

MINUTES
Special Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
December 22, 2020
6:00 p.m.

1. CALL TO ORDER/ROLL CALL

Vice Mayor Matias Rosales called the Special City Council meeting to order at approximately 6:05 p.m.

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

PRESENT: Vice Mayor Matias Rosales
Council Member Luis Cabrera
Council Member Jose Ponce
Council Member Gloria Torres

ABSENT: Mayor Gerardo Sanchez
Council Member Mario Buchanan Jr.
Council Member Africa Luna-Carrasco

OTHERS PRESENT: Tadeo A. De La Hoya, City Administrator
Sonia Cornelio, City Clerk
Kay Marion Macuil, City Attorney
Angel Ramirez, Fire Chief
Christine Velez, City Consultant (remotely)
Derek Dueñas, Manager of Information Technology
Domingo Sosa, Information Technology Technician
Enrique Lopez, Fire Captain
Jenny Torres, Economic Development Manager
Jonathan Dumadag, Information Technology Technician
Jorge Perez, Billing & Collections Manager
Jose L. Cisneros, Executive Assistant
Jose Guzman, Director of Planning & Zoning
Marco Santana, Police Lieutenant
Marlene Lara, Government and Foreign Affairs Coordinator
Ralph Velez, City Consultant (remotely)
Richard Jessup, Chief of Police (remotely)
Sondra Matthews, Director of Human Resources
Liliana Padron, Berkeley Research Group
Luis Ramirez, Berkeley Research Group
Jorge Hernandez, Berkeley Research Group
Raquel Santos Ramos, Berkeley Research Group
Sud Haldar, Associate Director for Berkeley Research Group

2. PLEDGE OF ALLEGIANCE

Council Member Luis Cabrera led the Pledge of Allegiance.

3. INVOCATION

Mr. Tade A. De La Hoya, City Administrator, led the invocation.

4. PRESENTATIONS

4.A. Presentation by Berkeley Research Group, LLC on the feasibility study for natural gas for San Luis, Arizona and San Luis Rio Colorado, Sonora, Mexico. (Jenny Torres, Economic Development Manager and Sudhanshu Haldar, Associate Director for Berkeley Research Group)

Ms. Jenny Torres, Economic Development Manager, stated that Berkeley Research Group is the consultant selected to develop a feasibility study for the natural gas for San Luis, Arizona and San Luis Rio Colorado, Sonora. She thanked Mr. Jorge Hernandez from North American Development Bank for providing the technical assistance grant for this study and the Berkeley Research Group. Ms. Torres added that the presentations had been added to the Economic Development website for the public.

Mr. Sud Haldar, Associate Director for Berkeley Research Group, provided a presentation on the findings and analysis on the natural gas for the City of San Luis and San Luis Rio Colorado. The presentation is filed at the City Clerk's Office with the agenda packet.

Ms. Torres stated that the recommendations have already been made, the next step is to present this study to Southwest Gas. Staff has also talked to some Mexico companies to make that introduction with Southwest gas and hopefully there is a possibility of having the private sector step in and try to make these improvements. NADBANK has also expressed an interest in this type of project. There is a lot more work to do, but this is the first step. The amount of the grant is \$178,944.00 and the city will put a 10% match of this amount.

Vice Mayor Matias Rosales, Mr. Haldar, and City Council engaged in brief questions, answers, and comments discussion.

4.B. Presentation and recognition of the 2020 years of service recipients, as well as rookie of the year and employee of the year awardees for their outstanding work with the City of San Luis. (Sondra Matthews, Director of Human Resources)

Ms. Sondra Matthews, Director of Human Resources, presented the 4th Quarter and end of the year award recipients and recognized the employees that have reached their 5, 10, 15, 20, and 25 years of service career milestone with the City of San Luis. Due to safety precautions, staff has presented the employees with their awards ahead of time and played a presentation for the City Council to view as names were read off.

Vice Mayor Matias Rosales and City Council congratulated the employees.

Mr. Tadeo A. De La Hoya, City Administrator, thanked the recipients for the awards and the years of service and dedication to public service. He also thanked the Employee Recognition and Awards Committee who are the ones who selected and voted for the Rookie of the Year and Employee of the Year. Even though employees were not able to have the employee recognition dinner all employees were appreciative of their COLA adjustment checks.

5. CONSENT AGENDA

5.A. MINUTES OF

- **Special Council meeting held November 24, 2020**
- **Special Council meeting held December 2, 2020**

5.B. DISBURSEMENTS FROM NOVEMBER 26, 2020 THROUGH DECEMBER 11, 2020

Total Disbursements \$849,797.71

(Eight Hundred Forty-Nine Thousand, Seven Hundred Ninety-Seven Dollars and Seventy-One Cents)

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

The vote was as follows:

Vice Mayor Matias Rosales	Aye
Council Member Luis Cabrerias	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

6.A. Discussion on any and all matters regarding the appointment of a City of San Luis Representative to Yuma Metropolitan Planning Organization. (Tadeo A. De La Hoya, City Administrator)

Mr. Tadeo A. De La Hoya, City Administrator, explained that back in November 2020, former Council Member and YMPO Representative Maria Cecilia Cruz, was going through some personal issues and YMPO's bylaws allowed her as a representative to select a replacement until the City Council took formal action. YMPO's Executive Director was informed about this item being on the agenda; Ms. Cruz had selected Vice Mayor Matias Rosales to step in for her, however it is the City Council's decision if they agree or if they wish to appoint someone else.

Vice Mayor Matias Rosales commented he met with YMPO today virtually to go over the many projects that they have been working on throughout the year. The City of San Luis is next to be Chairman for YMPO effective February 2021.

That is why it is very important that they have a representative and that they knew who it was. If the City Council is still with the same mindset as in November, he is fine with the appointment.

He met with Mr. Ward, YMPO's Executive Director, discussed the continued work as a region and for Cesar Chavez Boulevard expansion. YMPO's meeting are held the fourth Thursday of each month at 1:30 p.m.

Council Member Luis Cabrera stated that Mayor Gerardo Sanchez wanted the vice mayor to hold the responsibility of attending the YMPO. He added he knows it was discussed that maybe the vice mayor appointment would be coming up again in the near future and asked if everytime a new vice mayor is appointed they have to be formally appointed again to YMPO. He asked if the meetings are open to the public.

Mr. De La Hoya replied that the YMPO meetings are open to the public.

Vice Mayor Matias Rosales responded his understanding is it has to be appointed by the City Council.

MOTION: Council Member Luis Cabrera/Council Member Jose Ponce to appoint Matias Rosales to the Yuma Metropolitan Planning Organization. Motion passed unanimously. The vote was as follows:

Vice Mayor Matias Rosales	Aye
Council Member Luis Cabrerias	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

6.B. Discussion and possible action on any and all matters regarding contracting CXT Incorporated for the Bienestar 9B restroom project. (Lizandro Galaviz, Director of Parks & Recreation)

Mr. Tadeo A. De La Hoya, City Administrator, asked that this item be continued to the next regular city council meeting.

MOTION: Council Member Gloria Torres/Council Member Jose Ponce to continue this item to the next regular city council meeting. Motion passed unanimously.

The vote was as follows:

Vice Mayor Matias Rosales	Aye
Council Member Luis Cabrerias	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

6.C. Discussion and possible action on any and all matters regarding review of Ordinances No. 393 and 394 which in December 2019 and January 2020, established a system to issue and regulate for border area taxi vehicle permits and the Border Taxi Stand. (Tadeo A. De La Hoya, City Administrator)

Mr. Tadeo A. De La Hoya, City Administrator, explained he received a request to analyze the possibility of having the renewal of the border area taxi cabs for the year 2021 by using the same fee without charging them again due to a minor glitch with the implementation of the program, regulation, and enforcement.

Ms. Kay Macuil, City Attorney, stated the fee is to defray the costs of administration. In the summary she explains that it can be reduced since it is a continuing program there is not much administration and now that is underway. It is a little more complex because those that have permits are unhappy, there are other cab drivers who have found ways to legally compete with them at the border. She needs more time to talk to staff to see what might be possible, there is also a gift clause problem for refunding money. Therefore, there are legal issues for the remedy that the cab drivers asked for.

Council Member Gloria Torres said she received several complaints from the taxi businesses regarding the ordinance that was passed and that is not being enforced.

Ms. Macuil said that people are setting up like a taxi stand on the city's right of way and that is not legal. She believes it was remedied earlier this week by designating an area as a loading zone rather than allowing that to happen and painting the curb red. Another thing that is happening is people are on private property and legally, the city cannot control private property; so there is another person who is setting up shop legally on private property and competing with them. Those that have the permit, have been able to use the permit at the border, probably staff should meet with all the cab drivers and find out what the issues are.

Mr. Marco Santana, Police Lieutenant, explained that on that particular area in which the actual taxi dollars pay that permit per year is more or less between 2nd Avenue and Cesar Chavez Street on Urtuzuastegui. There is a tenant that has taxis and is allowed by the owner. He added that the police cannot enforce anything within private property, especially if the owner is allowing that to happen; to have those two (2) taxis there. The police department is enforcing what they can but not when it comes to private property. Last week, the parking meters on Urtuzuastegui Street between Main Street and William Brooks Avenue were taken out and half of that has been painted for loading and unloading and the other half is a red zone; and this will be enforced.

Vice Mayor Matias Rosales asked if those two (2) taxis need to have the permit. Ms. Macuil responded the city can only regulate the city's taxi stands.

Mr. Jorge Perez, Billing & Collections Manager, explained he oversees the business license division and all taxis are required to obtain a business license permit for the company if they have multiple or a single vehicle. They are also required to attain a permit for each individual vehicle and then the taxi border area permit, which is a separate permit that was added last year and is only to be able to park at the stand.

Council Member Jose Ponce asked Mr. Tadeo De La Hoya, City Administrator, what his thought is about this issue.

Mr. De La Hoya stated he has constantly asked the police department to enforce the area, has sent pictures, and has followed-up with the problem when it began and when the complaint first came to him approximately one (1) month ago.

Vice Mayor Matias Rosales mentioned he had not heard any complaints from any of the taxi drivers. Taxi drivers were saying their system was working because even though there were meters, they did not mind paying the meters. That they were alternating from the taxi stand to be closer to the port of entry; now that the city has taken them away, probably is where the problem is coming in, because now they can no longer park there and be competitive with the one that has the two (2) parking space on the private property. He asked what is the reason the area where the meters were removed cannot be a taxi stand.

Lieutenant Santana responded that was the area considered an issue as far as safety for the police and fire departments when it came to the fire engine.

Mr. Angel Ramirez, Fire Chief, added the reason it was not considered a taxi stand was because on the development of the new port of entry, they had the taxi cabs east of that area. Therefore, that area was not going to be feasible to be a taxi cab stand.

Council Member Gloria Torres mentioned that she thinks staff should talk to the taxi cab companies to discuss this issue.

Vice Mayor Matias Rosales said that staff could talk to all 172 and the City Council will hear different stories and will never going to get them to agree. This is something that has been done in the past and it is an ongoing issue.

Chief Ramirez stated that staff did have various meetings with the majority of the taxi cab personnel or owners and there was very minimal input. They looked at the plans for the new port of entry and the area between Main Street, William Brooks Avenue, and Urtuzuastegui Street was going to get pushed away, that is where it was decided to put them, where the taxi cabs are going to be when the new port of entry is developed, which is where the taxi stand is at right now.

Vice Mayor Matias Rosales commented that the port of entry project is not to begin for another two (2) years...for the time being, would staff be able to make that taxi stand be between Main Street and William Brooks Avenue where the meters were at, and leave the current taxi stand. This will not only help the taxi drivers but pedestrians when they cross from Mexico.

Ms. Macuil answered that the way to establish them is the police, fire, public works, and a city engineer; staff will meet with these four individuals and see if it is feasible from their perspectives. Legally staff can establish them, there is no legal barrier, that is just the practical way, safety issues things that they will be looking at.

Council Member Jose Ponce commented that he is trying to help solve the problem and they are asking for the city to give them some credit for next year.

Council Member Luis Cabrera stated that he spoke to some taxi cab drivers over the weekend and the main problem is that there are some taxi drivers that did not pay the city permit to park on the established parking area; they were parking on the parking meters to avoid paying the \$50.00 payment to the city. He suggested that the City Administrator work out something with the four (4) people Ms. Macuil mentioned and make this area the designated taxi area as the initial one for the people that paid this fee. In that case, park there and allow five (5) taxis there as they are loading up and leaving, the other taxis turn around and go park there.

MOTION: Council Member Luis Cabrera/Council Member Gloria Torres to set the annual fee for each border area taxi vehicle permit at \$24.00 per year. Motion passed with three (3) aye votes and one (1) nay vote by Council Member Jose Ponce.

The vote was as follows:

Vice Mayor Matias Rosales	Aye
Council Member Luis Cabrerass	Aye
Council Member Jose Ponce	Nay
Council Member Gloria Torres	Aye

6.D. Discussion and possible action on any and all matters regarding Resolution No. 2151. A resolution of the Mayor and City Council of the City of San Luis, Arizona, declaring as a public record those certain documents filed with the City Clerk and entitled "NFPA 1, Fire Code 2018" and "City of San Luis Amendments to NFPA 1, Fire Code." (Glenn J. Gimbut, Assistant City Attorney)

Ms. Kay Macuil, City Attorney, asked that the this item and the next one be continued as staff will meet to go over them to make sure everything matches with the building codes.

MOTION: Council Member Luis Cabrera/Council Member Gloria Torres continue Items No. 6D and 6E to the next regular council meeting. Motion passed unanimously.

The vote was as follows:

Vice Mayor Matias Rosales	Aye
Council Member Luis Cabrerass	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

6.E. Discussion and possible action on any and all matters regarding Ordinance No. 405. An ordinance of the Mayor and City Council of The City of San Luis, Arizona, amending the San Luis City Code, Chapter 150 Building Regulations to adopt the NFPA 1, Fire Code 2018 and the City of San Luis Amendments to the NFPA 1, Fire Code 2018; repealing Section 150.008.1 in its entirety and renumbering sections 150.008.2 through 150.008.4 to conform thereto; amending Section 150.999 Penalty; repealing any conflicting provisions; and providing for severability. (Angel Ramirez, Fire Chief and Ric Bauerman, Fire Inspector; Glenn Gimbut, Assistant City Attorney)

- A. Action on Reading of Ordinance No. 405 by title only
(City Clerk to read the ordinance by title only)**
- B. Action on Ordinance No. 405**

Please refer to motion in Item No. 6D.

7. SUMMARY OF CURRENT EVENTS

Vice Mayor Matias Rosales reported he had a meeting with Yuma Metropolitan Planning Organization (YMPO) today to go over their bylaws, he will forward them to the rest of the City Council members. He added that Mayor Gerardo Sanchez is out right now; they all wish him a fast recovery. Merry Christmas to all and keep the gatherings to a small number event.

8. ADJOURNMENT

MOTION: Council Member Gloria Torres/Vice Mayor Matias Rosales to adjourn the Special Council meeting at approximately 7:25 p.m. Motion passed unanimously.

The vote was as follows:

Vice Mayor Matias Rosales	Aye
Council Member Luis Cabrerias	Aye
Council Member Jose Ponce	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 Special City Council meeting of the City Council of the City of San Luis, Arizona, held on December 22, 2020. I further certify that the meeting was dully called and held and that a quorum was present.

Sonia Cornelio, City Clerk