

MINUTES
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
January 10, 2018
7:00 p.m.

1. CALL TO ORDER/ROLL CALL: Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 7:02 p.m.

PRESENT: Mayor Gerardo Sanchez
Vice Mayor Maria Cecilia Ramos
Council Member Mario Buchanan Jr.
Council Member Africa Luna-Carrasco
Council Member Matias Rosales
Council Member Gloria Torres
Council Member Ruben Walshe

OTHERS PRESENT: Tadeo De La Hoya, City Manager
Janet Taylor, Legal Secretary
Axel Chayra, I.T. Technician
Carlos Cortes, Assistant Director of Finance
Chris Hagen, Management Analyst
Eulogio Vera, Director of Public Works
Isaac Gutierrez, GIS Technician
Jenny Torres, Economic Development Manager
Jorge Perez, Billing & Collections Manager
Jose Guzman, Acting Director of Planning & Zoning
Kay Macuil, City Attorney
Lizandro Galaviz, Director of Parks & Recreation
Manuel Rojas, Assistant Director of Public Works
Olivia Jenkins, Director of Human Resources
Ralph Velez, City Consultant
Richard Jessup, Acting Chief of Police
Ric Bauermann, Fire Department
Yolanda Dueñas, Facilities Supervisor
Cesar Neyoy, Reporter
Lucy Lopez, Reporter
America Cano, Clerk's Office Support Specialist
Andrea Soto Yescas, City Council's Office Support Specialist

Blanca Morales, Custodian

2. PLEDGE OF ALLEGIANCE

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

3. INVOCATION

The Invocation was led by Mr. Tadeo De La Hoya, City Manager.

4. PROCLAMATION/PRESENTATIONS

4. A. National Day of Racial Healing

Ms. Janet Taylor, Legal Secretary, read proclamation in its entirety.

4. B. Introduction of the City of San Luis new hires for the fourth quarter from October through December 2017. (Olivia Jenkins, Director of Human Resources)

Ms. Olivia Jenkins, Director of Human Resources, introduced the new hires for the fourth quarter to Mayor and City Council.

Mayor Gerardo Sanchez thanked the new employees for applying to the City of San Luis, and welcomed them to the city.

5. CONSENT AGENDA

5. A. MINUTES OF

-Work Session held October 18, 2017

5. B. DISBURSEMENTS FROM DECEMBER 16, 2017 THROUGH DECEMBER 31, 2017

Total Disbursements \$916,598.68

(Nine Hundred Sixteen Thousand, Five Hundred Ninety-Eight Dollars and Sixty-Eight Cents)

5. C. Discussion and possible action on any and all matters regarding authorization to purchase two (2) police canines for the San Luis Police Department Canine Unit. (Richard Jessup, Acting Chief of Police)

5. D. Discussion and possible action on any and all matters regarding the reimbursement of sponsorship monies & revenue earned in various Recreation Special Events this fiscal year to be placed back in respective special services accounts. (Lizandro Galaviz, Director of Parks & Recreation)

5. E. Discussion and possible action on any and all matters regarding Resolution No. 2021. 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 San Luis Port Subdivision, Yuma County, Arizona. (Jose Guzman, Acting Director of Planning & Zoning)

5. F. Discussion and possible action on any and all matters regarding Resolution No. 2022. A resolution of the Mayor and City Council of the City of San Luis, Arizona, creating an enhanced municipal services improvement district and declaring its intention to provide the enhanced municipal services of operating and maintaining certain retention basins within the area described as San Luis Port Subdivision, Yuma County, Arizona. (Jose Guzman, Acting Director of Planning & Zoning)

5. G. Discussion and possible action on any and all matters regarding Resolution No. 2023. 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 San Luis Port Subdivision, Yuma County, Arizona. (Jose Guzman, Acting Director of Planning & Zoning)

5. H. Discussion and possible action on any and all matters regarding Resolution No. 2024. 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 San Luis Port Subdivision, Yuma County, Arizona. (Jose Guzman, Acting Director of Planning & Zoning)

5. I. Discussion and possible action on any and all matters regarding Resolution No. 2025. A resolution of the Mayor and City Council of the City of San Luis, Arizona, ordering and declaring formation of San Luis Port Community Facilities

District (City of San Luis, Arizona). (Jose A. Guzman, Acting Planning & Zoning Director)

5. J. Discussion and possible action on any and all matters regarding Resolution No. 2026. A resolution of the Mayor and City Council of the City of San Luis, Arizona regarding a policy for crediting service accounts for certain water leaks; repealing any conflicting provisions; and providing for severability. (Jorge Perez, Billing & Collections Manager)

Council Member Africa Luna-Carrasco requested to pull item 5.C. from the consent agenda for further discussion.

Mayor Gerardo Sanchez requested item 5.C. be placed in the agenda for the next scheduled Work Session.

MOTION: Council Member Africa Luna-Carrasco/Council Member Ruben Walshe to accept the Consent Agenda as stated with the exception of item 5.C. which will be discussed at the next Work Session and Regular Council Meeting. Motion passed unanimously.

6. DISCUSSION AND POSSIBLE ACTION ITEMS

6. A. Discussion and possible action on any and all matters regarding contract with James Davey and Associates, Inc. for engineering design and construction administration services for Merrill Avenue Improvements Phase II. (Jenny Torres, Economic Development Manager)

Ms. Jenny Torres, Economic Development Manager, stated that the City of San Luis was awarded \$435,000.00 on CDBG Funds for the Phase II on the Merrill Improvement Project. She added that Phase I has already been completed. She explained the new additions and installations that will occur in the project, she stated that the funds will cover the design of the second phase and construction. She added that the project will be completed between October and November of 2018.

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve the contract with James Davey and Associates in the amount of \$53,505.00 as presented. Motion passed unanimously.

6. B. Discussion and possible action on any and all matters regarding a contract with James Davey and Associates, Inc. for construction administration services for the Price Center Roof Improvements. (Jenny Torres, Economic Development Manager)

Ms. Jenny Torres, Economic Development Manager, stated that in 2015 the city contracted James Davey and Sternco architects to review at the improvements that needed to be made in the second half of the Price Center building, but at the time the project was not feasible. She proceeded to add that the design of the roof and the parking lot were done last year and that the roof design is now complete. She stated that they are ready to go out to bid, but since the project is very complicated and because they don't have the expertise in-house that can go out to inspect and answer questions on the design, she is looking into hiring James Davey's architect and structural engineer. She added that there is a scheduled pre-bid meeting on January 16, 2018 a bid opening on January 25, 2018 and it will take about three (3) months to complete the project.

MOTION: Vice Mayor Maria Cecilia Ramos/Council Member Africa Luna-Carrasco to approve the contract with James Davey and Associates in the amount of \$24,710.00 as presented. Motion passed unanimously.

6. C. Discussion and possible action on any and all matters regarding Second Reading of Ordinance No. 375. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending subsection 51.12(C) of City Code, rates and charges for sewage collection and disposal rates and charges by amending provisions regarding liens and provisions for enforcement of liens; repealing any conflicting provisions; and providing for severability. (Jorge Perez, Billing & Collections Manager)

Ms. Kay Marion Macuil, City Attorney, stated that this ordinance is in line with the state laws. She mentioned that the start of the process has changed from 30 days to 90 days before the start of the collection process. She added that a hearing process for the consumer was inserted under subsection 5.

Mr. Jorge Perez, Billing & Collections Manager, stated that there are about 12 to 15 accounts of around 116 that have a large balance owed to the city. He mentioned that the biggest debt to the city was around \$3,000.00 because payments have not been made to the account since 2016. Mr. Jorge Perez proceeded to add that the amounts owed range from \$500.00 to \$3,000.00.

Mr. Louie Gradias, 18765 Highway 95, Gadsden, Arizona, stated that he was representing the Town of Gadsden and stated that people are concerned on what to do with the large debt owed.

Mayor Gerardo Sanchez commented that the process has been extended to 90 days

and a hearing process has been added to allow those who want to challenge it an opportunity to do so.

A. Approval of Second Reading of Ordinance No. 375 by title only

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve Second Reading of Ordinance No. 375 by title only. Motion passed unanimously.

Mr. Tadeo de La Hoya, City Manager, read Ordinance No. 375 by title only.

B. Action on Ordinance No. 375

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to approve and adopt Ordinance No. 375. Motion passed unanimously.

6. D. Discussion and possible action on any and all matters regarding First Reading of Ordinance No. 376. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending Chapter 50 of the code of the City of San Luis, Arizona regarding solid waste collection and removal services; repealing any conflicting provisions; and providing for severability. (Jorge Perez, Billing & Collections Manager)

Mr. Jorge Perez, Billing & Collections Manager, stated that this item is to bring the code up to current standard practices. He added that it will not increase any rates or change the current process followed.

A. Approval of First Reading of Ordinance No. 376 by title only

MOTION: Council Member Africa Luna-Carrasco/Council Member Mario Buchanan Jr. to approve First Reading of Ordinance No. 376 by title only. Motion passed unanimously.

Ms. Janet Taylor, Legal Secretary, read Ordinance No. 376 by title only.

6. E. Discussion and possible action on any and all matters regarding Resolution No. 2027. A resolution of the Mayor and City Council of the City of San Luis, Arizona, declaring as a public record certain documents filed with the City Clerk titled "Wireless Facilities Standard Terms and Conditions", "Wireless Provider Right of Way License Agreements" and "2018 City of San Luis Design Standards, Concepts and Requirements for Small Wireless Facilities in the Right-of-Way" and declaring an emergency. (Kay Marion Macuil, City Attorney)

Mayor Gerardo Sanchez stated that this item has a deadline the city needs to meet adding that the City of San Luis has no wireless facilities standard terms and conditions. He explained that wireless companies have influenced politicians to create laws that give them a lot of rights. Mayor Gerardo Sanchez stated that the City of Yuma is excluded from antennas being put in their city, but San Luis is not. He explained that this item was an emergency because if this is not passed before February 9, 2018 the city will have no rights.

MOTION: Council Member Mario Buchanan Jr./Vice Mayor Maria Cecilia Ramos to approve and adopt Resolution No. 2027. Motion passed unanimously.

6. F. Discussion and possible action regarding emergency passage of Ordinance No. 377. An Ordinance of the Mayor and City Council of the City of San Luis, Arizona, approving the Wireless Facilities Standard Terms and Conditions; authorizing and Approving forms of Wireless Provider Right of Way License Franchise Agreements between the City of San Luis and wireless providers; approving 2018 City of San Luis Design Standards, Concepts and Requirements for Small Wireless Facilities in the Right-of-Way; authorizing the City Manager and the Director of Planning and Zoning to execute wireless provider license agreements and issue small wireless provider license permits; repealing any conflicting provisions; providing for severability; and declaring an emergency. (Kay Marion Macuil, City Attorney)

Ms. Kay Marion Macuil, City Attorney, stated that this ordinance is to prevent antennas from being placed on the light poles. This will require them to be placed on the ground if they are big and it will create license agreements and contracts with the wireless providers.

Mayor Gerardo Sanchez proceeded to add that this ordinance will also require the wireless facilities to have a business license, and allow the city to charge a fee.

A. Approval of Reading of Ordinance No. 377 by title only

MOTION: Council Member Gloria Torres/Council Member Ruben Walshe to approve reading of Ordinance No. 377 by title only. Motion passed unanimously.

Mrs. Janet Taylor, Legal Secretary, read Ordinance No. 377 by title only.

B. Approval and adoption of Ordinance No. 377

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to approve and adopt Ordinance No. 377. Motion passed unanimously.

6. G. Discussion and possible action on any and all matters regarding the First Reading of Ordinance No. 378. An ordinance of the Mayor and City Council of the City of San Luis, Arizona amending and revising the San Luis City Code Chapter 94 relating to regulating alcohol in city parks and facilities and prohibiting glass containers in city parks, repealing any conflicting provisions; providing for severability, and providing for penalties for violation. (Lizandro Galaviz, Director Parks and Recreation)

Mr. Lizandro Galaviz, Director Parks and Recreation, stated that this is something that they want to bring to the city in order to give the opportunity to the residents. He proceeded to add that they had been working with Legal and with the Police Department as they would be enforcing the ordinance.

A. First Reading of Ordinance No. 378 by title only

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve First Reading of Ordinance No. 378 by title only. Motion passed with six (6) ayes and one (1) nay vote from Vice Mayor Maria Cecilia Ramos.

(City Clerk to read ordinance by title only)

Mrs. Janet Taylor, Legal Secretary, read Ordinance No. 378 by title only.

6. H. Discussion and possible action on any and all matters regarding Resolution No. 2028. A resolution of the Mayor and City Council of the City of San Luis, Arizona approving and adopting the designation of various City Facilities eligible for alcohol permits. (Lizandro Galaviz, Director of Parks and Recreation)

Mr. Lizandro Galaviz, Director Parks and Recreation, stated that they have already designated some areas that can be used for rental and special events. He added that they have gotten requests for alcohol to be available for consumption only.

Ms. Kay Marion Macuil, City Attorney, mentioned some of the locations that will be available.

MOTION: Council Member Matias Rosales/Council Member Mario Buchanan Jr. to approve and adopt Resolution No. 2028. Motion passed with six (6) ayes and one (1) nay vote from Vice Mayor Maria Cecilia Ramos.

7. BOARD OF ADJUSTMENT

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

MOTION: Council Member Africa Luna-Carrasco/ Council Member Ruben Walshe to adjourn as City Council and convene as Board of Adjustment. Motion passed unanimously.

7. A. Public hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2017-0722. A request by Juan Luna, owner, for a variance to build a 6-foot wall on the property line instead of the 3 feet 6 inches required. The property is located at 1271 N. Ruiz Avenue, San Luis, Arizona. (CONTINUED ITEM FROM REGULAR CITY COUNCIL MEETING HELD DECEMBER 27, 2017) (Jose A. Guzman, Acting Director of Planning and Zoning)

A. Open public hearing

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

1. Presentation by staff and/or applicant

Mr. Jose A. Guzman, Acting Director of Planning and Zoning, stated that they reviewed the request and added that the house has the appropriate amount of distance in order to build the 6-foot wall that will respect the setback, and it would not require a variance. He then mentioned the measurements surrounding the house and proceeded to show pictures of the layout of the property, as well as other examples. Mr. Guzman added that the Planning & Zoning Committee recommend denial of the variance because if the 6-foot wall is built all the way to the property line, and it would not meet the criteria requested.

Mayor Gerardo Sanchez asked if that will create any liability for the city.

Ms. Kay Marion Macuil, City Attorney, mentioned that if the city permits things that cause safety hazards, it can open the city up for a lawsuit.

2. Call to the Public on this item

Mr. Juan Luna, 1271 North Ruiz Avenue, San Luis, Arizona, gave a few examples of the point of view of a car standing a few feet behind the stop line. He mentioned that he talked with his neighbors and that they were fine with this project going into action. He also mentioned that the contractor of the property built the house that way because of the fire hydrant.

Mrs. Yesenia Zambrano, 1271 North Ruiz Avenue, San Luis, Arizona, provided examples of houses that had 6-foot walls that are on the property line.

Council Member Matias Rosales mentioned that the reason the 6-foot wall cannot be built is because of Black Street. He added that once you are driving down Ruiz Street, the 6-foot wall will not allow you to see oncoming pedestrians.

Mr. Luna, 1271 North Ruiz Avenue, San Luis, Arizona, asked Mayor and City Council to help him find a solution that will allow him to have safety and privacy for his family, and safety for the citizens of San Luis.

Council Member Matias Rosales suggests pushing the wall in 2 feet to give them privacy, as well as safety to the pedestrians.

Ms. Macuil explained that this is not about coming to an agreement with the city, but complying with safety regulations. She added that if the city comes to an agreement with Mr. Luna, everyone who lives there might want to raise their wall as well. She also stated that a 6-foot wall on a curb can be considered high liability.

Mrs. Zambrano suggested building a 3 1/2 feet wall with a fence on the property line.

Mr. Jose A. Guzman stated that adding 3 1/2 feet fence/wall is not permitted.

Vice Mayor Maria Cecilia Ramos asked for Mr. Luna's thoughts on building a 6-foot wall in compliance with the setbacks.

Mr. Luna stated that he did not like the idea because he would lose a lot of property.

Ms. Macuil thanked Mr. and Ms. Luna for coming to the city and asking for permission, instead of doing things illegally.

B. Close public hearing

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

C. Action on Variance Case No. 2017-0722

MOTION: Council Member Mario Buchanan Jr./ Vice Mayor Maria Cecilia Ramos to deny because application does not meet the criteria for a variance. Motion passed unanimously.

8. MOTION TO ADJOURN AS BOARD OF ADJUSTMENT AND RE-CONVENE AS CITY COUNCIL

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to adjourn as Board of Adjustment and re-convene as City Council. Motion passed unanimously.

9. SUMMARY OF CURRENT EVENTS

Mayor Gerardo Sanchez wished everyone a Happy New Year.

10. CALL TO THE PUBLIC

There were no comment from the public.

11. ADJOURNMENT

MOTION: Council Member Mario Buchanan Jr./Vice Mayor Maria Cecilia Ramos to adjourn the Regular Council Meeting at approximately 8:12 p.m. Motion passed unanimously.