

MINUTES
Work Session
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
November 4, 2020
6:54 p.m.

1. CALL TO ORDER/ROLL CALL: Mayor Gerardo Sanchez called the work session to order at approximately 6:54 p.m.

Mayor and City Council participated remotely due to COVID-19.

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
Sonia Cornelio, City Clerk
Kay Marion Macuil, City Attorney
Angel Ramirez, Fire Chief
Carlos Cortes, Assistant Director of Finance
Doming Sosa, Information Technology
Dylan Stackpole, Planner
Enrique Lopez, Assistant Fire Chief
Eulogio Vera, Director of Public Works
Glenn Gimbut, Assistant City Attorney
Isaac Gutierrez, GIS Technician
Jonathan Dumadag, Information Technology Department
Jorge Perez, Billing & Collections Manager
Jose A. Guzman, Director of Planning & Zoning
Jose de la Vara, City Prosecutor
Lizandro Galaviz, Director of Parks & Recreation
Maria Sabori, Risk Management
Marlene Lara, Government & Foreign Affairs Coordinator
Monica Castro, Director of Finance
Ralph Velez, City Consultant (remotely)
Richard Jessup, Chief of Police
Sondra Matthews, Director of Human Resources
Sylvia Vasquez, Legal Secretary

2. ITEMS FOR DISCUSSION ONLY:

2. A. Discussion and possible directions to staff on any and all matters regarding the consultant contract between the City of San Luis and James Davey and Associates for the new Community Park. (Lizandro Galaviz, Director of Parks & Recreation)

Mr. Lizandro Galaviz, Director of Parks & Recreation, presented Mayor and City Council with a proposal from James Davey and Associates for the new community park. This proposal includes sanitation, sewer, elevation, water, and engineering. These will be the infrastructure needed before staff starts the development in the park. He requested Mayor and City Council to approve staff to move forward with this project.

Mayor Gerardo Sanchez asked the members of City Council for their comments; there were none. He asked Mr. Galaviz to proceed with this item.

2. B. Discussion and possible action on any and all matters regarding the brick walls at various retention basins within the City of San Luis. (Lizandro Galaviz, Director of Parks & Recreation)

Mr. Lizandro Galaviz, Director of Parks & Recreation, presented recommendations of the various damaged walls that were a concern. He presented a cost estimate with a prioritized list; they all are in need of repairs. The total cost to complete all those included in the list will be approximately \$55,000.00.

Mayor Gerardo Sanchez commented that this is a small investment to the image, as walls are deteriorated and urgently need repairs.

Council Member Africa Luna-Carrasco agreed with Mayor Gerardo Sanchez and asked if funds are available for this project.

Mr. Galaviz replied that staff did not budget for this project, per the Finance Department, contingency funds can be utilized.

Ms. Monica Castro, Director of Finance, informed that contingency funds could be utilized on this project.

Council Members Matias Rosales, Jose Ponce, Gloria Torres, Mario Buchanan Jr. and Vice Mayor Maria Cecilia Cruz all agreed with Mayor Gerardo Sanchez.

Mayor Gerardo Sanchez directed Mr. Galaviz to proceed with this item.

2. C. Discussion and possible directions to staff on any and all matters regarding Ordinance No. 401. An ordinance of the Mayor and City Council of the City of San

Luis, Arizona, 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, and providing for penalties. ITEM CONTINUED FROM THE REGULAR COUNCIL MEETING HELD SEPTEMBER 23, 2020. (Lizandro Galaviz, Director of Parks and Recreation)

Mr. Lizandro Galaviz, Director of Parks & Recreation, informed that he had met with different departments. He stated that one of the goals is to become a Tree City and improve with more trees and shade areas in the community. He stated that approving the ordinance will allow the city to apply for funding opportunities in the future.

Mayor Gerardo Sanchez stated that this program is needed in the community, as the city needs more green areas. He asked members of the City Council for their comments. They all agreed with Mayor Sanchez. He directed Mr. Galaviz to proceed with this item.

2. D. Discussion and possible directions to staff regarding the Ballot Initiative, Proposition No. 207 titled "Smart and Safe Arizona Act" on regulating legal sales, cultivation, and manufacturing products from marijuana and options for city ordinances. (Glenn J. Gimbut, Assistant City Attorney)

Mr. Glenn Gimbut, Assistant City Attorney, informed that Proposition 207 has a high chance of passing on the November 3, 2020, Election. He stated that the City Attorney's Association at the League of Arizona Cities and Towns has a working group. They have come up with a proposed model ordinance, which has different options in it. He asked the Mayor and Council for directions to staff on which option they would like to see. Mr. Gimbut summarized the memorandum on Proposition 207, attached to the agenda item filed in the City Clerk's Office. He stated that one of the things that the city can do that is legally safe is to force this into a dual-use facility, where medical and recreational marijuana can be at the same place. He commented that limiting the facilities to be a dual-use facility would lower the city's amount of activity. He asked the Mayor and City Council for directions on how staff should handle this matter.

Mayor Gerardo Sanchez commented that this should be treated as medical marijuana and place restrictions on where facilities can be placed. He asked members of the City Council for their comments. They all agree with Mayor Sanchez.

Mr. Gimbut thanked Mayor and City Council and stated that he would be working on a document to force dual-use facilities, banning testing facilities, and restricting cultivation to be the same as medical marijuana.

Mayor Gerardo Sanchez asked how driving while intoxicated will be treated and how it will be detected.

Mr. Gimbut replied that if Proposition 207 passes, it will bring several problems; one of them is driving while intoxicated. He mentioned that a discussion was held with the Chief of Police on treating this issue.

2. E. Discussion and possible directions to staff on any and all matters regarding budget adjustment for unavoidable overtime in the City Prosecutor's Office. (Jose de la Vara, City Prosecutor, and Kay Marion Macuil, City Attorney)

Mr. Jose de la Vara, City Prosecutor, informed that this item is to discuss overtime overage. He reported that during the last fiscal year, the office spent more than \$4,000.00 on overtime. This year, the department budgeted \$1,000.00, but the department is \$700.00 over the budgeted amount. He mentioned that one of the options discussed to reduce overtime is to take comp time. The workload does not allow the Legal Secretary to do that. The department has already lost vacation hours because they could not take them before. Furthermore, he mentioned that he has looked into a general ledger account to transfer funds from within the department, but that is not viable. He added that for this reason, staff is requesting a transfer of funds from the City Attorney's Legal Services to the City Prosecutor's Overtime budget. He mentioned that another problem that his office has encountered is the process server since it is no longer available through the Justice Court, as there is no contract in place for this service anymore.

Ms. Kay Marion Macuil, City Attorney, stated that she reviews the case files, and there is a lot of workload for a two (2) person office.

Mayor Gerardo Sanchez asked if the caseload had been increasing yearly if the overtime was considered when the budget was prepared. He also asked why the city no longer has a contract with the county for the process server service.

Ms. Macuil replied that instead of the overtime, staff requested a part-time position, but it was not funded. For this reason, the proposal is to cover the overage at the end of the fiscal year with a transfer of funds, as requested. She commented that the process server service through the county is no longer available because the county Civil Attorney found an Attorney General opinion from 1964, which states that the constable can not serve non-justice court paperwork. For this reason, there is no intergovernmental agreement.

Mr. de la Vara mentioned that the Police Department does not have the personnel to do this service. He added that the best option would be to go out to bid for this service, but if the city contracts with a process server, the funds will add up. He informed that his office is currently mailing the documentation, but that is not a viable solution.

Ms. Monica Castro, Director of Finance, mentioned that other municipalities use their Police Department services to do the process serving. She added that she could work with the Chief of Police to see if this service can be offered through the department and see where funds can be utilized to cover this service if the Chief of Police agrees.

Mr. Richard Jessup, Chief of Police, stated that the Police Department is always willing to help in serving some of the summons paperwork. He mentioned that he only sees it difficult when summons have to go out of the City of San Luis limits, which takes the officer away from the city. He added that the overtime budget is also an issue in his department, especially during the pandemic. He stated that Ms. Castro's solution would be an excellent solution to the problem. He noted that a solution would be to create a position within the Police Department to do the process server services and include other department duties. Furthermore, he mentioned that he would work with Ms. Castro to see how this problem can be solved.

Mayor Gerardo Sanchez agreed with Chief Jessup and mentioned staff would have to find out how much it will cost to hire a process server and compare that to a new position within the Police Department to determine what would be more viable.

Ms. Castro mentioned that staff would find out what would be more cost-effective and present them to the City Council.

Mr. Jessup mentioned that his department would work with the City Prosecutor's Department to find a solution to this matter.

Council Member Africa Luna-Carrasco commented that the City Prosecutor's Department needs to hire part-time help as it is not healthy that the Legal Secretary work long hours. She mentioned that it is crucial they budget for the position.

Council Members Matias Rosales, Jose Ponce, Gloria Torres, Mario Buchanan, and Vice Mayor Maria Cecilia Cruz all agreed with Council Member Africa Luna-Carrasco. Mayor Gerardo Sanchez, as agreed by all members of City Council, staff will find a solution for the process server service. He asked Mr. de la Vara what would help the department regarding the new position at his office.

Mr. de la Vara replied that he would like to have a new Legal Secretary to help with the department's daily duties.

Mayor Gerardo Sanchez directed staff to proceed with this item, as agreed by all City Council members.

2. F. Discussion and possible directions to staff on any and all matters regarding Resolution No. 2145. A resolution of the Mayor and City Council of the City of San Luis, Arizona amending the assessment for fiscal year 2020/2021 for the Rio Sereno Enhanced Municipal Services District to reduce the tax imposed from \$60,944.00 to \$11,031.00. (Monica Castro, Director of Finance)

Ms. Monica Castro, Director of Finance, informed that this item is related to Resolution No. 2144, which was presented during the last council meeting. She mentioned that in the previous meeting, it was noted that the meters were malfunctioning since October

2018. For this reason, staff went back and reviewed the billing from October 2018 to make sure it was included. She added that staff found that the current resolution amounts are correct after reviewing this information and including the credit on all overbill charges from October 2018 through June 2020.

Mayor Gerardo Sanchez commented that this item needs to be corrected immediately, and there should be no delay. Members of the City Council agreed with Mayor Sanchez. He asked Ms. Castro to proceed with this item as agreed by all members of the City Council.

2. G. Discussion and possible directions to staff on any and all matters regarding possible tactical urbanism project. (Jose A. Guzman, Director of Planning and Zoning)

Mr. Jose A. Guzman, Director of Planning & Zoning, stated that more people are requesting open space with this current pandemic situation. He mentioned that the idea is to implement temporary bike lanes and temporary pedestrian area. He added that the idea would be to close the downtown area for pedestrian-only. Mr. Guzman informed that each store owner would have a designated area where they will be allowed to take out their merchandise to display it outside. He stated that on the temporary bike lanes, the proposed idea is to close one of the lanes on Urtuzuastegui Street and make it a two-way bike lane only. This will only be a temporary project from December to April. He asked for Mayor and Council's suggestions.

Mayor Gerardo Sanchez commented that currently, Main Street is clear of merchandise, one of the things that the city wants to prevent is the display of merchandise outside their business. He asked if staff already spoke with business owners on this topic. He stated that a lot of businesses are struggling.

Mr. Guzman replied that he is waiting on the City Council's direction and see if they like the proposed project on Main Street.

Council Member Africa Luna-Carrasco agreed with Mayor Sanchez. She asked if closing Urtuzuastegui Street will work for the temporary bike lanes, as there are times that this street is congested.

Mr. Guzman replied that the Public Works Engineering Division would be involved in this project. If Council decides to move forward with this project, staff will come back to present an actual design.

Council Member Matias Rosales commented that he agrees with the bike lanes, but on Main Street's proposed project, staff will have to be clear and let business owners know that this will be a temporary project. He suggested designating one (1) day a month for merchants to have a sidewalk sale.

Council Members Jose Ponce, Mario Buchanan, Vice Mayor Maria Cecilia Cruz agreed with Mayor Sanchez, and Council Member Matias Rosales. They all stated that they would not like to go back and have the same problems as in the past, with merchants not understanding that this will only be on the days designated by the city.

Mr. Guzman mentioned that the idea was to help merchants minimize the impact they have with the pandemic; this will also allow them to practice social distancing.

Mr. Dylan Stackpole, Associate Planner, stated that it is important to close the southern part of Main Street to allow for pedestrian walkability and connectivity through the storefront. This will enable to close Main Street on the downtown area, and this will allow people to divert from the sidewalk and be part of the street and engage in more activities on the street. This which frees up space to sell their supplies in an area that is six feet or more. He added that this would also allow more space during seasonal work.

Council Member Matias Rosales stated that his concern would be the traffic in that area.

Mr. Stackpole replied that to avoid traffic in that area, staff have suggested using the Factor Sales Warehouse and McDonalds parking lot to allow traffic flow in that area.

Council Member Matias Rosales stated that he is for the proposed project, but only if it is done once a month.

Mr. Guzman replied that staff will talk to the merchants and will bring back to City Council the merchants' suggestions.

Council Member Gloria Torres agreed with the suggestions made by the other members of the City Council.

Mayor Gerardo Sanchez asked staff to do some research and come back to City Council with a proposal.

2. H. Discussion and possible directions to staff on any and all matters regarding hazard pay for essential workers from the Fire & Police Departments and Facilities Division. (Vice-Mayor Maria Cecilia Cruz; Monica Castro, Director of Finance; and Sondra Matthews, Director of Human Resources)

Vice Mayor Maria Cecilia Cruz stated that as COVID-19 cases have increased and are expected to increase during the winter, she believes that Fire & Police Departments and Facilities Division are at high risk. She mentioned that the City of Yuma has started to talk about implementing a hazard pay for Fire & Police Departments and added that San Luis should include the Facilities Division.

Mr. Lizandro Galaviz, Director of Parks & Recreation, mentioned that he requested to include the Facilities Division. They are the ones sanitizing and disinfecting the facilities where there have been positive cases. He added that this division has been working

non-stop since the pandemic started. He informed that there is a total of eight (8) staff members.

Ms. Sondra Matthews, Director of Human Resources, made a PowerPoint presentation, which is included in the complete agenda packet filed in the City Clerk's Office.

Vice Mayor Maria Cecilia Cruz stated that she intended to include first responders only as they were working while other city offices were closed.

Ms. Matthews replied that other departments were included in the presentation because staff did not know the timeframe City Council is looking at. The information was based on each department's functions that deal directly with the public, and that would have potential exposure based on their job functions.

Mayor Sanchez stated that he agreed with Vice Mayor Cruz, this should be for first responders as other offices were closed. He mentioned that this should be for those that did not have the option to stay home and were in direct contact; those were the Fire, Police, Facilities, and Waste Water. He stated that he agrees with Mr. Galaviz to include the Facilities Division on the first responder's list.

Ms. Monica Castro, Director of Finance, informed that there were no funds allocated in the budget for this type of payment. She mentioned that the staff did research and reached the contact person at Arizona Treasury, and staff was informed that Arizona CARES funding could not pay for the hazard pay. Staff was informed that the Federal Emergency Management Administration (FEMA) might be able to reimburse for that pay if employees are directly exposed to COVID-19. She stated that working with FEMA is a challenging process, and the city might get reimbursed. Thus, she suggested having a plan "B", which would be to pay through contingency funds. She mentioned that the amount would be based on the number of employees receiving the hazard pay and how long these benefits will last, whether it be a one-time or recurring payment. She added that all those factors are needed to see how much funding will be required. Ms. Castro mentioned that if the stipend is paid hourly this is a high risk and is not sustainable in the long term. She noted that a one-time lump sum is a fixed payment; this alternative is a lower risk, which will be her recommendation if City Council decides to proceed with this program.

Vice-Mayor Maria Cecilia Cruz thanked staff for the presentation and for been prepared for this meeting. She asked if the calculation is done only for those employees that are first responders to lower the number of employees to those that do home visits such as the Fire and Police Department. She stated that she would like to see the one-time lump sum if the City Council agrees with her proposal.

Council Member Mario Buchanan stated that he believes that the only departments at high risk would be wastewater and sanitation divisions as they are a non-stop division.

Council Member Gloria Torres commented that everyone is at risk, especially the wastewater division.

Council Member Matias Rosales agrees that fire, police, and wastewater are first responders. He mentioned that the city needs to protect its employees and something needs to be done.

Vice-Mayor Maria Cecilia Cruz stated that she understands that the city currently does not have the funds to pay for this, but this will help the city consider it, as the pandemic has no end date.

Mayor Sanchez stated that a lump sum would be ideal for first responders to include Waste Water, Facilities, Fire, and Police Departments. He asked Ms. Castro to make a cost estimate to see how much would be for only the departments mentioned.

Mr. Angel Ramirez, Fire Chief, commented that 220 firefighters were exposed, and only three (3) of those exposed tested positive. He mentioned that he had had meetings with his employees; as mentioned earlier, there will be a spike in COVID-19 positive cases. He thanked Mayor and City Council for taking his department and other departments into consideration.

Council Member Africa Luna-Carrasco agreed with Mayor Sanchez that the Finance Department should bring a cost estimate to City Council and also agreed to include Waste Water and the Facilities divisions.

Council Member Jose Ponce agreed with the other members of the City Council.

Mayor Gerardo Sanchez directed staff to proceed with this item and bring back to City Council a cost estimate for a lump sum for first responders to include Waste Water and Facilities divisions.

Ms. Kay Marion Macuil, City Attorney, informed it would be better to consider the payment to be applied in the future and not be retroactive as there are legal issues on adding pay to past services.

Mr. Tadeo A. De La Hoya, City Manager, informed that there are no property tax revenues as the city does not collect property taxes.

2. I. Update on any and all matters regarding the proposed hotel to be located on Main Street. (Vice-Mayor Maria Cecilia Cruz and Jenny Torres, Economic Development Manager)

Mayor Gerardo Sanchez informed that this item should be continued to be discussed in a future meeting.

Ms. Jenny Torres informed that she has this item scheduled for the work session scheduled on December 2, 2020, but if City Council desires, it can be discussed during the Special Council meeting scheduled for November 24, 2020.

3. ADJOURNMENT

MOTION: Council Member Mario Buchanan Jr./Council Member Jose Ponce to adjourn the work session at approximately 8:40 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 Work Session for the City Council of the City of San Luis, Arizona, held on November 4, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Sonia Cornelio, City Clerk