

MINUTES
Special Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
November 21, 2017
6:30 p.m.

APPROVED by Council Date: February 13, 2018 Clerk's Office: /s/ S. Cornelio
--

1. CALL TO ORDER/ROLL CALL: Mayor Gerardo Sanchez called the Special City Council meeting to order at approximately 6:38 p.m.

PRESENT: Mayor Gerardo Sanchez
Vice Mayor Maria Cecilia Ramos
Council Member Mario Buchanan Jr. (arrived at approximately 6:41 p.m.)
Council Member Africa Luna-Carrasco
Council Member Gloria Torres
Council Member Ruben Walshe

ABSENT: Council Member Matias Rosales

OTHERS PRESENT: Tadeo De La Hoya, City Manager
Sonia Cornelio, City Clerk
Axel Chaira, I.T. Department
Carlos Cortes, Assistant Director of Finance
Derek Dueñas, I.T. Manager
Eulogio Vera, Director of Public Works
Hank Green, Fire Chief
Jose Guzman, Acting Director of Planning & Zoning
Jesus Meza, Assistant Director of Parks & Recreation
Lizandro Galaviz, Director of Parks & Recreation
Olivia Jenkins, Director of Human Resources
Richard Jessup, Acting Chief of Police
Ric Bauermann, Fire Inspector
Emma Torres, Campesinos Sin Fronteras
Liliana Arroyo, Campesinos Sin Fronteras
Pamela Green, Visitor

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Africa Luna-Carrasco.

3. INVOCATION

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

4. PROCLAMATION

4. A. Dia Del Campesino December 2, 2017

Mrs. Sonia Cornelio, City Clerk, read the proclamation in its entirety.

Ms. Emma Torres, Campesinos Sin Fronteras, thanked Mayor Gerardo Sanchez and City Council for the continuous support provided to this event.

5. CONSENT AGENDA

MINUTES OF

- Work Session held August 2, 2017
- Regular City Council meeting held August 9, 2017
- Work Session held August 16, 2017
- Regular City Council meeting held August 23, 2017
- Special City Council meeting held August 30, 2017

DISBURSEMENTS FROM OCTOBER 30, 2017 THROUGH NOVEMBER 12, 2017

Total Disbursements \$472,991.06

MOTION: Council Member Gloria Torres/Council Member Africa Luna-Carrasco 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 City of San Luis accepting and ratifying slurry seal application services from American Pavement Preservation for application of Type 2 and Type 3 slurry seal as part of the 2018 Pavement Preservation Project. (Eulogio Vera, Director of Public Works)

Mr. Eulogio Vera, Director of Public Works, explained that American Pavement Preservation does the slurry seal for the city. Some services have already been paid so staff is asking for ratification for past payment and approval to go forward with more pavement preservation while American Pavement Preservation is in our area. Staff is

still working on the selection of streets that will receive slurry seal but attached is a map which shows streets that have received either slurry or chip seal in the last three (3) years.

MOTION: Council Member Mario Buchanan Jr. / Council Member Africa Luna-Carrasco to ratify, approve and accept the services of Pavement Preservation for the application of slurry seal in the amount of \$220,000.00 as presented. Motion passed unanimously.

6. B. Discussion and possible action on any and all matters regarding approval of the Proposal for Engineering Services for the design of new lines to improve the reliability of the water system in east San Luis. (Eulogio Vera, Director of Public Works)

Mr. Eulogio Vera, Director of Public Works, explained the overall benefit of the new lines to improve the reliability of the water system in east San Luis. A proposal for engineering services was received from James Davey and Associates for the East Mesa Water Line project. This would be for the design of 12-inch water lines along County 23-1/2 Street from Avenue E-1/2 to Avenue E and also from Avenue E to Avenue D, along Avenue E from County 23-1/2 Street to about County 23-3/4 Street (to the line planned as a part of the San Luis Port Subdivision), and along Avenue D from County 24th Street to County 25th Street; approximately 2-3/4 miles of water line altogether.

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve and accept the proposal for engineering services from James Davey and Associates in an amount not to exceed \$46,300.00. Motion passed unanimously.

6. C. Discussion and possible action on any and all matters regarding Resolution No. 2018. A resolution of the Mayor and City Council of the City of San Luis, Arizona authorizing and directing the entering into an intergovernmental agreement with the Yuma County Flood Control District relating to the San Luis Area Phase II Drainage Improvements. (Eulogio Vera, Director of Public Works)

Mr. Eulogio Vera, Director of Public Works, explained the Yuma County Flood Control District is mainly expanding the downtown storm drain system to collect storm water from the old areas of downtown that do not have retention basins. The city has a need for storm water collection improvements upon the mesa, resulting from the development of homes and businesses that went in before development standards for drainage existed.

Under this intergovernmental agreement, the district will pay for the design and the construction. The city will review plans and comment, will coordinate utility relocation necessary for the project and will acquire all required property, right of way needed for the project. Staff recommends approval of this essential project.

MOTION: Council Member Mario Buchanan Jr. / Council Member Africa Luna-Carrasco to approve and adopt Resolution No. 2018. Motion passed unanimously.

6. D. Discussion and possible action on any and all matters regarding the approval of the organizational audits and assessments contract for the San Luis Police Department by Exceptional Training, LLC. (Richard Jessup, Acting Chief of Police)

Mr. Richard Jessup, Acting Chief of Police, requested that this item be continued as there are some discrepancies who the department will actually go with. The last time the Police Department was audited was 10-15 years ago. There has not been a best practice done on the department.

Council Member Gloria Torres asked if when the city's audit is performed are the Police and Fire Departments audited as well.

Mayor Gerardo Sanchez responded it is different and they have their own auditing for policies and procedures and a certified auditor is required. It is important that the different departments are audited to make sure and assure that the city is providing the best quality.

Mr. Hank Green, Fire Chief, stated the insurance services office is the auditing agency for the Fire Department and they are completely separate from finance and numbers but they evaluate the department's ability to fight fire.

MOTION: Council Member Africa Luna-Carrasco/Council Member Mario Buchanan Jr. to continue the item to the next scheduled City Council meeting. Motion passed unanimously.

6. E. Discussion and possible action on any and all matters regarding Resolution No. 2017. A resolution of the Mayor and City Council of the City of San Luis, Arizona to authorize the City of San Luis Police Department to receive funding for the Impaired Driver/DUI Alcohol Enforcement and STEP/Selective Traffic Enforcement projects by approving Highway Safety Contracts 2018-405d-045 & 2018-PTS-060 between the City of San Luis, Arizona through the San Luis Police Department and the Governor's Office of Highway Safety. (Richard Jessup, Acting Chief of Police)

Mr. Richard Jessup, Acting Chief of Police, explained that the City of San Luis Police Department (SLPD) has been awarded two (2) grants and awarded a total of \$22,000.00 to support additional overtime and employee related expenses to enhance Driving Under the Influence (DUI) and traffic enforcement throughout the City of San Luis.

The SLPD has been awarded \$10,000.00 for the Impaired Driver/DUI Alcohol Enforcement project under Contract No. 2018-405d-045 to support personnel services and employee related expenses to enhance DUI alcohol enforcement and education throughout the City of San Luis. Additional manpower will allow the SLPD to increase its DUI task force efforts, and will improve the ability to enforce DUI laws.

The SLPD has been awarded \$12,000.00 for the STEP/Selective Traffic Enforcement project under Contract No. 2018-PTS-060 to support personnel services and employee related expenses to enhance speed enforcement and education throughout the City of San Luis. Additional manpower under this grant will allow the SLPD to increase its police traffic efforts and will improve the ability to enforce speeding laws.

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to approve and adopt Resolution No. 2017. Motion passed unanimously.

6. F. Discussion and possible action on any and all matters regarding Second Reading of Ordinance No. 370. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, enacting and adopting the Third Supplement to the Code of Ordinances for the City of San Luis, Arizona; repealing any conflicting provisions, and providing for severability. (Sonia Cornelio, City Clerk)

Mrs. Sonia Cornelio, City Clerk, stated that this ordinance is to include the 3rd Supplement to the City Code which includes Ordinances No. 343-361.

**A. Approval of Second Reading of Ordinance No. 370 by title only
(City Clerk to read Ordinance by title only)**

MOTION: Council Member Mario Buchanan Jr./Council Member Gloria Torres to approve Ordinance No. 370 by title only. Motion passed unanimously.

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 370 by title only.

B. Approval and adoption of Ordinance No. 370

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to approve and adopt Ordinance No. 370. Motion passed unanimously.

6. G. Discussion and possible action on any and all matters regarding the Second Reading of Ordinance No. 371. An ordinance of the Mayor and City Council of the City of San Luis, Arizona relating to adopting the "2012-2014 Amendments and 2016 Amendment of Local Option V (Tier Tax) to the San Luis Tax Code " by reference; establishing effective dates; providing for severability; and providing penalties for violations. (Kay Marion Macuil, City Attorney)

Ms. Kay Macuil, City Attorney, explained that Ordinance No. 371 is the city's adoption which is the so-called "rubber stamp" on the tax code amendments passed and approved by the Municipal Tax Code Commission. Under A.R.S. §42-6053(A), the taxes are valid once they are posted on the Arizona Department of Revenue's (ADOR) website which was done. The purpose of this system of a Model Tax Code on a central state website is to make it easier for businesses to comply with paying taxes while doing business around the state. The amendments that Ordinance No. 371 "rubber stamps" are all of the Model City Tax Code changes approved by the Municipal Tax Code Commission since the last approval ("rubber stamp") in the 2014 City of San Luis Ordinance No. 328. The amendments cover 2012 through 2014 plus the Municipal Tax Code Commission's approved Tier Tax for the City of San Luis that became effective June 1, 2016.

**A. Approval of Second Reading of Ordinance No. 371 by title only
(City Clerk to read Ordinance by title only)**

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve Second Reading of Ordinance No. 371 by title only. Motion passed unanimously.

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 371 by title only.

B. Approval and adoption of Ordinance No. 371

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to approve and adopt Ordinance No. 371. Motion passed unanimously.

6. H. Discussion and possible action on any and all matters regarding Subdivision Case No. 2015-0482F. A request by Nicklaus Engineering on behalf of San Luis Port L.L.C., Stephen Shadle, owner, for the final plat approval of San Luis Port Subdivision. The property is located at the northeast corner of Avenue E and County 24th Street. (Jose A. Guzman, Acting Director of Planning and Zoning)

Mr. Jose Guzman, Acting Director of Planning & Zoning, explained that this request is for the final plat approval of the first phase of San Luis Port Subdivision. Phase 1 will consist of 8 lots ranging in size from 1.71 to 4 acres in a total of 27 acres. The entire subdivision contains approximately 228 acres. At this time, the property is vacant but has been used for agricultural activities in the past. Zoned as Rural Area- 10 acres (RA-10) for many years, it was rezoned as a combination of General Commercial (C-2), Light Industrial (L-1), Medium Density Residential (R-2), and High Density Residential (R-3). The zoning districts within the first phase are C-2 and L-1. Staff recommends approval of the request with the condition that the developer addresses letter from staff dated November 13, 2017.

MOTION: Council Member Mario Buchanan Jr./Vice Mayor Maria Cecilia Ramos to approve the final plat on the condition that the developer address the letter from staff dated November 13, 2017. Motion passed unanimously.

6. I. Discussion and possible action on any all matters regarding Second Reading of Ordinance No. 372. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending the San Luis City Code, Chapter 152 Zoning Regulations Section 152.078(E) - Table No. 3 Development Standards to amend the provisions for side yard setback for R1-6 zoning district; Amending Subsections 152.091(A) and (B)(1) to clarify applicability of design and development standards for single detached residence dwelling lots created prior to March 1, 2016; repealing any conflicting provisions; and providing for severability. (Jose A. Guzman, Acting Director of Planning and Zoning)

Mr. Jose Guzman, Acting Director of Planning & Zoning, mentioned that this proposed amendment will allow the reduction of the side yard setback from 7 feet to 5 feet on lots in an R1-6 district and the existing lots in R-2 districts.

However, construction with setbacks of less than 7 feet but no greater than 5 feet must be constructed with a minimum of a 2-hour fire resistive construction. Staff recommends approval and adoption of Ordinance No. 372.

Mayor Gerardo Sanchez, thanked staff for working on this ordinance and added that having a two (2) hour fire resistive wall makes a difference.

**A. Second Reading of Ordinance No. 372 by title only.
(City Clerk to read Ordinance No. 372 by title only)**

MOTION: Council Member Gloria Torres/Council Member Africa Luna Carrasco to approve Second Reading of Ordinance No. 372 by title only. Motion passed unanimously.

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 372 by title only.

B. Approval and adoption of Ordinance No. 372.

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to approve and adopt Ordinance No. 372. Motion passed unanimously.

6. J. Discussion and possible action on any and all matters regarding First Reading of Ordinance No. 373. An ordinance of the Mayor and City Council of the City of San Luis, Arizona changing the San Luis City Code by deleting Section 30.076 on prohibiting same day passage of ordinances, by amending sections 30.77 and 30.78 to allow for one reading and same day passage of ordinances; repealing any conflicting provisions; and providing for severability. (Kay Marion Macuil, City Attorney)

Ms. Kay Macuil, City Attorney, explained that the purpose of this ordinance is to eliminate delay in passing ordinances where State law allows for it. Currently the City Code requires two (2) readings of ordinances. The first and second readings must be on different days.

This proposed ordinance requires only one reading of ordinances and allows for passage on the same day as the reading. This ordinance does not change the effective date of ordinances because state law requires a 30-day wait for an ordinance to become effective. Only in cases of emergency can an ordinance become effective immediately.

**A. Approval of First Reading of Ordinance 373 by title only
(City Clerk to read Ordinance by title only)**

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve First Reading of Ordinance No. 373 by title only. Motion passed unanimously.

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 373 by title only.

6. K. Discussion and possible action on any and all matters regarding First Reading of Ordinance No. 374. An ordinance of the Mayor and City Council of the City of San Luis, Arizona amending Section 30.075 of the San Luis City Code by requiring prior approval of suggested orders and Section 30.078 providing that orders are effective immediately upon passage; repealing any conflicting provisions; and providing for severability. (Kay Marion Macuil, City Attorney)

Ms. Kay Macuil, City Attorney, stated that by state law, ordinances and resolutions become effective 30 days after passage by City Council. Administrative actions which are referred to frequently, are best handled by the formality of a written, numbered document but often it is preferable that the action of Council become effective immediately so as not to delay implementation.

In addition to ordinances and resolutions, the San Luis City Code provides for "orders" in Section 30.080. However, there is no mention when they become effective. Ordinance No. 374 provides that orders become effective immediately and clarifies that "orders" receive the same review by staff that ordinances and resolutions receive.

Mayor Gerardo Sanchez asked if by approving this ordinance if any state or federal law will be infringed.

Ms. Macuil responded that she still needs to review the contents of what staff wants to do, certain things are subject to referendum, but administrative things that staff wants to have track of.

Mr. Tadeo De La Hoya, City Manager, added that this subject came up after the City Council adopted the resolution of the renaming policy and having the 30 day waiting period to become effective, but had it been an order already approved by the City Council it would become effective immediately.

**A. Approval of First Reading of Ordinance 374 by title only
(City Clerk to read the Ordinance by title only)**

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to approve First Reading of Ordinance No. 374 by title only. Motion passed unanimously.

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 374 by title only.

7. SUMMARY OF CURRENT EVENTS

Mayor Gerardo Sanchez reported that they will be going to the Arizona/Mexico Commission next week; he will be attending the William Brook's retirement dinner in Tucson, he will be a keynote speaker to talk about Port of Entry I and the inspection occurring at the Port of Entry II. The City of San Luis has worked very hard on this and the City of Somerton, City of Yuma and Town of Wellton have been supportive.

8. CALL TO THE PUBLIC

There were no comments from the public.

9. ADJOURNMENT

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to adjourn the Special Meeting at approximately 7:29 p.m. Motion passed unanimously.



Certification of Council Minutes

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Council meeting of the San Luis City Council held on November 21, 2017. I further certify the meeting was dully called and held and that the quorum was present and that the City Council approved these minutes at their Special Council meeting held on February 13, 2018.

Dated this 20th day of February 2018.

/s/ Sonia Cornelio, City Clerk