

**AMENDED MINUTES 5/3/2018**

**MINUTES**

**Regular Council Meeting  
San Luis City Council  
San Luis Council Chambers  
1090 E. Union Street  
December 27, 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 Maria Cecilia Ramos  
Council Member Mario Buchanan Jr.  
Council Member Matias Rosales  
Council Member Gloria Torres  
Council Member Ruben Walshe

**ABSENT:** Council Member Africa Luna-Carrasco

**OTHERS PRESENT:** Tadeo De La Hoya, City Manager  
Sonia Cornelio, City Clerk  
Axel Chaira, I.T. Technician  
Carlos Cortes, Assistant Finance Director  
Eulogio Vera, Director of Public Works  
Hank Green, Fire Chief  
Jorge Perez, Billing & Collections Manager  
Jesus Meza, Assistant Director of Parks & Recreation  
Kay Macuil, City Attorney  
Kristin McManus, Municipal Court Judge  
Laura Herrera, PIO/Assistant to City Council  
Lizandro Galaviz, Director of Parks & Recreation  
Olivia Jenkins, Director of Human Resources  
Ralph Velez, City Consultant  
Cesar Neyoy, Reporter  
Francisca Guzman, Translator  
Lucy Lopez, Reporter  
Pamela Green, Visitor  
Miguel Alvarez, Police Department  
Andrea Moreno, Police Department

## **2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Mayor Maria Cecilia Ramos.

## **3. INVOCATION**

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

## **4. CONSENT AGENDA**

### **4. A. MINUTES OF**

- Special Council meeting held September 20, 2017
- Work Session held September 20, 2017
- Regular Council meeting held September 27, 2017
- Work Session held October 4, 2017
- Regular Council meeting held October 11, 2017

### **4. B. DISBURSEMENTS FROM DECEMBER 1, 2017 THROUGH DECEMBER 15, 2017**

Total Disbursements \$754,917.73

(Seven Hundred Fifty-Four Thousand, Nine Hundred Seventeen Dollars and Seventy-Three Cents)

**MOTION:** Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve the Consent Agenda with the changes discussed. Motion passed unanimously.

## **5. DISCUSSION AND POSSIBLE ACTION ITEMS**

### **5. A. Discussion and possible action on any and all matters regarding the approval of gym service agreements for the continuation of the employee gym membership benefit. (Olivia Jenkins, Director of Human Resources and Wellness Committee Representative)**

Ms. Olivia Jenkins, Director of Human Resources, stated that Kay Macuil, City Attorney and she have been working together to go over the agreement with 24/7 Get Fit. She informed that the changes to the agreement had been made and the owner had approved the new changes. One of the new additions is a five hundred dollar deposit (\$500) that will be refunded at the end of the agreement term if the agreement is not canceled.

Mr. Tadeo A. De La Hoya, City Manager, stated that they would move forward with both gym memberships, and that City of San Luis employees will choose which gym membership they will get.

Ms. Jenkins informed that she met with the owner of Border Fitness and discussed the concerns the committee had regarding the facility.

**MOTION:** Council Member Mario Buchanan Jr./Council Member Ruben Walshe to approve all contracts as presented. Motion passed unanimously.

**5. B. Discussion and possible action on any and all matters regarding a request for the creation of city employee position of Court Interpreter. (Kristin McManus, City Magistrate)**

Ms. Kristin McManus, City Magistrate, explained that this is an item that was continued from a previous meeting. She proceeded to mention that the funds that they were considering to fund the new court interpreter position could be the local court fund, which was established by a 1999 ordinance. This ordinance allows the funds to be used for operational costs such as salary costs. After Andrea and herself met with Kay Macuil, City Attorney, as well as the Finance Department she mentioned that the Finance Department went ahead and moved the \$13,000.00 from the court fund to the general fund to act as the court's contribution towards the remainder of the cost for this fiscal year. Ms. McManus added that the court is asking for the city to fund the position through the general fund, but the court's commitment and contribution would be to take out roughly the equivalent of those expenses and remove some operational costs out of the court's general fund, and pay for them out of the court's funds. She added that this is being done out of best practice, and not to fund salaries out of the court's funds.

Ms. Kay Macuil, City Attorney, reassured Council that Ms. McManus got approval from the Administrative Office of the Courts and Finance to proceed with her usage of local funds.

Council Member Gloria Torres asked where the money was coming from in order to fund the position.

Mayor Gerardo Sanchez explained that the city would be paying for the funding, but that they would compensate in the court's budget. He added that because the court cannot directly pay for someone's salary, but the city can, they will then cut the court's budget to compensate for the salary of the new position.

**MOTION:** Vice Mayor Maria Cecilia Ramos/Council Member Ruben Walshe to approve and create the position of a court interpreter. Motion passed unanimously.

**5. C. Discussion and possible action on any and all matters regarding ratification of payment for Emergency Medical Services (EMS) training and to waive procurement procedures. (Hank Green, Fire Chief)**

Mr. Hank Green, Fire Chief, requested to ratification to obtain two levels of training for the Fire Department personnel. He wants to upgrade his staff from Basic Life Support to Advanced Life Support.

He mentioned they had contacted Arizona Western College but time and convince did not allow them to play in it. He proceeded to explain that they decided to contact Wizard Education, someone who they had worked with before. Hank Green had made an agreement with Wizard Education to start the class and enroll the student, and they would pay them as soon as they got approval. Mr. Green informed that he spoke with Wizard Education to put all students into one single class, rather than the usual two classes for Paramedics, and EMTs'. This was solely for convenience in order to have all people be able to work together during events, calls, and emergencies. He asked Council to waive procurement procedures since Wizard Education were the only ones that could work with their time schedules, and were able to accommodate them.

**MOTION:** Council Member Gloria Torres/ Vice Mayor Maria Cecilia Ramos to approve and ratify the purchase of training services through Wizard Education in the amounts of \$47,700.00 and \$7,685.00 and to further move to waive the procurement code for the reasons presented. Motion passed unanimously.

**5. D Discussion and possible action on any and all matters regarding Resolution No. 2020. A resolution of the Mayor and City Council of the City of San Luis, Arizona, authorizing the city of San Luis to become a member of the Yuma Regional Communications System. (Hank Green, Fire Chief and Richard Jessup, Acting Chief of Police)**

Mr. Hank Green, Fire Chief, asked Council to allow them to become members of the Yuma Regional Communications System, and renew their existing intergovernmental agreement. The city of San Luis has been members of the Yuma Regional Communications System since approximately 2008. This agreement is to benefit both the San Luis Fire Department and the San Luis Police Department. Hank Green proceeds to explain the many ways they are able to benefit from the YRCS.

**MOTION:** Council Member Mario Buchanan Jr./ Vice Mayor Maria Cecilia Ramos to approve and adopt Resolution No. 2020. Motion passed unanimously.

**5. E. Discussion and possible action on any and all matters regarding Second 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 Marion Macuil, City Attorney, informed that is ordinance is to eliminate delay in passing ordinances. Currently, the City Code requires two (2) reading of ordinances. This ordinance will allow passage of ordinances on the same day as the reading.

**A. Approval of Second Reading of Ordinance No. 373 by title only**

**MOTION:** Council Member Mario Buchanan Jr./ Council Member Ruben Walshe to approve the second reading of Ordinance No. 373 by title only. Motion passed unanimously.

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

**B. Approval and adoption of Ordinance No. 373**

**MOTION:** Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve and adopt Ordinance No. 373. Motion passed unanimously.

**5. F. Discussion and possible action on any and all matters regarding Second 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; providing severability. (Kay Marion Macuil, City Attorney)**

Ms. Kay Marion Macuil, City Attorney, explained that the purpose of the ordinance is to allow for written orders for certain administrative motions council makes. This will allow them to keep track of them in an order book like they do with resolutions.

**A. Approval of Second Reading of Ordinance No. 374 by title only**

**MOTION:** Council Member Ruben Walshe/Council Member Mario Buchanan Jr to approve the second reading of Ordinance No. 374 by title only. Motion passed unanimously.

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

**B. Approval and adoption of Ordinance No. 374**

**MOTION:** Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve and adopt Ordinance No. 374. Motion passed unanimously.

**6. BOARD OF ADJUSTMENT**

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

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

**6. 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. (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 the public hearing. Motion passed unanimously.

**1. Presentation by staff and/or applicant**

Mr. Jose A. Guzman, Acting Director of Planning and Zoning, explained that this Variance Case is to request permission to build a 6-foot wall along the property line in the front yard setback, but regulations only allow a maximum of 3 feet 6 inches. He mentioned that the front yard setback is 20 feet and is facing Ruiz Avenue. The size of the lot is approximately 6,800 with an average lot of the subdivision only being 5,700. He mentioned that the design of the lot was not created by the owner, but the request is self-imposed because the owner can still build the 3.5 feet wall or a 6-foot wall respecting the setback. He proceeded to explain that the right to use the property as a residence is not compromised because the owner can still build a 6-foot wall respecting the setback and have a private job. He added that having a 6-foot wall along the property line might create traffic issues and put in danger the public welfare. The request does not meet the criteria for the variance.

Mayor Gerardo Sanchez asked where they are planning to build the structure.

Mr. Guzman replied that it would be built on the right side.

Vice Mayor Maria Cecilia Ramos declared a conflict of interest because she resides in the area.

Ms. Kay Marion Macuil, City Attorney, explained that the conflict rules allow a Council member to vote if 10 people are in the same circumstance. Regarding this neighborhood, there are more than 10 people.

Mayor Gerardo Sanchez asked if there is any safety issue involved.

Mr. Guzman mentioned that regulations require this on a corner lot, based on the tracker it can create a traffic issue. If the 6-foot wall is built, when citizens approach the stop sign you won't be able to see the traffic.

Ms. Yesenia Sambrano, Resident of San Luis Arizona in 1271 North Ruiz Avenue, stated that the variance is to build the 6 feet wall because that will act as their backyard. She wants to have the same privacy as all of her neighbors do.

Mayor Gerardo Sanchez Asks Eulogio Vera, Director of Public Works to clarify questions council has about side distance.

Mr. Eulogio Vera, Director of Public Works, explained that a distance study would have to be 100%. He says that on the corner lots the distance used to be a 15 x 15 side triangle, they are currently doing 25 x 25. He stated that if the 6-foot wall is built neither of the two distances will be met.

Mr. Hank Green, Fire Chief mentioned that there are clearances the Fire Department needs in order to be able to operate a fire hydrant.

Vice Mayor Maria Cecilia Ramos suggested building the wall on the property line, in order to avoid creating a blind spot on Black St.

## **2. Call to the Public on this item**

Mr. Luis Chang resident of San Luis AZ suggested moving the corner further back.

## **B. Close public hearing**

**MOTION:** Council Member Matias Rosales/Council Member Mario Buchanan Jr. to close the public hearing. Motion passed unanimously.

## **C. Action on Variance Case No. 2017-0722**

**MOTION:** Council Member Matias Rosales/Council Member Mario Buchanan Jr. to continue the item to January 10, 2018. Motion passed unanimously.

## **7. MOTION TO ADJOURN AS BOARD OF ADJUSTMENT AND RE-CONVENE AS CITY COUNCIL**

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

## **8. SUMMARY OF CURRENT EVENTS**

Mayor Gerardo Sanchez thanked Council and staff for attending the meetings every Wednesday. He recommends skipping a few meeting for 2018 in order to have more Wednesdays off. He wishes everyone a Merry Christmas and safe New Year.

Mayor Gerardo Sanchez asked about waste collection schedule for the holidays.

Mr. Eulogio Vera, Director of Public Works, informed that the pickup day would roll over and that the schedule is also on the website.

## **9. CALL TO THE PUBLIC**

There were no comments.

## **10. EXECUTIVE SESSION**

**MOTION TO HOLD AN EXECUTIVE SESSION PURSUANT TO A.R.S. §§38-431.03(A) (1), 38-431.03(A)(3), 38-431.03(A)(4) and 38-431(A)(5).**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Ruben Walshe to go to Executive Session at approximately 7:53 p.m. Motion passed unanimously.

**Discussion and possible action to hold an Executive Session pursuant to the authority of A.R.S. §§38-431.03(A)(1), 38-431.03(A)(3), 38-431.03(A)(4) and 38-431(A)(5) regarding an employee salary survey, possible implementation, and impacts on existing employee contracts and benefits. (Kay Marion Macuil, City Attorney)**

## **11. MOTION TO GO BACK INTO REGULAR SESSION**

**MOTION:** Council Member Matias Rosales/Council Member Ruben Walshe to go back to regular session at approximately 8:44 p.m. Motion passed unanimously.

## **12. ADJOURNMENT**

**MOTION:** Council Member Matias Rosales/Council Member Gloria Torres to adjourn the Regular City Council meeting at approximately 8:44 p.m. Motion passed unanimously.