

MINUTES
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
June 13, 2018
7:00 p.m.

1. CALL TO ORDER/ROLL CALL: Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 7:03 p.m.

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

ABSENT: Council Member Gloria Torres
Council Member Matias Rosales

OTHERS PRESENT: Tadeo De La Hoya, City Manager
Sonia Cornelio, City Clerk
Andrea Ruiz, Court Administrator
Aracely De La Hoya, Manager of Senior Services
Axel Chayra, I.T. Technician
Carlos Cortez, Assistant Director of Finance
Eulogio Vera, Director of Public Works
Francia Alonso, Acting PIO/Assistant to Council
John Starkey, Building Inspector
Jorge Perez, Billing & Collections Manager
Jose Guzman, Director of Planning & Zoning
Kay Macuil, City Attorney
Lizandro Galaviz, Director of Parks and Recreation
Monica Castro, Director of Finance
Ric Bauermann, Fire Department
Roula Encinas, Finance Department
Alday Cano, Translator
Cesar Neyoy, Reporter
Gary Black, Comité de Bienestar
Javier Nuno, Resident
Jose Ponce, Resident
Lucy Lopez, Reporter

2. PLEDGE OF ALLEGIANCE

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

3. INVOCATION

The Invocation was led by Mr. Richard Jessup, Acting Chief of Police.

4. PRESENTATION/PROCLAMATION

4. A. Presentation by the Warden of the San Luis Regional Detention and Support Center on the progress of the operations and employment. (Warden David Rivas, LaSalle corrections)

Mr. Warden David Rivas, LaSalle Corrections gave a presentation discussing the closing of a corrections facility operated by Emerald Corrections Management that would be overtaken by LaSalle Correction. He discussed changes in the internal processes such as terminating employees under the Emerald Management Firm and rehiring them under LaSalle Corrections, new benefits packages for employees and ordering supplies. Entering 2018, the facility has seen growth and new supplies. Mr. Warden David Rivas closed the presentation by explaining the tour of the facility.

Mayor Gerardo Sanchez thanked Mr. Warden David Rivas for his commitment and hard work on behalf of the Council and City of San Luis.

4. B. Proclamation - 2018 Elder Abuse Awareness Day June 15, 2018

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

Mayor Gerardo Sanchez expressed his support for the elders, and encouraged everyone to stop by the senior center to celebrate with all the elders.

5. CONSENT AGENDA

5. A. MINUTES OF

- Budget Retreat meeting held May 4-5, 2018
- Regular Council meeting held May 9, 2018
- Work Session meeting held May 16, 2018
- Special Council meeting held May 30, 2018

5. B. DISBURSEMENTS FROM MAY 19, 2018 THROUGH JUNE 1, 2018

Total Disbursements \$537,852.38

(Five Hundred Thirty-Seven Thousand, Eight Hundred Fifty-Two Dollars and Thirty-Eight Cents)

5. C. Discussion and possible action on any and all matters regarding the third and fourth amendments to the Spear Point Energy site lease for the solar panels. (Kay Marion Macuil, City Attorney)

MOTION: Council Member Mario Buchanan Jr./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 approval of Lighting and Retention Basin Assessment Districts Budget for Fiscal Year 2018-2019. (Monica Castro, Director of Finance)

Mr. Carlos Cortez, Assistant Director of Finance, talked about the approval of Lighting and Retention Basin Assessment Districts Budget for Fiscal Year 2018-2019. He stated the amounts are based on estimated costs that the city will incur to provide the service and are included in the proposed Fiscal Budget for the year 2019.

Mayor Gerardo Sanchez asked questions about converting the lighting systems to which Mr. Eulogio Vera, Director of Public Works, stated that in order to retrofit L.E.D lighting that the City of San Luis would have to start a project with APS.

MOTION: Council Member Mario Buchanan Jr./Vice Mayor Maria Cecilia Ramos to approve the 2018-2019 Fiscal Year Budget for the Lighting and Retention Basin Assessment Districts as presented. Motion passed unanimously.

6. B. Discussion and possible action on any and all matters regarding acceptance of the Tentative Budget for Fiscal Year 2018-2019. (Monica Castro, Director of Finance)

Ms. Monica Castro, Director of Finance, discussed the budget from the court as they proposed a new budget this upcoming fiscal year due to the court contemplating the hire of a new court translator, outsourcing of a new magistrate, and a new water filtration system.

Mayor Gerardo Sanchez proceeded to compare the court's 2019 Fiscal Year Budget to previous year's budgets.

Ms. Monica Castro, presented 2019 Fiscal Year Budget after thanking multiple department leaders and staff.

She stated the budget will maintain quality of service to the community and be able to address the first phase of the implementation of the salary adjustment. She then stated that the budget would be published in the newspaper with further details for the public to view.

MOTION: Council Member Mario Buchanan Jr./ Vice Mayor Maria Cecilia Ramos to approve the tentative budget for Fiscal Year 2018-2019. 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 Somerton Rotary Club to sell alcohol at the 4th of July Festivities to be held July 4, 2018. (Lizandro Galaviz, Director of Parks and Recreation)

A. Open public hearing

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

1. Presentation by staff and/or applicant

Mr. Lizandro Galaviz, Director of Parks and Recreation, gave a presentation regarding the approval of a Special Event Liquor License application to the Mayor and City Council to authorize Somerton Rotary Club to sell alcohol at the 4th of July celebration. He added that this Liquor License is a one-time deal.

2. Call to the public on this item

There was no comment from the public.

B. Close public hearing

MOTION: Council Member Africa Luna-Carrasco/Council Member Mario Buchanan Jr. 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 Mario Buchanan Jr./Council Member Africa Luna-Carrasco to recommend approval to the Arizona Department of Liquor Licenses and Control the application for the Special Event Liquor License of Somerton Rotary Club as presented. Motion passed with 4 ayes and 1 nay from Vice Mayor Maria Cecilia Ramos.

6.D. Discussion and possible action on any and all matters regarding Resolution No. 2047. A resolution of the Mayor and City Council of the City of San Luis electing terms for the directors of the San Luis Facility Development Corporation. (Kay Marion Macuil, City Attorney and Attorney for the Corporation)

Ms. Kay Marion Macuil, City Attorney, mentioned that a member of the San Luis Facility Development Corporation was present. She proceeded to state the names of the members that still wish to continue.

Mr. John Starkey, Building Inspector, commented on continuing with the committee

MOTION: Vice Mayor Maria Cecilia Ramos/ Council Member Mario Buchanan Jr. to approve and adopt Resolution No. 2047. Motion passed unanimously.

6.E. Public hearing followed by discussion and possible action on any and all matters regarding Ordinance No. 381. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending the official zoning map of the City of San Luis by changing the zoning classification of 3.45 acres from High Density Residential (R-3) to Medium Density Residential (R1-6) for property located at 3415 E. Janet Napolitano Boulevard; Repealing any conflicting provisions; and providing for severability. (Jose A. Guzman, Director of Planning and Zoning)

A. Open public hearing

MOTION: Council Member Africa Luna-Carrasco/ Vice Mayor Maria Cecilia Ramos to open public hearing. Motion passed unanimously.

1. Staff presentation

Mr. Jose A. Guzman, Director of Planning and Zoning, is requesting to rezone 3.45 acres of land. He proceeded to state the current zoning as well as the proposed zoning.

2. Call to the Public on this item

There was no comment from the public.

B. Close public hearing

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

C. Approval of Reading of Ordinance No. 381 by title only

MOTION: Vice Mayor Maria Cecilia Ramos/Council Member Mario Buchanan Jr. to approve Ordinance No. 381 by title only. Motion passed unanimously.

(City Clerk to read the ordinance by title only)

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 381 by title only.

D. Action on Ordinance No. 381

MOTION: Vice Mayor Maria Cecilia Ramos/Council Member Africa Luna-Carrasco to approve and adopt Ordinance No. 381. Motion passed unanimously.

6.F. Public hearing followed by discussion and possible action on any and all matters regarding Minor General Plan Amendment Case No. 2018-0183 and Resolution No. 2045. A resolution of the Mayor and City Council of the City of San Luis, Arizona, amending the San Luis 2020 General Plan to change the Land Use Designation of 4.54 acres of land, located on the southeast corner of County 24th Street and Avenue F, from Neighborhood to Activity Center. (Jose A. Guzman, Director of Planning and Zoning)

A. Open public hearing

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

1. Staff presentation

Mr. Jose A. Guzman, Director of Planning and Zoning, stated that a rezoning application was received, that consisted of 180 acres. He added that around 154 acres would be used for residential purposes and the rest for commercial use. Mr. Guzman concluded by mentioning the studies, and items that are required of the applicant whenever they choose to start construction.

2. Call to the Public on this item

There was no comment from the public.

B. Close public hearing

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

C. Action on Resolution No. 2045

MOTION: Council Member Mario Buchanan Jr./Vice Mayor Maria Cecilia Ramos to approve and adopt Resolution No. 2045. Motion passed unanimously.

6.G. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2018-0127 and Ordinance No. 382. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending the official zoning map of the City of San Luis by changing the rezoning classification of a total of 160 acres located on the southeast corner of County 24th Street and Avenue F; 4.54 acres from Medium-High Density Residential (R-2) to Community Commercial (C-2), 75.46 acres from Medium-High Density Residential (R-2) to Medium Density Residential (R1-6) and 80 acres from Rural Area Residential (RA-10) to Medium Density Residential (R1-6); repealing any conflicting provisions; and providing for severability. (Jose A. Guzman, Director of Planning and Zoning)

A. Open public hearing

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

1. Staff presentation

Mr. Jose A. Guzman, Director of Planning and Zoning, stated the purpose of the case and Ordinance No. 382. He proceeded to mention the changes that would be done to the zoning map.

3. Call to the Public on this item

Mr. Vianey Vega, Vega and Vega Engineering, 1846 South 8th Ave. Yuma Arizona stated that there is no current plan for what will be built in the land. His client will submit the permit once he is ready to develop the parcel. Mr. Vega added that once the permit is reviewed it will then be determined if a traffic study will be needed or not.

B. Close public hearing

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

C. Action on Reading of Ordinance No. 382 by title only

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to adopt Ordinance No. 382 by title only. Motion passed unanimously.

(City Clerk to read the ordinance by title only)

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 382 by title only.

D. Action on Ordinance No. 382

MOTION: Council Member Mario Buchanan Jr./ Vice Mayor Maria Cecilia Ramos to approve and adopt Ordinance No. 382. Motion passed unanimously.

6.H. Public hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2018-0155. A request by Sun State Tower, on behalf of the City of San Luis, owner, for a Conditional Use Permit to allow the construction of an 80-foot cell tower to be located at 821 N. Garcia Lane, San Luis, Arizona. (Jose A. Guzman, 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. Staff presentation

Mr. Jose A. Guzman, Director of Planning and Zoning, stated that Sun State Tower is looking to install a tower in order to improve wireless coverage to its servers. He added that the land in which the tower would be installed will be leased to Sun State Tower. Mr. Guzman proceeded to mention that the lease is still being negotiated.

Mayor Gerardo Sanchez asked if any comments or concerns have been received.

Mr. Guzman stated that 67 letters were sent out twice and only about 8 responses were received showing a concern, but none of the 8 responses showed opposition. He added that during the citizen's review, one gentleman wanted the money to go to benefit the park.

2. Call to the Public on this item

Mr. Jesus Franco, 1748 Kennedy Lane, wanted to know the effects the tower might have on people's health.

Mayor Gerardo Sanchez mentioned that this tower is to improve cellphone reception. He encouraged those present to ask questions.

Ms. Michelle Lembroom, Pinnacle Consulting, stated that the engineer was present and could answer questions regarding the health concerns, she mentioned she also had a sheet that had all the F.C.C regulations.

Mayor Gerardo Sanchez was concerned about the tower being next to a daycare.

Mr. Steve Kennedy, 15512 West Coolidge Street, Goodyear Arizona, stated that he has been a Radial Engineer for 30 years. He proceeded to explain the standards the company has to follow, and the different types of radio waves there are, as well as the effect each may have on one's health.

Mr. Ruben Lopez, 69 North Bienestar Apartments, asked if this Verizon tower would affect the signal he gets with a different carrier.

Mr. Steve Kennedy assured him that this would not have any interference with their current providers.

Council Member Africa Luna-Carrasco asked how many Verizon towers there currently are in the city, and if it is a good amount for the size of the city.

Ms. Michelle Lembroom stated that there are 2 towers and the one being discussed will be the 3rd. She added that the coverage is not determined by the population, but rather than by the amount of data used by the population.

Ms. Correa, 836 North Garcia Lane, expressed her concern with the tower being so close to a head start, and to the park which is always full of children.

Ms. Michelle Lembroom stated that the tower is built to withstand great amounts of wind at fast speeds. She added that the tower has a stress point in the middle so that if it does collapse, it will stay within its circumference. Ms. Lembroom mentioned that the tower will look like a tree, and it will be surrounded by a fence to keep children away and from climbing it.

Mr. Ruben Lopez, resident, asked about the term of the lease and added that he believes the money collected from it should go to improving the park.

Mayor Gerardo Sanchez agreed with Mr. Lopez about improving the park.

Ms. Kay Macuil, City Attorney, stated that the term of the lease would be 10 years, with the possibility of renewing for another 10 years.

Ms. Leticia Franco, 1748 Kennedy Lane, expressed her concern for the radiation from the tower, and the effects it might have on people's health. She added that she wanted Council to do what they think is best.

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 Conditional Use Permit Case No. 2018-0155.

MOTION: Council Member Mario Buchanan Jr./Vice Mayor Maria Cecilia Ramos to approve the conditional use permit with conditions as presented by staff. Motion passed unanimously.

7. BOARD OF ADJUSTMENT

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

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco 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. 2018-0154. A request by Sun State Tower, on behalf of the City of San Luis, owner, for a variance to reduce the required setbacks on property located at 821 N. Garcia Lane, San Luis, Arizona. (Jose A. Guzman, Director of Planning and Zoning)

A. Open public hearing

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

1. Presentation by staff and/or applicant

Mr. Jose Guzman, Director of Planning and Zoning, stated that this was to reduce the setback from 80 feet to 20 feet on each side. He proceeded to show pictures.

2. Call to the Public on this item

There was no comment from the public.

B. Close public hearing

MOTION: Vice Mayor Maria Cecilia Ramos/Council Member Ruben Walshe to close public hearing. Motion passed unanimously.

C. Action on Variance Case No. 2018-0154

MOTION: Council Member Mario Buchanan Jr./ Vice Mayor Maria Cecilia Ramos to find the application meets the variance criteria and to approve the variance as presented. Motion passed unanimously.

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

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to adjourn as Board of Adjustment and reconvene as City Council. Motion passed unanimously.

9. SUMMARY OF CURRENT EVENTS

Mayor Gerardo Sanchez stated that Vice Mayor Maria Cecilia Ramos, the PIO, and himself will be heading to Tucson after tonight's meeting to attend the AMC Summit where they will meet with the Governor of Arizona and Sonora.

10. CALL TO THE PUBLIC

There was no comment from the public.

11. EXECUTIVE SESSION

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to hold an Executive Session at approximately 9:00 p.m. Motion passed unanimously.

12. MOTION TO GO BACK INTO REGULAR SESSION

MOTION: Council Member Mario Buchanan Jr./ Vice Mayor Maria Cecilia Ramos to go back into Regular Session at approximately 9:18 p.m. Motion passed unanimously.

13. DISCUSSION AND POSSIBLE ACTION ITEM:

13.A. Discussion and possible action on any and all matters regarding authorization of litigation against LPC Construction, Inc., its bonding company or companies, and any other person or entity who may be legally responsible for substandard work and the failure of the trench along Juan Sanchez Boulevard as a result of the contract for the Juan Sanchez Boulevard Lift Station Project. (Kay Marion Macuil, City Attorney)

MOTION: Vice Mayor Maria Cecilia Ramos/Council Member Mario Buchanan Jr. to authorize the City Attorney to pursue any and all legal remedies that might be available to the City of San Luis, including lawsuits, against LPC Construction, Inc., its bonding company or companies, and any other legally responsible party including subcontractors and material suppliers for any and all claims arising out of the contract awarded to LPC Construction, Inc. for the Juan Sanchez Boulevard lift station project. Motion passed unanimously.

14. ADJOURNMENT

MOTION: Council Member Mario Buchanan Jr./Council Member Ruben Walshe to adjourn the Regular Council meeting at approximately 9:19 p.m. Motion passed unanimously.