

APPROVED by Council

Date: 2/24/2021

Clerks Office: SC

MINUTES
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
January 27, 2021
7:00 p.m.

1. CALL TO ORDER/ROLL CALL

Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 7:03 p.m.

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

PRESENT: Mayor Gerardo Sanchez
Vice Mayor Matias Rosales
Council Member Mario Buchanan Jr.
Council Member Luis E. Cabrera
Council Member Jose Ponce
Council Member Gloria Torres

ABSENT: Council Member Africa Luna-Carrasco

OTHERS PRESENT: Tadeo A. De La Hoya, City Administrator
Melissa Lopez, Deputy City Clerk
Kay Marion Macuil, City Attorney
Axel Chayra, Information Technology Department
Derek Dueñas, Information Technology Manager
Eulogio Vera, Director of Public Works
Jonathan Dumadag, Information Technology Department
Jorge Perez, Billing & Collections Manager
Jose L. Cisneros, Executive Assistant
Jose A. Guzman, Director of Planning & Zoning
Lizandro Galaviz, Director of Parks & Recreation
Marlene Lara, Acting Assistant to Mayor and Council/PIO
Marco Santana, Police Lieutenant
Ralph Velez, City Consultant (remotely)
Ivan Gutierrez, Campesinos Sin Fronteras
Michael Campbell, FM Group

2. PLEDGE OF ALLEGIANCE

Vice Mayor Matias Rosales led the pledge of allegiance.

3. INVOCATION

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

4. CONSENT AGENDA

4. A. MINUTES OF

- Special Council meeting held January 6, 2021
- Work Session meeting held January 6, 2021

4. B. DISBURSEMENTS FROM JANUARY 1, 2021 TO JANUARY 15, 2021

Total Disbursements \$968,213.07

(Nine Hundred, Sixty-Eight Thousand, Two Hundred, Thirteen Dollars and Seven 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:

Mayor Gerardo Sanchez	Aye
Vice Mayor Matias Rosales	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

5. DISCUSSION AND POSSIBLE ACTION ITEM:

5. A. Discussion and possible action on any and all matters regarding honoring retired San Luis Police Officers. (Gerardo Sanchez, Mayor)

Mr. Richard Jessup, Chief of Police, mentioned that it is traditionally done in the state and the country once an officer is retired. He commented that this has never been done in the San Luis Police Department's history and added that this is important to do, to honor those who have served ten and more consecutive years and have retired in good standing. He informed that there are a total of eight (8) to ten (10) officers that have retired from the San Luis Police Department and only five (5) of those will be recipients of this award. Chief Jessup stated that this would be an excellent way to honor those that have served the community.

Mayor Gerardo Sanchez stated that he asked for this item to be placed on the agenda because officers have retired from the City of San Luis Police Department and served the community. This will recognize their years of service.

MOTION: Vice Mayor Matias Rosales/Council Member Jose Ponce to issue retired police badges for retired City of San Luis Police Officers. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Matias Rosales	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

5. B. Discussion and possible action on any and all matters regarding Order No. 2021-1. An order of the Mayor and City Council of the City of San Luis, Arizona, to authorize the City of San Luis to enter into a Memorandum of Understanding between the City of San Luis and the United States Marshals Service Violent Offender Task Force. (Richard Jessup, Chief of Police)

Mr. Richard Jessup, Chief of Police, informed that this Memorandum of Understanding (MOU) would allow the City of San Luis Police Department to enter into a joint law enforcement between San Luis and the United States Marshals Service (USMS). This will allow USMS to select an officer from the San Luis Police Department to work with them and obtain overtime pay, the USMS will reimburse the city. He added that this task force's primary mission is to investigate and arrest persons who have active state and federal warrants for their arrest. He mentioned that both legal teams had reviewed this MOU.

MOTION: Council Member Jose Ponce/Council Member Mario Buchanan Jr. to approve and adopt Order No. 2021-1. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Matias Rosales	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

5. C. Discussion and possible action on any and all matters regarding Order No. 2021-2. An order of the Mayor and City Council of the City of San Luis, Arizona, to authorize the City of San Luis to enter into a Memorandum of Understanding between the City of San Luis and Campesinos Sin Fronteras. (Richard Jessup, Chief of Police)

Mr. Richard Jessup, Chief of Police, informed that the purpose of this Memorandum of Understanding (MOU) is to work with Campesinos Sin Fronteras to identify services that will impact promoting optimal health and well-being of adolescents. He mentioned that Lieutenant Marco Santana worked with this entity to obtain the grant that will help support the Explorers Program and provide youth leadership development opportunities, provide summer job internships, and employment opportunities for youth.

He added that the grant awarded is a three (3) year contract; this MOU will allow the San Luis Police Department to partner with Campesinos Sin Fronteras. He commented that once the MOU is signed, allocation of funds for \$10,000.00 per year for three (3) years will be given to the San Luis Police Department to be used in conjunction with grant requirements. Fund allocation will be contingent on yearly grant renewal approval.

MOTION: Council Member Jose Ponce/Council Member Gloria Torres to approve and adopt Order No. 2021-2. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Matias Rosales	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

5. D. Discussion and possible action on any and all matters regarding Resolution No. 2153. A resolution of the Mayor and City Council of the City of San Luis, Arizona authorizing and directing the entering into an Intergovernmental Agreement with the Yuma Union High School District #70 for joint athletic and recreational facilities use through the City's Parks and Recreation Department and San Luis High School. (Lizandro Galaviz, Parks and Recreation Director)

Mr. Lizandro Galaviz, Director of Parks & Recreation, informed that this intergovernmental agreement is a five (5) year agreement; this item was discussed during a Work Session. He added that this new agreement includes the following changes: APS bill for the lights will go to the high school, the high school will pay \$150,000.00 for the field lights in a lump sum, the city will stop maintenance of the field, there will be joint use of each other's facilities, and there are provisions for COVID-19 public health requirements.

Mayor Gerardo Sanchez, thanked staff and Yuma Union High School for working with the city.

MOTION: Council Member Luis Cabrera/Council Member Mario Buchanan Jr. to approve Resolution No. 2153 as presented. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Matias Rosales	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

5. E. Public hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2020-0661. A request by FM Group, on behalf of the State of Arizona, owner, for a conditional use permit to allow the installation of a new wireless communication facility on property located at 7125 East Cesar Chavez Boulevard, San Luis, Arizona. (Jose A. Guzman, Director of Planning and Zoning)

A. Open public hearing

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

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Matias Rosales	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

1. Staff presentation

Mr. Jose Guzman, Director of Planning & Zoning, explained that this is a request by FM Group, Michael J. Campbell on behalf of the State of Arizona, Department of Administration c/o General Services Division, owner, for a Conditional Use Permit as per Section § 152.076 (C-16) of the City of San Luis Code of Ordinances. This request is to allow the installation of a new wireless communication facility on an APS replacement pole and associated carrier equipment compound in a Rural Area Residential (RA-10) zoning district, located at 7125 East Cesar Chavez Boulevard, San Luis, Arizona.

As per City Code § 152.318(C) "The setback of the communication equipment and/or the accessory structures shall meet the building setbacks for the zoning district in which it is located. Towers shall be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line. Facilities that are located on streetlights, traffic signals poles, 69 kilovolts or above, and existing electrical utility poles are exempt from setback requirements." In this case, the proposed facility is to be located on an existing electrical utility pole which is exempt from setback requirements.

As required by state statute and the City Code, a Citizen Review meeting was held on January 12, 2021, at 6:00 p.m., due to the pandemic, this meeting was conducted via teleconference. Notice of the meeting was published in the local newspaper and the public was able to connect to the meeting or send out questions or comments via email before the meeting. The intent of this meeting was to allow the public to learn about the conditional use permit application, ask questions and/or express any comments or concerns. There were no people from the public connected to the teleconference neither did the city receive any comments or questions prior to the meeting.

The Planning and Zoning Commission held a public hearing regarding this item during a special meeting held on January 19, 2021. Due to the pandemic, this meeting was conducted via teleconference. Notice of the meeting was published in the local newspaper and the public was able to connect to the meeting or send out questions or comments via email before the meeting. There were no people from the public connected to the teleconference neither did the city receive any comments or questions prior to the meeting. Staff presented the item with the recommendation of approval and the commission made a motion to forward Conditional Use Permit Case No. 2020-0661 to the City Council with the recommendation of approval.

Mr. Michael Campbell, State of Arizona, stated that this is an AT&T facility, so it will serve all AT&T customers and possibly the emergency services group in the community. It is designed to improve the coverage in the area along Highway 195 and the prison facility.

2. Call to the Public on this item

Mr. Richard Jessup, Chief of Police, commented that he had a meeting with representatives of First Net and AT&T and discussed this as far as the coverage of what the Police Department will need now and in the future to cover the areas as the residential zones begin to expand. This will be greatly beneficial to the Police Department.

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 Matias Rosales	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

C. Action on Conditional Use Permit Case No. 2020-0661

MOTION: Council Member Gloria Torres/Council Member Jose Ponce to approve Conditional Use Permit Case No. 2020-0061. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Matias Rosales	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

5. F. Public hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2020-0795. A request by La Malquerida LLC, owners, for a conditional use permit to allow outdoor live entertainment on property located at 811 N. Cesar Chavez Street, San Luis, Arizona. (Jose A. Guzman, Director of Planning and Zoning)

A. Open public hearing

MOTION: Council Member Gloria Torres/Council Jose Ponce to open the public hearing. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Matias Rosales	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

1. Staff presentation

Council Member Mario Buchanan Jr. abstained from this item due to a possible conflict of interest.

Mr. Jose Guzman, Director of Planning & Zoning, said this is a request by La Malquerida LLC, owners, for a Conditional Use Permit to allow outdoor live entertainment for the property located at 811 N. Cesar Chavez Street, San Luis, Arizona. He added that approving this conditional use permit does not mean the city is allowing gatherings of 50 or more people in violation of the Governor's orders. This business opened in 2019 and they closed in March 2020 due to the pandemic. They reopened in September 2020 and began doing outdoor live entertainment events during the weekends. On November 24, 2020 a group of neighbors submitted a letter to the Planning & Zoning Department complaining about the loud music. Planning & Zoning researched and proceeded with the enforcement and after informing the owner of the violation, they complied immediately and the events ceased. As required by state statute, staff sent 34 notification letters to property owners within 300 feet of the proposed project. Staff received 29 letters and from those 29, 15 were within the 300 feet.

This area is designated on the General Plan as activity center and the activity center land use designation is intended to include a mixture of residential, commercial, office and other employment uses.

The Planning and Zoning Commission held a public hearing regarding this item during a special meeting held on January 19, 2021. Due to the pandemic, this meeting was conducted via teleconference. Notice of the meeting was published in the local newspaper and the public was able to connect to the meeting or send out questions or comments via email before the meeting. Staff presented the items and mentioned the 29 letters of opposition received by the neighbors, the email from the neighbor recommending to allow events only on Fridays and Saturdays, and the request of the applicant to allow events until 2:00 a.m. on Fridays and Saturdays. Staff recommended approval of the request with conditions on the hour of operations limiting the events to one per week ending at 2:00 a.m. and not allowing loud music after 10:00 p.m. during any other day. One of the commission members stated that the city needs to be business friendly, specially in the commercial district as diverse as downtown. After the presentation, the commission recommended approval with the conditions presented by staff.

The city issued a conditional use permit last year to Jardin De Eventos Ocasiones similar to this request. Mr. Guzman spoke to the owner and due to COVID-19, there has not been any events, therefore there have been no complaints for that conditional use. Staff is recommending giving this business the same opportunity as the Jardin De Eventos Ocasiones. It is understood most of the neighbors do not want the permit to be approved even with conditions. This area is known as commercial and staff is always looking to be development friendly and believe that there should be a balance in order to allow this type of development in this particular area of the city since it is zoned as commercial. Staff recommends approval of the conditional use permit application allowing only one (1) event up to 2:00 a.m. per week either Friday or Saturday and the rest of the days no loud music allowed after 10:00 p.m. The other condition was the same imposed to Jardin De Eventos Ocasiones, that they will need to resume the conditional use permit after one (1) year in order to see if the conditions imposed worked or if there are any complaints from the neighbors.

Mayor Gerardo Sanchez stated he read the letters and although the city wants to be business friendly, the business needs to be responsive to the neighbors and clientele. He has no objections with one event on the weekend and this is a conditional use permit and can be removed at any time. He added that this is the only street that has that designation to have a home and a business at the same time and the thing is, it is a mixed use and the reason for that is because people have business. They actually had their businesses in front and was proposed by previous councils and it is not completed as there needs to be some work on the requirements.

Council Member Luis Cabrera mentioned that he only saw 29 pages and not 29 letters, and that only 14 letters were attached to the agenda.

Ms. Melissa Lopez, Deputy City Clerk, stated that the City Clerk's Office received the 29 letters before the agenda was published and the 14 letters were received today via email at approximately 5:34 p.m and 10 letters were received by the Planning & Zoning Department on January 25, 2021.

Mr. Guzman said that the 29 letters attached to the agenda tonight were also attached to the agenda of the Planning & Zoning Commission.

Ms. Kay Macuil, City Attorney, mentioned that the City Clerk's Office sent out the letters that came today via email to the City Council Members; the public has not had an opportunity since it was beyond the notice, but if the Council Members had an opportunity to read those, also they are available if the City Council wants the Deputy City Clerk to read them out loud.

Mayor Gerardo Sanchez asked if it will be better to continue this item since the letters were not attached with 24-hours notice.

Ms. Macuil responded no, that it is not required that the public have all the attachment information to the agenda, they just need notice of what is being talked about. Her concern is that the City Council Members had an opportunity or not to get that input.

Vice Mayor Matias Rosales explained that he understands the neighbors concerns with the 15 letters received and does not need any more time to read the additional 14 letters received today and everything was clarified by Mr. Guzman in regards to the last complaints and the owner complying. He asked what year was that area designated commercial.

Mr. Guzman said in the year 1992.

2. Call to the Public on this item

There were no comments from the public on this item.

B. Close public hearing

MOTION: Council Member Gloria Torres/Vice Mayor Matias Rosales to close the public hearing. Motion passed with five (5) ayes and one (1) abstention by Council Member Mario Buchanan Jr.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Matias Rosales	Aye
Council Member Mario Buchanan Jr.	Abstained
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

C. Action on Conditional Use Permit Case No. 2020-0795

MOTION: Vice Mayor Matias Rosales/Council Member Luis Luna to approve Conditional Use Permit Case No. 2020-0795 with the conditions as presented by staff and agreed upon by the owner. Motion passed with five (5) ayes and one (1) abstention by Council Member Mario Buchanan Jr.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Matias Rosales	Aye
Council Member Mario Buchanan Jr.	Abstained
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Gloria Torres	Aye

6. SUMMARY OF CURRENT EVENTS

Mr. Tadeo De La Hoya, City Administrator, reported he joined the virtual forum with Dr. Kizzmekia Corbett who was one of the developers for the COVID-19 vaccine. The forum was titled "Everything You Should Know About The COVID-19 Vaccines" and it was presented by the John Hopkins University of Urban Health Institute. It was discussed how the vaccines were developed and tested for their safety, effectiveness and efficiency for their use. They also spoke about the fast development of the COVID-19 vaccine and that it was really part due to the extensive previous work on the similar virus from 2013 to 2019. He thanked Ms. Amanda Aguirre, CEO of Regional for Border Health and Ms. Susan Posada, City of San Luis Benefits Consultant, who were able to get vaccines for a third of frontline and public safety employees for the City of San Luis who will get vaccinated tomorrow. He reminded the community and employees to not wait for their employer to be vaccinated or get them an appointment but rather to seek out vaccines if they become available and the city will continue with the vaccine registration help as instructed by Mayor Gerardo Sanchez.

Mayor Gerardo Sanchez reported that he met with Mr. Tony Reyes from Comité de Bienestar and they are having an event to vaccinate 250 members of the community. The City of Somerton is taking part of a similar event. Mr. Reyes asked him if the City of San Luis was willing to participate in such events as to offer the vaccinations to the community through the city and administered by the county. Mayor Gerardo Sanchez said yes, therefore the city will help with registration. Through the letter of understanding by the governor, they are promoting vaccinations throughout the state. He hopes to see more than 250 vaccines being given to the City of San Luis. He will meet with staff to start a campaign where people can go to the city and get vaccinated through events facilitated by Yuma County Health Department. He has more than 30 volunteers who live in the community and in the medical field who are willing to help vaccinate.

Mr. De La Hoya added that the City of San Luis' Paramedics can also help with vaccination.

Council Member Luis Cabrera reported that State Representative Charlene Fernandez and State Senator Lisa Otondo both signed a letter to back then President Elect Biden to help with the supply for vaccines for Yuma County because of the allocation amounts. He added the Somerton School District administered 100 vaccines to employees today with the assistance of Ms. Amanda Aguirre. Wal-Mart is getting their technicians ready to start vaccinating as soon as they get the vaccines.

Vice Mayor Matias Rosales asked if the vaccines given by the Somerton School District, the City of San Luis and Comite De Bienestar are part or included in the 1,000 given to Yuma County.

Mayor Gerardo Sanchez said they are all part of the 1,000 vaccines provided to Yuma County. The Governor is trying to get from the Federal Government more vaccines as they are using a lot of vaccinations from the different makers and hopefully the same situation occur in Yuma. Most vaccinations are coming and staying in Yuma, they are not coming to San Luis nor Somerton.

7. ADJOURNMENT

MOTION: Council Member Mario Buchanan Jr./Council Member Jose Ponce to adjourn the Regular Council meeting at approximately 8:01 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Matias Rosales	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	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 Regular City Council meeting of the City Council of the City of San Luis, Arizona, held on January 27, 2021. I further certify that the meeting was duly called and held and that a quorum was present.



Sonia Cornelio, City Clerk