor Matias Rosales asked how many retention basis would be in the subdivision.

Mr. Guzman replied that only one will be in the subdivision. He added that the retention wall between the basin and the canal is included in the resolution.

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to approve and adopt Resolution No. 1184. Motion passed unanimously.

6. I. Discussion and possible action on any and all matters regarding Resolution No. 1185. A resolution of the Mayor and City Council of the City of San Luis, Arizona, authorizing and directing the City Engineer to order the purchase of electricity and to order the maintenance of poles, luminaries and underground conduit incident to the installation of street lights for lighting public streets within an area described as Las Quintas de San Luis II Subdivision, Yuma County, Arizona. (Jose A. Guzman, Acting Planning & Zoning Director)

Mr. Jose Guzman, Acting Planning & Zoning Director, stated that this resolution is for the order of street lighting improvement district.

MOTION: Vice-Mayor Matias Rosales/Council Member Ruben Walshe to approve and adopt Resolution No. 1185. Motion passed with six (6) aye votes as Council Member Gloria Torres had stepped out.

6. J. Discussion and possible action on any and all matters regarding Resolution No. 1186. A resolution of the Mayor and City Council of the City of San Luis, Arizona, authorizing and directing the City Engineer to order the operation and maintenance of certain retention basins for an area described as Las Quintas de San Luis II Subdivision, Yuma County, Arizona. (Jose A. Guzman, Acting Planning & Zoning Director)

Mr. Jose Guzman, Acting Planning & Zoning Director, stated that this resolution will implement the Enhanced Municipal Services District.

MOTION: Vice-Mayor Matias Rosales/Council Member Maria Cecilia Ramos to approve and adopt Resolution No. 1186. Motion passed unanimously.

6. K. Discussion and possible action on any and all matters regarding Resolution No. 1187. A resolution of the Mayor and City Council of the City of San Luis, Arizona, ordering and declaring formation of Las Quintas de San Luis II Community Facilities District (City of San Luis, Arizona). (Jose A. Guzman, Acting Planning & Zoning Director)

Mr. Jose Guzman, Acting Planning & Zoning Director, stated that this resolution is for the formation of a community facilities district for Las Quintas de San Luis II.

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to approve and adopt Resolution No. 1187. Motion passed unanimously.

6. L. Discussion and possible action on any and all matters regarding Resolution No. 1188. A resolution of the Mayor and City Council of the City of San Luis, Arizona approving an Intergovernmental Agreement between the City of San Luis, Arizona and Gadsden Elementary School District No. 32 regarding improvements to conform to traffic study. (Eulogio Vera, Public Works Director)

Mr. Eulogio Vera, Public Works Director, stated that the Gadsden Elementary School District No. 32 had constructed additional classrooms and a new District Administration

building both at the Ed Pastor Elementary School campus. He added that after a traffic study was done it was required to have a traffic light at the intersection of 6th Avenue and Juan Sanchez Boulevard. Mr. Vera stated that the Intergovernmental Agreement will establish the school district to provide 25% of the cost of the traffic light.

Council Member Maria Cecilia Ramos stated that she didn't understand how they were able to construct without a traffic study being conducted.

Mr. Vera replied that the school district is not able to put the money out unless the City is ready with the said project. Mr. Vera added that the plan is to start it next fiscal year.

Mayor Gerardo Sanchez stated that his biggest concern was if they would not be complying when they already have the certificate of occupancy. He asked if the City is supposed to take it away.

Mr. Glenn Gimbut, Assistant City Attorney, stated that there was an understanding by certificate that the school will do a traffic study for the improvements. He added that the school's construction consultant did not think it would be necessary. Mr. Gimbut added that he is currently working on an amendment to the building code to require a traffic study be done when construction on more than one acres of property.

Mr. Vera added that the Yuma County Standards were mentioned in the contract but was not a requirement.

Council Member Gloria Torres commented that she is glad the school district and the City are working together on this project.

MOTION: Council Member Gloria Torres/Council Member Africa Luna-Carrasco to approve and adopt Resolution No. 1188. Motion passed unanimously.

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

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

8. BOARD OF ADJUSTMENT

Public hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2017-0175, a request by Gary Black on behalf of

Comite de Bien Estar Inc., owner, for a Variance in regards to Las Brisas Sunset Town Apartments. The Variance is to reduce the required covered parking from 120 spaces to 43 and to reduce the side yard setback on perimeter units from 10 feet to 0 feet. The property is located in the vicinity of Rio Seco Street and Marea Street in Las Brisas Town House Subdivision, San Luis, Arizona. (Jose A. Guzman, Acting Planning and Zoning Director)

A. Open public hearing

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

1. Presentation by Staff and Applicant

Mr. Glenn Gimbut, Assistant City Attorney, stated that Las Brisas de San Luis Subdivision is zoned as a High Density Residential District (R-3). He explained in the adopted 2012 Zoning Code it is required for townhouses developments to have two (2) cover public parking places for each unit and the end units are required to have side yard setbacks. Mr. Gimbut added that during the development of Las Brisas townhouses a two (2) hour rated fire wall were set up between each unit. He confirmed that safety protocols are in place. Mr. Gimbut added that three of the four hardship criteria had been meet. That being said, Mr. Gimbut recommend approval of the variance.

2. Call to the Public on this item

There were no comments from the public.

B. Close public hearing

MOTION: Vice-Mayor Matias Rosales/Council Member Mario Buchanan Jr. to close public hearing. Motion passed unanimously.

C. Action on Variance Case No. 2017-0175

MOTION: Council Member Maria Cecilia Ramos/Council Member Africa Luna-Carrasco to grant variances for the lots within the plat for Las Brisas Townhomes a re-plat of a portion of Las Brisas de San Luis subdivision as shown on the document entitled Las Brisas Townhomes Variance List 2017. Motion passed with six aye votes and one abstention from Council Member Gloria Torres.

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

MOTION: Vice-Mayor Matias Rosales/Council Member Mario Buchanan Jr. to adjourn as Board of Adjustment and Reconvene as City Council. Motion passed unanimously.

10. DISCUSSION AND POSSIBLE ACTION ITEM(S):

11. SUMMARY OF CURRENT EVENTS

Mayor Gerardo Sanchez commented that he attended a meeting with staff and Anthony from General Service Administration (GSA) and stated that they had talked about renovations on Port of Entry I. He commented the only downside of the expansion would be the loss of Friendship Park. Adding that it is time to communicate with Bureau of Land Management on getting more land to create a Friendship Park II.

12. CALL TO THE PUBLIC

There were no further comments from the public.

13. EXECUTIVE SESSION

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to go to Executive Session at approximately 8:46 p.m. Motion passed unanimously.

Discussion and possible action on any and all matters regarding a motion to hold an Executive Session pursuant to A.R.S. § 38-431.03 (A)(3), (4), and (7) for legal advice and consider the City's position and instruct its Attorney with respect to legal options on a request for incentives for a development and with respect to an economic development incentive policy. (Kay Marion Macuil, City Attorney and Jenny Torres, Community Development Director)

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to go back to Regular Session at approximately 9:19 p.m. Motion passed unanimously.

14. MOTION TO GO BACK INTO REGULAR SESSION

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to go back to regular session at approximately 9:19 p.m. Motion passed unanimously.

15. ADJOURNMENT

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to adjourn the Regular Council meeting at approximately 9:20 p.m. Motion passed unanimously.