

MINUTES
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
September 23, 2020
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.

Mayor, City Council, and some members of staff participated remotely.

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

OTHERS PRESENT: Tadeo A. De La Hoya, City Manager (remotely)
Sonia Cornelio, City Clerk
Kay Marion Macuil, City Attorney
Angel Ramirez, Fire Chief
Axel Chayra, Information Technology Technician
Derek Dueñas, Manager of Information Technology
Domingo Sosa, Information Technology Technician
Eulogio Vera, Director of Public Works
Francia Alonso, Assistant to Council/PIO
Jose Guzman, Director of Planning & Zoning
Jose L. Cisneros, Executive Assistant
Lizandro Galaviz, Director of Parks & Recreation
Nohemy Echavarria, Magistrate
Ralph Velez, City Consultant (remotely)
Richard Jessup, Chief of Police
Najeh Edais, Engineer (remotely)
Olivia Jenkins, Riedel Construction (remotely)

2. PLEDGE OF ALLEGIANCE

Council Member Mario Buchanan Jr. led the Pledge of Allegiance.

3. INVOCATION

Mr. Richard Jessup, Chief of Police, led the invocation.

4. PROCLAMATION

4.A. National Custodian Workers Recognition Day - October 2, 2020.

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

Mayor Gerardo Sanchez thanked the city's custodians for everything they do to maintain the city's buildings clean and sanitized especially during these times of COVID-19. The Facilities Department is very important to an organization.

5. CONSENT AGENDA

5.A. MINUTES OF

- Work Session held August 19, 2020
- Regular Council meeting held August 26, 2020

5.B. DISBURSEMENTS FROM AUGUST 29, 2020 THROUGH SEPTEMBER 11, 2020

Total Disbursements \$761,474.16

(Seven Hundred Sixty-One Thousand, Four Hundred Seventy-Four Dollars and Sixteen Cents)

MOTION: Council Member Africa Luna-Carrasco/Council Member Matias Rosales 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
Council Member Gloria Torres	Aye

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

6.A. Discussion and possible action on any and all matters regarding Resolution No. 2140. A resolution of the Mayor and Council of the City of San Luis, Arizona approving an Addendum to the Intergovernmental Agreement (IGA) between the City of San Luis, Arizona and Yuma County for the purpose of providing mandatory field training. (Nohemy Echavarria, Magistrate)

Ms. Nohemy Echavarria, Magistrate, explained this item is for the mandatory field training as ordered by the Arizona Supreme Court. There is an individual in charge that certifies all court employees through Yuma County, he is responsible for providing training.

This type of training has been provided for years; this individual is available all year for any questions on training needed as ordered by the court.

This saves money to the court and city rather than having employees travel to Phoenix or other places. This is for a period of one (1) year in an amount of \$1,000.00 as stated on the IGA previously entered with Yuma County Superior Court.

MOTION: Council Member Gloria Torres/Council Member Jose Ponce to adopt and approve Resolution No. 2140 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
Council Member Gloria Torres	Aye

6.B. Discussion and possible action on any and all matters regarding Resolution No. 2141. A resolution of the Mayor and City Council of the City of San Luis, Arizona approving the addendum to the Intergovernmental Agreement (IGA) between the City of San Luis, Arizona and Yuma County for the purpose of providing mandatory weekend and holiday court services for San Luis Municipal Court. (Nohemy Echavarria, Magistrate)

Ms. Nohemy Echavarria, Magistrate, stated this is an addendum to the IGA. This IGA is done every four (4) years. In the mean time, it is presented before the City Council to report how much it is owed to the court for the weekend and holiday court coverage for the judge and it is backdated for last year. She explained there are three (3) judges assigned to coverage, but that they rotate. That is their job, they are not pro-tems, they are part of the judges for the Superior Court.

MOTION: Council Member Jose Ponce/Council Member Mario Buchanan Jr. adopt and approve Resolution No. 2141 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
Council Member Gloria Torres	Aye

6.C. Discussion and possible action on any and all matters regarding Resolution No. 2142. A resolution of the Mayor and City Council of the City of San Luis, Arizona, ratifying and approving the creation of positions in the classified service of the city; amending the classification and service plan of the city; superseding any conflicting provisions of existing regulations or policies; providing for severability; and declaring an emergency. (Kay Macuil, City Attorney)

Ms. Kay Macuil, City Attorney, stated this resolution is sort of a clean up resolution. There were four (4) positions created; Executive Assistant, Government and Foreign Affairs Coordinator, Paralegal, and a Records Management Specialist. All positions have been filled except for the the Records Management Specialist which was approved by the City Council at the budget retreat. This is for the City Clerk's Office. The Paralegal position is a new position, but it is not a new personnel. It is sylvia at the City Prosecutor's Office. This resolution is to make sure that these positions make it into the city's classified service and the paygrades; all positions have been budgeted appropriately. These positions were discussed in the budget process and put it in the final budget.

Council Member Gloria Torres mentioned that several months ago she asked Ms. Macuil about some positions that were created. She inquired about them and does not think the City Manager should be creating positions without the consent of the City Council. Ms. Macuil responded she recalls the question as early as before the budget retreat, when Council Member Torres pointed it out. She saw it in the budget, but she did not realize it was not in the classified service. Therefore, it's all come together now that the city has a Human Resources Director and staff is being more careful with not letting those things slip through.

Mr. Tadeo De La Hoya, City Manager, added these positions were included in the City Council's budget books. However, they were not part of the official list of positions with the city, but they were included in the budget and approved through the budget process. The Government and Foreign Affairs Coordinator was approved for the second time this last budget year. The Records Management Specialist is before the City Council because the duties were changed through the process, so it changed from Records Management Coordinator to Records Management Specialist. The positions were budgeted for and were approved by the City Council during the budget and now are being added to the long list of positions with the paygrades; positions are created by city code.

Mayor Gerardo Sanchez stated the City Council does not approve positions except for the Chief of Police, Fire Chief, and the City Attorney. The City Council approves a budget for the whole city, administration creates positions based on the needs. He also mentioned that the positions are not created overnight, it takes a process.

Council Member Matias Rosales mentioned he agrees with the positions. He saw them at the budget retreat and there are certain positions like the Government and Foreign Affairs Coordinator that was needed to alleviate the workload that one person may have. It gets added to the budget, it gets reviewed by the City Council, if they do not want it, it is taken out, and approve the budget.

He knows they have been asking for two or three years like the Records Management Specialist to help out with the workload for the employees.

Council Member Jose Ponce said that all members of the City Council should be informed everytime a position is created.

MOTION: Council Member Matias Rosales/Vice Mayor Maria Cecilia Cruz to approve and ratify Resolution No. 2142 as presented and declare an emergency. Motion passed with six (6) ayes and one (1) abstention vote by Council Member Gloria Torres.

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
Council Member Gloria Torres	Abstained

6.D. Discussion and possible action on any and all matters regarding Ordinance No. 401. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, establishing the Department of Parks and Recreation as the authority for the management of trees in the City of San Luis and practices for the care of the trees and removal when in the health, safety and welfare interests of the residents; amending the San Luis City Code; repealing any conflicting provision; providing for severability; providing for penalties; and declaring an emergency. (Lizandro Galaviz, Director of Parks and Recreation and Mary French-Jones, Grant Writer)

**A. Action on Reading of Ordinance No. 401 by title only
(City Clerk to read the ordinance by title only)**

B. Action and adoption of Ordinance No. 401

Mr. Lizandro Galaviz, Director of Parks & Recreation, requested continuance of this item to the next work session for October 7th as there are some other departments that need to look at this ordinance for some minor changes because of existing ordinances currently in place.

MOTION: Mayor Gerardo Sanchez/Council Member Mario Buchanan Jr. to continue this item to the next scheduled work session. 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
Council Member Gloria Torres	Aye

6.E. Discussion and possible action on any and all matters regarding Subdivision Case No. 2020-076F. A request by Riedel Holdings LLC, property owner, for the final plat approval for Riedel Office Condominiums Subdivision to be located on Lot B-1 and B-2 of the Riedel Plaza Shopping Center, San Luis, Arizona. (Jose A. Guzman, Director of Planning & Zoning)

A. Staff presentation

Mr. Jose Guzman, Director of Planning & Zoning, stated this is the approval of the final plat for the condominiums, a commercial subdivision. It will be two (2) buildings and each building will be six (6) units, there will be a total of 12 units. This item was presented to the Planning & Zoning Commission on August 11th and they recommended approval with the condition that the applicant addresses some of the comments on the letter dated April 13th. The applicant addressed most of the comments, staff is recommending approval with the conditions on the letter dated September 23, 2020.

The condition are as follows:

1. The creation of condominiums is subject to Arizona Revised Statutes, Title 33, Chapter 9, Article 2, they are to provide documentation appropriately.
2. The condominiums shall be labeled as "Unit" and not as "Suite".
3. As per City Code § 152.107, 3% of open space shall be provided for this subdivision. They are to provide calculations and location of open space. The required on-site parking areas/lot and the required parking lot landscaping shall not be calculated as open space. However, building setbacks, street frontage, and on-site retention areas may be calculated as open space if those areas are landscaped.
4. Landscape plans review and construction can be done through the building permit process. However, landscape plans will be required and the property owner/association should properly maintain all landscape materials and landscaped areas, including that within the public rights-of way adjacent to the development, in accordance with the approved landscape plan.
5. Parking shown on the plat is for owner's reference only. Staff will review the required parking spaces based on the uses at the time of the building permit or business license application.

Mr. Najeh Edais, Engineer, stated that these comments were received this afternoon and did not really have an opportunity to read, understand, and discuss them, and that it has always been like that. They will go ahead and get together with Mr. Guzman and will discuss the comments. These are brand new comments that were not mentioned before. He wished the city would implement a better system to get the information early to them and ahead of time.

He guesses that COVID-19 has taken a huge toll out of everybody and nobody is available to do anything anymore. He thinks there is a confusion from the city because he has complied with everything the city has requested.

Mayor Gerardo Sanchez responded he will make sure, because this is unacceptable.

Mr. Guzman added that Mr. Edais has a condominium request for two (2) buildings, and he believes only one (1) is built, the other one has not started and that is why he added conditions 4 and 5.

Ms. Olivia Jenkins, Riedel Construction, stated that she had called and submitted a couple of emails requesting feedback from Planning & Zoning, so when the additional comments were received today at 3:30 pm, it was really a surprise to them. Like Mr. Edais said, if this was referring to the first building it was a little bit unclear because building 1 has already been constructed, if he was referring to building 2, that is understandable. Item No. 1 on the comments is very general and does not specify what is missing from the ARS. The city requires from the customer to comply with all the requirements and timelines and it would only be fair that the city does the same with its constituents.

Council Member Mario Buchanan Jr. stated he wants to make sure that Mr. Edais and Ms. Jenkins understand the conditions, if not then this item can be continued to the next meeting so they have time to review the letter.

Mr. Guzman added that he spoke to the property owner and she said she was ok with all the conditions.

Council Member Africa Luna-Carrasco agreed with Mayor Gerardo Sanchez.

B. Action on Subdivision Case No. 2020-076F

MOTION: Council Member Gloria Torres/Council Member Jose Ponce to approve Subdivision Case No. 2020-076F subject to the condition that the applicant address the comments on the letter dated September 23, 2020 to the Planning and Zoning Department's satisfaction. 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
Council Member Gloria Torres	Aye

7. SUMMARY OF CURRENT EVENTS

Mayor Gerardo Sanchez reported the Founder's Day celebration will take place virtually on October 1, 2020, it will be the backyard patio carne asada.

Ms. Francia Alonso, PIO/Assistant to the City Council, reported there are three (3) remaining events for the census, which are Monday at Joe Cabello Park, Tuesday at City Hall, and Thursday at Sol Avenue. The census current response rate is at 43.2%, the participation from the residents in the censo banqueteros events have been positive.

Mr. Tadeo De La Hoya, City Manager, thanked the Planning & Zoning Department for hitting the censo banquetero events, they have been very well organized and some of them well attended. He also thanked the Parks and Recreation, Police, Fire, I.T., and Public Works Departments for helping setting up aside with all the volunteers from the other departments that have assisted in those events.

Vice Mayor Maria Cecilia Cruz, congratulated the employees for the censo banqueteros, it is a team effort, the city is trying to promote the census and is getting a good response.

8. EXECUTIVE SESSIONS

Vote to hold an Executive Sessions pursuant to A.R.S. § 38-431.03(A)(1)(3) and (4).

8.A. Discussion and possible action to hold an executive session pursuant to A.R.S. § 38-431.03(A), subsections (1), (3) and (4) on any and all matters relating to the position of Magistrate and the employment, assignment, appointment, promotion, demotion, dismissal, salary, disciplining, or resignation of the position of the Magistrate, including discussion of possible confirmation of the City Manager's appointment of the Magistrate and/or discussion of approval of terms and/or conditions of said appointment pursuant to San Luis City Code §34.20, and consultation with the attorney or attorneys of the City regarding the same. (Tadeo A. De La Hoya, City Manager)

8.B. Discussion and possible action to hold an executive session pursuant to A.R.S. § 38-431.03(A), subsections (1), (3) and (4) on any and all matters relating to the position of Fire Chief and the employment, assignment, appointment, promotion, demotion, dismissal, salary, disciplining, or resignation of the position of Fire Chief, including discussion of possible confirmation of the City Manager's appointment of the Fire Chief and/or discussion of approval of terms and/or conditions of said appointment pursuant to San Luis City Code §34.04, and consultation with the attorney or attorneys of the city regarding the same. (Tadeo A. De La Hoya, City Manager)

8.C. Discussion and possible action to hold an executive session pursuant to A.R.S. § 38-431.03 (A), subsections (1), (3) and (4) on any and all matters relating to the position of Chief of Police and the employment, assignment, appointment, promotion, demotion, dismissal, salary, disciplining, or resignation of the position of Chief of Police, including discussion of possible confirmation of the City Manager's appointment of the Chief of Police and/or discussion of approval of terms and/or conditions of said appointment pursuant to San Luis City Code §32.02, and consultation with the attorney or attorneys of the City regarding the same. (Tadeo A. De La Hoya, City Manager)

Mayor Gerardo Sanchez suggested continuing the executive session items as he wants to make sure that all City Council members have the time to read the contracts and understand what they will be approving.

MOTION: Council Member Matias Rosales/Council Member Africa Luna-Carrasco to continue the executive sessions to the next scheduled council meeting. 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
Council Member Gloria Torres	Aye

9. MOTION TO GO BACK INTO REGULAR SESSION

10. DISCUSSION AND POSSIBLE ACTION ITEMS:

10.A. Discussion and possible action on any and all matters regarding the employment contract for the Magistrate. (Tadeo A. De La Hoya, City Manager)

No action was taken on this item by the City Council.

10.B. Discussion and possible action on any and all matters regarding the employment contract of the Fire Chief. (Tadeo A. De La Hoya, City Manager)

No action was taken on this item by the City Council.

10.C. Discussion and possible action on any and all matters regarding the employment contract of the Chief of Police. (Tadeo A. De La Hoya, City Manager)

No action was taken on this item by the City Council.

11. ADJOURNMENT

MOTION: Council Member Mario Buchanan Jr./Council Member Jose Ponce to adjourn the Regular Council meeting at approximately 7:47 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
Council Member Gloria Torres	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 of the City Council of the City of San Luis, Arizona, held on September 23, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Sonia Cornelio, City Clerk