

MINUTES
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
December 11, 2019
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 Cruz (telephonically)
Council Member Mario Buchanan Jr.
Council Member Africa Luna-Carrasco
Council Member Jose Ponce
Council Member Matias Rosales

ABSENT: Council Member Gloria Torres

OTHERS PRESENT: Tadeo A. De La Hoya, City Manager
Sonia Cornelio, City Clerk
Kay Marion Macuil, City Attorney
Angel Ramirez, Fire Chief
Derek Dueñas, IT Manager
Edgar Carbajal, Acting Human Resources Director
Enrique Lopez, Assistant Fire Chief
Eulogio Vera, Director of Public Works
Jenny Torres, Economic Development Manager
Jonathan Dumadag, Senior IT Technician
Jorge Perez, Billing & Collections Manager
Jose A. Guzman, Director of Planning & Zoning
Lizandro Galaviz, Director of Parks & Recreation
Mary French-Jones, Grant Writer
Monica Castro, Director of Finance
Richard Jessup, Chief of Police
Roman Pacheco, Planning Technician
Buna George, Yuma Greater Port Authority
Cesar Neyoy, Reporter
Christian Cuevas, Simultaneous Interpreter
Edie Loo, Developer
Gerald Hunt, Attorney
Lucy Lopez, Reporter
Maria Robles, Resident
Najeh Edais, Riedel Holdings Engineer
Vianey Vega, Vega & Vega Engineering

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Matias Rosales.

3. INVOCATION

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

4. CONSENT AGENDA

4. A. MINUTES OF

- Work Session held November 20, 2019

4. B. DISBURSEMENTS FROM NOVEMBER 16, 2019 THROUGH NOVEMBER 30, 2019.

Total Disbursements \$862,164.53

(Eight Hundred Sixty-Two Thousand, One Hundred Sixty-Four Dollars and Fifty-Three Cents)

4.C. Discussion and possible action on any and all matters regarding entering into a construction contract with Cemex Construction Materials South, LLC for the Rancho Los Oros Roadway Improvements Project (CDBG Contract #113-20). **(Mary French-Jones, Grant Writer)**

4.D. Discussion and possible action on any and all matters regarding a contract with James Davey and Associates, Inc. associated with the design of Rancho Los Oros Improvements - Phase II. **(Mary French-Jones, Grant Writer)**

4.E. Discussion and possible action on any and all matters regarding a contract with Berkeley Research Group, LLC., associated with the Development of Feasibility Study for Natural Gas in San Luis, Arizona. **(Jenny Torres, Economic Development Manager)**

MOTION: Council Member Matias Rosales/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 Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

5. DISCUSSION AND POSSIBLE ACTION ITEMS:

5.A. Public hearing followed by discussion and possible action on any and all matters regarding Major General Plan Amendment Case No. 2019-0394 and Resolution No. 2109. A resolution of the Mayor and City Council of the City of San Luis amending the 2020 General Plan to change the land use designation of approximately 164.76 acres of land located on the northeast corner of Avenue E and County 24th Street from Business and Industrial to Neighborhood; repealing any conflict provisions; and providing for severability. **(Jose A. Guzman, Director of Planning & Zoning)**

A. Open public hearing

MOTION: Council Member Matias Rosales/Council Member Africa Luna-Carrasco to open the public hearing. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

1. Staff presentation

Mr. Jose Guzman, Director of Planning & Zoning, explained that this request is for a major general plan amendment submitted to the city in June 2019 by Edais Engineering. The request is to amend the land use designation on 164.76 acres from Business and Industrial to Neighborhood; the purpose is to allow residential subdivisions. The location is between Avenue E and Avenue D and County 24th Street and San Luis Lane. The city is currently working on the General Plan update with Matrix Design Group and they are recommending to take no action on these items or not approve any amendment at the moment as the city is in the process of the General Plan update and any changes can alter the results on the resources of the city. Staff recommends to deny the application.

2. Call to the Public on this item

Mr. Gerry Hunt, Attorney and former City of San Luis Attorney, said that Mr. Stephen Shadle, Mr. Najeh Edais and himself, are concerned that with a major general plan amendment, a four (4) vote from the City Council is needed. The zoning request is the one where they can put conditions on the zoning such as a buffer zone between a prison and residential properties, however, these are situations that can be developed at a later date, the first step is to get the general plan done. Many of the property owners have been waiting for this land to be developed for years. He is very proud that one of his clients, Ms. Amanda Aguirre, has invested \$35 million in that particular area for the medical mall.

Mr. Steven P. Shadle would like to see some development while he is still here to see it. Mr. Hunt added that he hopes the City Council considers the four (4) votes on this request.

Mr. Najeh Edais, Edais Engineering, stated that there needs to be a good road system for their trucks to travel from the border to its destination. His product does not stop in San Luis or Yuma, his product goes mostly to California. He wants Avenue E to be good for trucks and trucking and he wants the industry to flourish in San Luis. The City of San Luis needs industry and it cannot be accomplished without having the manpower and to have the manpower the city needs to provide housing and there is not much land left for housing but there is plenty of industrial land south of County 24th Street. He thinks that anything south of County 24th Street should remain industrial but anything between County 24th Street and County 23rd Street should be converted to residential. Studies are good, as they are guides to direct in one way or another but are not set in stone and one can determine what is good for the community. They want to build a shopping center and a truck stop that supports all of the trucking activity. If the concern is the prison or the wastewater treatment plant, it does not mean that it will be built all the way to the prison or the wastewater treatment plant. There are a lot of things to think about and hopes that the City Council considers the needs of the community.

Mr. Steven P. Shadle, owner, mentioned that he has had a number of appraisal, some of which have resulted in residential use, his preliminary plan inputs residential, apartments and condos which was approved by the City Council. He is asking that the residential use zoning be expanded. He has waited over 20 years for this use to come along. It is approximately 60 acres he is requesting to be changed; there will still be commercial use on Avenue B and County 24th Street. In talking with Ms. Nieves Riedel, they want to build a shopping center and possibly a major gas station or a truck stop. Therefore, that commercial would be developed as soon as they can and also residential construction would not be built immediately. One thing he wanted to remind the City Council is when Glenn Gimbut came in several years ago, he said that Mr. Shadle had bought all that property and the city would like some property to go through the city to build the water and sewer plant, and they liked an easement for the water lines and he cooperated with the city as best as he could and the sewer and water plant was built in his property on fair terms. The City Council thanked him and did not complain at that time for allowing the city to place the water and sewer line in his property, but now the city wants to deny the requested use of this property. He added that he donated 150 palm trees to the city but Glenn Gimbut was never able to find the money to improve the median along Avenue E. Some people from the prison have requested that a residential area be developed near that area so that they can live there so that they would not commute to town or Yuma. Mr. Shadle asked the City Council to consider their proposal.

Ms. Kay Macuil, City Attorney, made a correction on the statement made by Mr. Hunt earlier, regarding the number of votes needed; it requires two thirds of votes to pass a major plan amendment, so that would be six (6) votes, not four (4).

B. Close public hearing

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

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

C. Action on Resolution No. 2109

MOTION: Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to deny approval of Resolution No. 2109. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

5.B. Public hearing followed by discussion and possible action on any and all matters regarding Major General Plan Amendment Case No. 2019-0395 and Resolution No. 2110. A resolution of the Mayor and City Council of the City of San Luis amending the 2020 General Plan to change the land use designation of approximately 18.44 acres of land located on the southeast corner of 20th Avenue and County 24th Street from Business to Neighborhood; repealing any conflict provisions; and providing for severability. **(Jose A. Guzman, Director of Planning & Zoning)**

A. Open public hearing

MOTION: Council Member Mario Buchanan Jr./Council Member Jose Ponce to open the public hearing. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye

Council Member Matias Rosales Aye

1. Staff presentation

Mr. Jose A. Guzman, Director of Planning & Zoning, informed that this is a request to change the land use designation from Business to Neighborhood in order to develop a residential subdivision. As stated in the previous item, Matrix Design is working on the General Plan update and their recommendation is not to move forward with any changes prior to the update, therefore staff recommends denial of this item.

2. Call to the Public on this item

Mr. Vianey Vega, Vega & Vega Engineering, expressed that this surprises him as he followed the directions given by staff to proceed with this project. This project consists of two (2) phases; the residential subdivision which are 40 acres located south of County 24th Street and Avenue E ½. He added that he met with staff to discuss this project and submitted the application and was directed to split the 40 acre property into two 20 acre pieces of land so that the first phase could be developed with a minor amendment, which was done. They did a minor amendment and a rezoning and then the plat followed the process, the plat was approved and construction began a couple of weeks, the land has been graded, they are to obtain permits to start the underground. It is a total of 20 acres, 91 lots have been built. Mr. Vega explained the map illustrated during the council meeting and included on the agenda packet filed at the City Clerk's Office. The second phase is to submit the major amendment as the total acreage is 40, so it triggered the major amendment and the petition was submitted. He is requesting the approval of this major amendment to continue the residential subdivision as planned and as directed by staff. There is a half way road to the north side that is going to be developed with the phase under construction and the project was approved like that because the understanding was that the second phase would complete the other half of the road. If it is denied there will be a half a road that is unknown when it will be built.

Mr. Tadeo A. De La Hoya, City Manager, stated that when phase one was done, phase two was in the plan. The applicant was aware a major amendment was going to be triggered at the moment and the applicant decided to do a rezoning rather than a general plan amendment when they should of have it done.

Council Member Matias Rosales asked if the major plan amendment for Case Number 2019-0395 the other parcels are not included.

Mr. De La Hoya responded that in section of this subdivision, they knew that it was going to trigger a major plan amendment so the applicant decided to go through a rezoning for phase one knowing that it might trigger a major plan amendment and they were offered to do the major plan amendment which at that time it could have been done on time to have it incorporated to the general plan study.

Council Member Matias Rosales commented that if the major amendment is being requested on phase two of the subdivision, which already has phase one, not included on the parcels to the east of Avenue E.

Mr. Guzman said it was a separate case and explained the map illustrated, and as a clarification, staff does not provide any direction to the developers or engineers but want to make sure that they follow the regulations. They came in for 40 acres and they were advised that it was a major amendment and that they had to submit the case in June and it would be voted upon in November or the end of the year. A minor amendment is anything less than 20 acres and that is the way they decided to move forward with. Staff did tell them that it was not guaranteed that the south 20 acres were going to be approved and that the south 20 acres was going to trigger the major amendment.

Mayor Gerardo Sanchez asked how the Planning & Zoning Commission voted on this item. Mr. Guzman replied that the Planning & Zoning Commission recommended approval, also staff recommended approval but after doing more research and the recommendation from Matrix, staff changed the recommendation to denial until the General Plan update is completed.

Mr. De La Hoya added that applications as per the letter from Matrix will be incorporated to the research of their doing into the General Plan update.

Council Member Matias Rosales asked if Matrix is assuming that this is also part of the 640 acres that got withdrew and that is the reason they recommended that, had they known that these are 20 acres left of phase two, would they have recommended the same. Mr. Guzman replied that Matrix is aware of the situation and that they are different cases.

Mr. Vega said that this case was presented to the Planning & Zoning Commission and their recommendation was approval as well as staff's. He was notified that staff had changed its recommendation for denial. Mr. De La Hoya replied that Ms. Elizabeth Carpenter met with him and she was informed. Mr. Vega mentioned that he is the applicant and would have appreciated if he had been informed of any changes.

Mayor Gerardo Sanchez commented that this is only 20 acres and his concern is when the whole area is changed, 20 acres will not make a major impact on infrastructure in the future.

Mr. Guzman recommended denial of this request or continuing the item until the general plan update is complete.

Council Member Matias Rosales stated that the letter of Matrix says the general plan update will be completed early 2020 and asked what early 2020 is for Matrix. Mr. Guzman responded that the draft will be done probably by March 2020.

Mayor Gerardo Sanchez mentioned that they have already began this subdivision and they should be allowed to finish it, Council Member Matias Rosales agreed.

B. Close public hearing

MOTION: Council Member Matias Rosales/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 Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

C. Action on Resolution No. 2110

MOTION: Council Member Jose Ponce/Council Member Matias Rosales to approve Resolution No. 2110. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

5.C. Public hearing followed by discussion and possible action on any and all matters regarding Major General Plan Amendment Case No. 2019-0396 and Resolution No. 2111. A resolution of the Mayor and City Council of the City of San Luis amending the 2020 General Plan to change the land use designation of approximately 493 acres of land located on the southeast corner of County 24th Street and Avenue D. (**Jose A. Guzman, Director of Planning & Zoning**)

A. Open public hearing

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

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

1. Staff presentation

Mr. Jose Guzman, Director of Planning & Zoning, explained that he received the request from the applicant to withdraw this application.

2. Call to the Public on this item

B. Close public hearing

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

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

C. Action on Resolution No. 2111

No action was taken as applicant withdrew the application.

6. SUMMARY OF CURRENT EVENTS

Mayor Gerardo Sanchez reported that he participated in El Dia Del Campesino which resulted in a good turn out. He also attended the special mass at 4:00 a.m. the day prior. It was a good event and it was the last official event held at Friendship Park. If the presidential budget gets approved, the Friendship Park will become federal land property. He also attend the Christmas lighting event, it was a beautiful event despite the rain, there were approximately 1,500 attendees. The light parade will take place tomorrow, December 12, 2019 and invited everyone present to attend. The city employees recognition event will take place Friday, December 13, 2019.

Vice Mayor Maria Cecilia Cruz reported she also attended El Dia de Campesinos at 1:00 a.m., she thanked Campesinos Sin Frontera for this event.

Council Member Matias Rosales reminded everyone of tomorrow's Christmas light parade at 6:00 p.m.

7. CALL TO THE PUBLIC

Ms. Diane Umphress, Director of Amberly's Place, wished the Mayor and City Council a Merry Christmas and thanked them for the continued support provided to this agency.

8. ADJOURNMENT

MOTION: Council Member Matias Rosales/Council Member Jose Ponce to adjourn the Regular Council meeting at approximately 8:00 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

APPROVED:

Gerardo Sanchez, Mayor

ATTEST:

Sonia Cornelio, City Clerk

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING MINUTES ARE A TRUE AND CORRECT COPY OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING FO THE CITY COUNCIL, SAN LUIS, ARIZONA HELD ON DECEMBER 11, 2019. I FURTHER CERTIFY THAT THE MEETING WAS DULLY CALLED AND HELD AND THAT A QUORUM WAS PRESENT.

Sonia Cornelio, City Clerk