

MINUTES
Work Session
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
December 6, 2017
6:30 p.m.

1. CALL TO ORDER/ROLL CALL: Mayor Gerardo Sanchez called the Work Session to order at approximately 6:36 p.m.

PRESENT: Mayor Gerardo Sanchez
Vice-Mayor Maria Cecilia Ramos-arrived at 6:42 p.m.
Council Member Mario Buchanan Jr.
Council Member Africa Luna-Carrasco
Council Member Matias Rosales

ABSENT: Council Member Gloria Torres
Council Member Ruben Walshe

OTHERS PRESENT: Tadeo A. De La Hoya, City Manager
Sonia Cornelio, City Clerk
Kay Marion Macuil, City Attorney
Andrea Ruiz, Municipal Court
Carlos Cortes, Assistant Director of Finance
Derek Dueñas, IT Manager
Eulogio Vera, Director of Public Works
Jenny Torres, Economic Development Manager
Jesus Meza, Assistant Director of Parks and Recreation
Laura Herrera, Assistant to Mayor and Council / PIO
Manuel Rojas, Assistant Director of Public Works
Richard Jessup, Acting Chief of Police
Ric Bauermann, Fire Department

2. ITEMS FOR DISCUSSION ONLY:

2. A. Discussion and possible directions to staff on any and all matters regarding the approval of a six (6) month gym service agreement between the City of San Luis and 24/7 Get Fit. (Olivia Jenkins, Director of Human Resources and Janet Taylor, Wellness Committee Member)

Ms. Maria Sabori, Human Resources, introduced Ms. Janet Taylor, Wellness Committee Member.

Ms. Janet Taylor informed that the Wellness Committee met to discuss the employee's Gym services and are recommending that the contract with 24/7 Get Fit be reviewed and authorized for a period of six (6) months. She mentioned that the current contract with Border Fitness Gym expires on December 31, 2017, the reasons for recommending the change are, cleanliness concerns in both locations, air conditioning problems, outside poor lighting, bathroom out of order in Somerton, machines are out of order and take a while to be repaid and the majority of the machines are worn out. These issues were brought to Border Fitness Gym attention six (6) months ago, and no effort has been made to improve these conditions. Therefore, staff is requesting to enter into a six (6) month contract with 24/7 Get Fit.

Council Member Mario Buchanan Jr. asked if Border Fitness is aware of all the recommendation from staff.

Ms. Maria Sabori replied that the Human Resources Department sent a notification informing them that the Wellness Committee was considering the change and added that there was no reply from them. The communication between the city and Border Fitness is through email and normally get a response from them, but this time there was no reply from them.

Mayor Gerardo Sanchez asked if 24/7 Get Fit Gym also offer classes or is it just aesthetics.

Ms. Taylor replied that they only offer aesthetics. However a survey was put out to the employees, and the major concern was Zumba classes. She mentioned that Zumba classes at the Cesar Chavez Cultural Center were offered from the Border Fitness Gym instructor as long as they are a gym member.

Ms. Sabori explained that the Parks and Recreation Department usually charges for the Zumba classes, but this time if an employee is a gym member, classes will be offered for free.

Council Member Africa Luna-Carrasco asked if after the survey conducted, all employees agreed with the changes.

Ms. Sabori replied that the survey was conducted only for the gym members currently enrolled, from the 34 members-only 11 responses were received. From those 11 members, 6 attend classes, and 5 did not attend classes, only uses the machines. She added that all members were also informed that the new gym did not offer classes, would that discourage them from being in the program, four (4) members replied "Yes," and seven (7) members replied "No."

Mayor Gerardo Sanchez asked how much will the city be spending with 24/7 Get Fit Gym.

Ms. Kay Marion Macuil, City Attorney, explained that the proposed contract with 24/7 Get Fit has a membership fee of \$19.99 per employee, there is no Administrative Fee, but there is a penalty when fewer than 15 employees participate. She added that the total penalty fee would be \$1,799.10. Furthermore, she informed that with the contract with Border Fitness the membership fee is \$22.00 per employee, \$25.00 flat Administrative Fee and there is no penalty. Both contracts have a maximum of 50 employees. Furthermore, she added that in the proposed contract, there is a penalty if the membership is fewer than 15 or if the contract terminates before the expiration of the contract, the city will pay \$49.00 enrollment fee per employee and pay \$20.00 for a key card for every employee. Ms. Macuil stated that for the last two and a half (2 1/2) years the city has been offering this benefit, employee participation has not fallen below 35, the city probably will not incur the penalty.

Mr. Tadeo A. De La Hoya, City Manager, stated that he does not agree with the 30-day clause in the proposed contract. He mentioned that it would be cheaper for the city to stay with the contract and not terminate, because of the 30-day clause.

Mayor Gerardo Sanchez stated that the benefit for employees with the proposed contract is that they will be able to go to the gym at any time. The issue will be that the gym is always full and that there are no machines available.

Council Member Africa Luna-Carrasco asked if staff already negotiated the contract with 24/7 Get Fit.

Mayor Gerardo Sanchez mentioned that this must be a negotiation as the membership fees are lower. He commented that this benefit is only for the employee and not the family.

Council Member Mario Buchanan Jr. asked how is attendance taken for members attending to the gym.

Ms. Taylor replied that they have a system that will record attendance.

Mayor Gerardo Sanchez asked how will 24/7 Get Fit keep track of members attending the gym just for the Zumba classes if they will be provided by an instructor not associated with them.

Ms. Sabori replied that BorderFitness does not keep track of the classes taken, the numbers were taken when the survey was done to the employees.

Mayor Gerardo Sanchez asked staff to make sure that the contract meets the city requirements, it is very important to review the contract.

Council Member Africa Luna-Carrasco stated that she would like to ask staff to make sure that BorderFitness has been properly informed.

Council Member Matias Rosales asked if there is a way that the city can stick with the two gym contracts.

Council Member Africa Luna-Carrasco suggested that in the future the gym membership benefit should also include the gyms in Yuma, as there are employees that live in Yuma.

Mayor Gerardo Sanchez asked staff to negotiate the contract with both gyms and informed BorderFitness of the changes.

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

Ms. Andrea Ruiz, Municipal Court, informed that the Municipal Court is asking for a city employee position of Court Interpreter. She explained that the court is currently utilizing contract interpreters, and due to the large demand for these services in San Luis and the certification requirements for court interpreters statewide, a salaried position is beneficial and necessary. Ms. Ruiz made a presentation on the benefits of having a court interpreter. The benefits estimated provided by the Finance Department for a total of \$53,330.00. She informed that the court already contracted a court interpreter services for July 1, 2017 through December 31, 2017. She stated that the court is requesting this position beginning January 1, 2018. The full total cost for the salaried position for the remaining six (6) months is \$26,665.00.

Council Member Africa Luna-Carrasco asked why it is recommended that this position come from the general fund.

Ms. Ruiz explained that the recommendation was made by the Finance Department, as all salaried positions come out the general fund and not from the special revenues from the court.

Mr. Carlos Cortes, Assistant Director of Finance, explained that it is not appropriate to allocate operational salaries from the court special revenues for this reason the Finance Department's recommendation is to allocate the salary from the city's general fund.

Mayor Gerardo Sanchez stated that he understands that the special revues are not appropriate to fund operational positions, and stated that currently the city is in a tremendous need of Police Officers if other positions are funded the general fund will get depleted and the public safety positions will not be funded.

Ms. Ruiz commented that she understand the problem, but if this position is not funded it will be a problem next fiscal year. She added that a full time interpreter is needed as the need is there.

Mayor Gerardo Sanchez stated that he understands that this is necessary and asked staff to look at other options. He mentioned that at the end this position will be funded but staff needs to look at the numbers first.

Mr. Cortes informed that there are some categories under the Internal Revenue Services, that some contractual services falls under salaries depending of the type of services.

Council Member Matias Rosales asked how much the court currently is paying for interpreter services.

Ms. Ruiz replied that the current salary is approximately \$25,000.00, but more than one interpreter is needed at the court. For the two salaries it will be approximately \$40,000.00.

Council Member Matias Rosales asked when there is a downtime at the court for the interpreter, does she help in other duties.

Ms. Ruiz replied that currently the interpreter is not allowed to do anything else as it is stipulated in her contract that only interpreter services will be given. She added that the benefit of creating this position and funded with city monies, is that this person will be an employee and will be able to help with other duties. Ms. Ruiz commented that this issue was brought up that the translator is at the court all day and works as a full-time employee but without the benefits.

Mayor Gerardo Sanchez asked staff to research to see if there are other ways to fund this position.

Mr. Tadeo De La Hoya, City Manager, stated that as Ms. Ruiz mentioned the current interpreter is working as a regular employee, but from this point forward this person should not be working as a regular employee. This person needs to start working as an independent contractor.

Ms. Kay Marion Macuil, City Attorney, explained that the current interpreter is an independent contract and not a regular employee. She stated that there has been a misunderstanding, this person only does interpretation services.

2. C. Discussion and possible directions to staff on any and all matters regarding a proposed ordinance. 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. (Kay Marion Macuil, City Attorney)

Mr. Jorge Perez, Billing & Collections Manager, informed that currently the city provides sewer services for Gadsden, AZ; providing sewer service without water services creates problems as Gadsden at the time of collecting monies for those services. In the City of San Luis if an account is delinquent in the city, then their services may be shut off then the account holder will then pay the bill. In Gadsden, those services cannot be shut off as those services are not provided to the town. Those account will go for years without paying the charges. He explained that in those cases the city imposes a lien on the real property and then foreclose for the lien. This process is time-consuming and can be a costly process. Furthermore, he informed that the proposed ordinance will allow the city to recover its costs which can include a reasonable attorney's fees; will bring the code into strict conformance with state law; and it will provide that a recorded lien is behind all other previously recorded liens. Mr. Perez explained that this ordinance does not propose new fees or charges for fees or services.

Mayor Gerardo Sanchez asked if services can be interrupted for the delinquent accounts.

Ms. Kay Marion Macuil, City Attorney, replied that she reviewed this with Mr. Eulogio Vera, Director of Public Works, and he stated that this will put the city in a public safety health issue. She informed that the city currently has multiple properties owing more than \$30,000.00 from which only several owe more than \$3,000.00.

3. ADJOURNMENT

MOTION: Council Member Africa Luna-Carrasco/Council Member Matias Rosales to adjourn the Work Session at approximately 7:36 p.m. Motion passed unanimously.