

MINUTES
Special Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
June 25, 2019
6:30 p.m.

1. CALL TO ORDER/ROLL CALL: Mayor Gerardo Sanchez called the Special City Council meeting to order at approximately 6:33 p.m.

PRESENT: Mayor Gerardo Sanchez
Vice Mayor Maria Cecilia Ramos
Council Member Mario Buchanan Jr.
Council Member Jose Ponce
Council Member Matias Rosales
Council Member Gloria Torres

ABSENT: Council Member Africa Luna-Carrasco

OTHERS PRESENT: Tadeo A. De La Hoya, City Manager
Sonia Cornelio, City Clerk
Kay Marion Macuil, City Attorney
Aracely De La Hoya, Senior Services Manager
Carlos Cortes, Assistant Director of Finance
Edgar Carbajal, Recruitment Coordinator
Enrique Lopez, Assistant Fire Chief
Ernesto Prieto, Police Detective
Eulogio Vera, Director of Public Works
Fausto Carbajal, Training & Programs Coordinator
Francia Alonso, PIO/Assistant to Council
Glenn Gimbut, Assistant City Attorney
Janet Taylor, Legal Secretary
Jesus Meza, Assistant Director of Parks & Recreation
Jorge Mungaray, Senior IT Technician
Jorge Perez, Billing & Collections Manager
Maria Muñoz, Benefits Coordinator
Miguel Ramirez, Accountant
Monica Castro, Director of Finance
Ralph Velez, City Consultant
Roula Encinas, Accountant
Ric Bauermann, Fire Inspector
Christian Cuevas, Simultaneous Interpreter
Cesar Neyoy, Reporter
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 Ms. Maria Alegria, resident.

4. CONSENT AGENDA

4. A. MINUTES OF

- Regular Council meeting held May 22, 2019
- Work Session held June 5, 2019

4. B. DISBURSEMENTS FROM June 1, 2019, THROUGH June 14, 2019.

Total Disbursements \$1,287,924.31

(One Million, Two Hundred Eighty-Seven Thousand, Nine Hundred Twenty-Four Dollars and Thirty-One Cents)

4. C. Discussion and possible action on any and all matters regarding the purchase of 17 Mobile Data Computers (MDCs) with associated hardware to be purchased using funding approved by an Intergovernmental Agreement under Subrecipient Agreement Number 180436-02, Operation Stonegarden Grant Program Award. (Richard Jessup, Chief of Police)

4. D. Discussion and possible action on any and all matters regarding Memorandum of Understanding between the City of San Luis and Comite de Bienestar Inc., for the proposed Lot Split Case No. 2019-0113. (Jose A. Guzman, Director of Planning and Zoning)

MOTION: Council Member Gloria Torres/Council Member Jose Ponce to approve the Consent Agenda as presented. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

Mayor Gerardo Sanchez stated that he knows there are members of the community who want to address the Mayor and City Council. The item cannot be discussed and a work session will be held to discuss the item in depth. Mayor Gerardo Sanchez moved Call to the Public to be next on the Agenda. There was no objection from the City Council.

7. CALL TO THE PUBLIC

Ms. Ariana Estrada, Avenida Sinaloa 33 y 34, San Luis R.C. Sonora, Mexico, representing the Cesar Chavez Organization, thanked the city for all the support given.

Ms. Maria Robles, 1195 California Street, San Luis, AZ, presented the Mayor and Council with a recognition award to the city for all the support given during the Cesar Chavez Project. She also presented Comite de Bien Estar with an award.

Mayor Gerardo Sanchez thanked the Cesar Chavez Project committee for their hard and excellent work done.

Ms. Maria Alegria, 3741 E Los Olivos Dr., San Luis, AZ, also thanked the Mayor, Council, and staff for the support given.

Mr. Jesus Meza, Assistant Director of Parks & Recreation, thanked the committee for the great job done in the organization of this event. He stated that it was a pleasure to the City of San Luis Parks & Recreation Department to work with the committee.

This presentation was followed by a round of applause.

5. DISCUSSION AND POSSIBLE ACTION ITEMS:

5. A. Discussion and possible action on any and all matters regarding the City of San Luis offering to provide congregate meals nutrition services at the Senior Center in exchange for WACOG providing up to \$74,400.00 to support the service. (Lizandro Galaviz, Director of Parks & Recreation)

Mr. Jesus Meza, Assistant Director of Parks & Recreation, informed that the city would like to take over the kitchen at the Senior Center. He stated that the Western Arizona Council of Government (WACOG) would provide up to \$74,500.00 to support this service. He mentioned that WACOG would donate a van and a refrigerator to the Senior Center.

Vice-Mayor Maria Cecilia Ramos asked if the cook currently at the Senior Center, will be hired automatically or if she needs to apply for the positions.

Mr. Tadeo A. De La Hoya, City Manager, replied that since this will be special circumstances, she will be hired as she is already certified.

Mayor Gerardo Sanchez stated that it is his understanding that a diet prescribed by a dietitian is required, he asked if the city will also need to hire one.

Mr. Meza replied that the city would keep the same menus and special accommodations will be done as needed. He added that the menus would be monitored by WACOG and the state.

Council Member Jose Ponce asked if the city will be hiring two (2) additional people to assist with the kitchen.

Mr. Meza replied that the Senior Center currently has two (2) full-time employees and a part-time employee, which will be helping Ms. Aracely De La Hoya, Senior Services Manager.

Ms. Kay Marion Macuil, City Attorney, explained that the grant would help pay staff to devote time to the program.

MOTION: Council Member Jose Ponce/Council Member Gloria Torres to approve the office to WACOG as presented and authorized the Director of Parks and Recreation to enter into an agreement with WACOG consistent with this offer. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

5. B. Discussion and possible action on any and all matters regarding proposals from Border Gym Fitness, L.L.C., and 24/7 Get Fit Gym. (Fausto Gonzalez, HR Training & Programs Coordinator)

Mr. Fausto Gonzalez, HR Training & Program Coordinator, informed that staff is recommending approval of the Border Gym Fitness and 24/7 Get Fit Gym, to provide Gym Membership to employees. He stated that gym memberships have remained consistent and are split in half between both providers. He informed that Border Gym Fitness is proposing a 6-month contract ending on December 31, 2019, and 24/7 Get Fit is proposing a 1-year contract ending on June 30, 2019. Mr. Gonzalez informed that the number of memberships is 60, which is split amongst the two (2) gyms. There was a total of 55 memberships used during the past year.

Mayor Gerardo Sanchez thanked both gyms and stated that pretty soon membership will have to be increased as an incentive.

MOTION: Council Member Jose Ponce/Council Member Gloria Torres to approve the contract with Border Gym Fitness, the contract with 24/7 Get Fit Gym and 60 gym memberships as presented. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

5. C. Discussion and possible action on any and all matters regarding Order No. 2019-5. An order of the Mayor and City Council of the City of San Luis, Arizona implementing a uniform video and cable service license, a standard form application with an affidavit by mandate of the Arizona Legislature. (ITEM CONTINUED FROM REGULAR COUNCIL MEETING HELD MAY 22, 2019) (Kay Marion Macuil, City Attorney)

Ms. Kay Marion Macuil, City Attorney, informed that the reason this item was continued from the regular council meeting held May 22, 2019, was that there was still some discussion among attorneys on the topic that warranted more investigation, this discussion was about creating an ordinance for a unified way to allow things in the rights-of-way and be able to control them. The presented form is a form of a license agreement with cable companies. She mentioned that regulations of right-of-ways would come later for approval.

Mayor Gerardo Sanchez asked if this item needed to be continued.

Ms. Macuil replied that it does not need to be continued, as it is only for the mandated agreement from the state. She added that there is a form agreement that cable companies have to enter and this form needs to be approved by the city. This form allows for the opening of regulations on the city's right-of-ways.

MOTION: Council Member Gloria Torres/Council Member Jose Ponce to approve and adopt Order No. 2019-5. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

5. D. Discussion and possible action on any and all matters regarding employee benefits contracts which are not administered by the San Luis Employee Benefits Trust. (Maria Muñoz, Human Resources Technician)

Ms. Maria Muñoz, Human Resources Benefits Coordinator , informed that the renewals were discussed during the budget meeting held April 26, 2019. She stated that Susan Posada, Benefits Broker and Consultant, presented the costs and other information for Council's consideration regarding renewing the employee benefits. Ms. Muñoz informed that the changes negotiated by Ms. Posada this year include, a 4-year lock on the vision care rates, expansion of the short-term disability benefits, which will allow employees who are eligible for short-term disability to take sick leave while on disability up to 100% of their income, accidental death and dismemberment coverage rate changed from a premium of 40¢ per \$1,000 of benefits to 50¢ per \$1,000 of benefit. She informed that the other contract would remain the same.

MOTION: Council Member Jose Ponce/Council Member Gloria Torres to approve the four-year lock on rates for the vision benefit, the amendment to the short-term disability and the rate change for accidental death and dismemberment as presented. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

5. E. Discussion and possible action on any and all matters regarding Order No. 2019-7. An order of the Mayor and City Council of the City of San Luis, Arizona declaring the Employee Benefits Plans a public record; approving the Employee Benefits Plans for the fiscal year 2019-2020 for administration by the San Luis Employee Benefits Trust; providing for repeal of conflicting actions of City Council; providing for severability; and establishing an effective date for the plans. (Edgardo Carbajal, HR Recruitment Coordinator, and Maria Muñoz, HR Benefits Coordinator)

Mr. Edgar Carbajal, Human Resources Recruitment Coordinator, presented the new benefit plans for fiscal year 2019-2020, in addition, changes and amendments that will take effect July 1, 2019. He informed that the amount allocated in the final budget for the benefits plan is \$2,662,400.00. He stated that the plan amendment was discussed during the budget retreat and the Employee Benefit Trust, and also employees were also informed during the open enrollment process. He mentioned that some of the major highlights is the Employee Assistance Program, which will be available to all employees, and a Win-win incentive program which consists of a list of providers in the Phoenix area, where employees can seek out any outpatient procedure and imaging service, along with this plan the employees will get reimbursement of up to \$125.00 on lodging up to four (4) nights. He informed that staff is recommending approval of the employee benefits plans to be administered by the San Luis Employees Benefits Trust and city staff for the fiscal year 2019-2020 and to make it effective July 1, 2019.

MOTION: Vice-Mayor Maria Cecilia Ramos/Council Member Jose Ponce to approve Order No. 2019-7. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

5. F. Discussion and possible action on any and all matters regarding the annual pension policy for public safety personnel required by HB 2097. (Monica Castro, Director of Finance)

Ms. Monica Castro, Director of Finance, informed that on April 3, 2018, the Governor signed HB 2097. This bill requires cities to annually adopt pension funding policies for public safety personnel. The deadline to comply with this requirement is July 1, 2019. In order to comply with this requirement, staff prepared a policy. This policy outlines the assets and liabilities presented in the actuarial valuation report from June 30, 2017. This policy also outlines the actions that Council would take to reach a fund ration of 100%, via maintaining the full annual retirement contribution combined payment of \$552,203.00 and \$377,580.00 for police and fire. This law also requires that Council formally accept the city's shares of assets and liabilities under the Arizona Public Safety Personnel Retirement System. She mentioned that the city is required to post this policy on the city's official website.

MOTION: Council Member Matias Rosales/Vice-Mayor Maria Cecilia Ramos to adopt the pension funding policies as presented; accept the city's share of the assets and liabilities under the Arizona Public Safety Personnel Retirement System's actuarial valuation report; and order that the appropriate city staff post the pension funding policies on the city's website. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

5. G. Public hearing followed by discussion and possible action on any and all matters regarding Resolution No. 2083. A resolution of the City of San Luis, Arizona, adopting the budget for Fiscal Year 2019 - 2020. (Monica Castro, Director of Finance)

A. Open public hearing

MOTION: Council Member Mario Buchanan Jr/Council Member Gloria Torres to open the public hearing. Motion passes unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

1. Staff Presentation

Ms. Monica Castro, Director of Finance, informed that the Tentative Budget for fiscal year 2019-2020 was presented for acceptance to City Council on June 12, 2019. She informed that no changes were made to the preliminary budget. The appropriate schedules required by law were prepared and published. She stated that the city has a conservative budget that will allow to carry out important projects for the community and a second salary adjustment will be done for the City of San Luis employees. Ms. Castro thanked everyone involved in the budget process.

2. Call to the Public on this Item

There were no comments from members of the public.

B. Close public hearing

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to close the public hearing. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

C. Action on Resolution No. 2083

MOTION: Council Member Matias Rosales/Council Member Jose Ponce to approve and adopt Resolution No. 2083. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

6. SUMMARY OF CURRENT EVENTS

Mayor Gerardo Sanchez informed that he will be attending the Arizona-Mexico Commission, where he will be making a presentation regarding the port of entry and issues regarding tourism and the border. He added that the Canada-Mexico-US Treaty will be discussed. He informed that Council Member Matias Rosales, Vice-Mayor Maria Cecilia Ramos and City Manager Tadeo A. De La Hoya will also be attending this conference. He informed that during this conference, the City of San Luis will be receiving a Paul J. Fannin Award from the Governor. Mayor Gerardo Sanchez also reported that he was interviewed by USA Today.

Council Member Matias Rosales informed that Comite de Bien Estar, Inc., a local non-profit, was awarded Housing Heroes Award for the project done in Las Brisas Subdivision for providing housing for low-income families. He added that the city worked in partnership on this project.

Mr. Tadeo A. de la Hoya, City Manager, introduced Mr. Enrique Lopez, newly appointed Assistant Fire Chief.

Mayor Gerardo Sanchez congratulated Mr. Lopez and the Fire Department for the great job they are doing and for making a difference in the city.

Council Member Jose Ponce informed that he attended the NALEO Conference in Miami, Florida. He congratulated Mr. Tadeo A. De La Hoya for being appointed to the NALEO Board of Directors.

8. EXECUTIVE SESSION

Vote to hold an Executive Session pursuant to A.R.S. §§38-431.03(A) (3) and 38-431.03(A)(4)

MOTION: Council Member Mario Buchanan Jr./Council Member Jose Ponce to hold an executive session at approximately 7:24 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

Discussion and possible action to hold an Executive Session pursuant to A.R.S. §38-431.03(A)(3) and A.R.S. §38-431.03(A)(4) on any and all matters regarding consultation with the city's attorneys for legal advice and or in order for City Council to consider its position and instruct its attorneys regarding its position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation concerning the manganese filtration system at Well Site No. 7. (Kay Marion Macuil, City Attorney)

9. MOTION TO GO BACK TO SPECIAL SESSION

MOTION: Council Member Mario Buchanan Jr./Council Member Maria Cecilia Ramos to convene into special session. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

10. DISCUSSION AND POSSIBLE ACTION ITEM:

Discussion and possible action on any and all matters regarding the approval and ratification to engage outside counsel to litigate Yuma County Superior Court Civil Case No. S1400 CV 2019 00321. (City Council and Kay Marion Macuil, City Attorney)

MOTION: Council Member Matias Rosales/Council Member Maria Cecilia Ramos to ratify and approve the engagement of Gust Rosenfeld Law Firm under the terms of the November 28, 2017 engagement letter, to represent and defend the City of San Luis and its officials and employees in any and all matters in the civil action Case No. S1400 CV 2019 00321, and to ratify the filing of the city's answer and counter-claim filed June 13, 2019 and the city's third-party complaint filed June 24, 2019, to represent and prosecute any and all counterclaims, and or third-party complaints against any person or entity that owe either a duty or damages to the City of San Luis arising out of the manganese filtration project for Well site No. 7, including but not limited to actions against: Integrated Water Systems; Tres Rios Consulting Engineers; Engineered With

Layton; Darcor and Associates; Jeff Bower; any community of marriage of any named individual; The Guarantee Company of North America, USA Surety; Constructors Bonding, Inc. and or any individual associated with the foregoing entities who bears legal responsibility. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

11. ADJOURNMENT

MOTION: Council Member Matias Rosales/Council Member Jose Ponce to adjourn the meeting at approximately 8:03 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Ramos	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye