

APPROVED by Council

Date: 4/14/2021

Clerks Office: SO

MINUTES
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
March 10, 2021
7:00 p.m.

1. CALL TO ORDER/ROLL CALL

Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 7:00 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 Africa Luna-Carrasco
Council Member Gloria Torres

ABSENT: Council Member Jose Ponce

OTHERS PRESENT: Tadeo A. De La Hoya, City Administrator
Sonia Cornelio, City Clerk
Kay Marion Macuil, City Attorney
Domingo Sosa, Information Technology
Eulogio Vera, Director of Public Works
Jenny Torres, Economic Development Manager
Jonathan Dumadag, Information Technology Department
Jose L. Cisneros, Executive Assistant
Jose Guzman, Director of Planning & Zoning
Marlene Lara, Acting Assistant to Mayor and Council/PIO
Mary French-Jones, Grants Writer
Ralph Velez, City Consultant (remotely)
Richard Jessup, Chief of Police
Felipe Zubia, J2 Engineering & Environmental Design, LLC
Mark Reader, Stifel, Nicolaus & Company
Alejandra Muñoz, Property Owner

2. PLEDGE OF ALLEGIANCE

Council Member Luis E. Cabrera led the pledge of allegiance.

3. INVOCATION

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

4. CONSENT AGENDA

4. A. MINUTES OF

- **Work Session held February 3, 2021**
- **Regular Council meeting held February 10, 2021**
- **Regular Council meeting held February 24, 2021**

4. B. DISBURSEMENTS FROM FEBRUARY 13, 2021 TO FEBRUARY 28, 2021

Total Disbursements \$534,660.86

(Five Hundred Thirty-Four Thousand, Six Hundred Sixty Dollars and Eighty-Six Cents)

MOTION: Vice Mayor Matias Rosales/Council Member Africa Luna-Carrasco 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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Gloria Torres	Aye

5. DISCUSSION AND POSSIBLE ACTION ITEMS:

5. A. Discussion and possible action on any and all matters regarding the award of contract to J2 Engineering and Environmental Design, LLC for the Downtown Redevelopment Plan. (Jenny Torres, Economic Development Manager)

Ms. Jenny Torres, Economic Development Manager, said that the city went out for Requests for Proposals to hire a consultant to help staff with a redevelopment plan. Staff obtained a total of three (3) proposals as follows: J2 Engineering and Environmental Design, LLC. - \$172,000.00, The Planning Center - \$184,836.00, and Planet Communities - \$227,305.00. The evaluation committee composed of the Director of Public Works, Director of Planning & Zoning, Director of Parks & Recreation, and the Economic Development Manager from the City of Somerton, reviewed the applications and scored them accordingly to the request for proposal guidelines. J2 Matrix received a total of 430 points, Planet Communities received 391 points and The Planning Center received 408. Based on the review and the costs, staff recommends that the contract be awarded to J2 Engineering for \$172,000.00 that will be paid in two (2) fiscal years.

MOTION: Vice Mayor Matias Rosales/Council Member Africa Luna-Carrasco to award the bid to J2 Engineering and Environmental Design, LLC as presented, in the amount of \$172,000.00 to be funded in two (2) fiscal years. 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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Gloria Torres	Aye

5. B. Discussion and possible directions to staff on any and all matters regarding Request for Qualifications (RFQ) for On-Call Engineering Services RFQ No. 2021-001. (Mary French-Jones, Grants Writer)

Ms. Mary French-Jones, Grants Writer, explained that the city conducted On-Call NRF Request for Qualifications (RFQ) on January 12, 2021 for on-call engineering services. Staff posted the RFQ in the Yuma Sun, Bajo El Sol, The Yuma Plan Room, and on the city's website. The city directed a pre-proposal, it was an optional pre-proposal meeting on January 27th. Two (2) addendums were issued to request requests for clarifications, conducted a pre-proposal opening on February 11th, and a review committee reviewed the seven (7) proposals submitted; upon review and evaluation it was determined in the best interest of the city to advance all seven (7) to the City Council with staff recommendations.

This item was for discussion only no action was taken by the City Council.

5. C. Discussion and possible direction to staff on any and all matters regarding Request for Qualifications (RFQ) for On-Call Architectural Services RFQ No. 2021-002. (Mary French-Jones, Grants Writer)

Ms. Mary French-Jones, said this process is identical to the on-call engineering services. As the city is growing at a notable rate, staff thought it was wise to do this to eliminate the repeated costs for architects through a request for qualifications. Staff recommends that all four (4) be placed on a referral list.

This item was for discussion only no action was taken by the City Council.

5. D. Discussion and possible action on any and all matters regarding Resolution 2156. A Resolution of the Mayor and City Council of the City of San Luis, Arizona, (1) approving the sale and execution and delivery of pledged excise tax revenue obligations, Taxable Series 2021, evidencing a proportionate interest of the owners thereof in a third excise tax purchase agreement; (2) approving the form and authorizing the execution and delivery of necessary agreements, instruments and documents related to the sale and execution and delivery of such obligations; (3) adopting post-issuance continuing disclosure compliance procedures in connection with issuance of obligations of the city and a contingency reserve fund policy; (4) delegating authority to the Finance Director of the city to cause a transfer of appropriations within the Fiscal Year 2021 Budget of the city; (5) delegating authority to the Mayor, Manager and

Finance Director of the city to determine certain matters and terms with respect to the foregoing; (6) authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and (7) declaring an emergency. (Mark Reader, Underwriter, a Managing Director in Public Finance for Stifel, Nicolaus & Company, Inc.)

Ms. Monica Castro, Director of Finance, stated that at the City Council meeting held February 3, 2021, staff was given direction to secure obligations to pay the unfunded liability of the city's public safety retirement plan.

Mr. Mark Reader, Underwriter, a Managing Director in Public Finance for Stifel, Nicolaus & Company, Inc., provided a brief update PowerPoint presentation on the transaction to refinance the \$8.3 tier 1, tier 2 unfunded police, and fire pension liability occurring at 7.3% with a city bond issue. They were able to find sufficient budget capacity under Arizona Budget Law to close a transaction.

Mr. Claude Lockhart, Stifel, Nicolaus & Company, Inc., mentioned that the contingency reserve that they have been working with staff is something that has been adopted by many entities in Arizona that have decided to refinance their PSPRS liability. It is a cash reserve that is held for the benefit of the city and in the event that PSPRS experiences adverse conditions and that could be returns that do not meet the actuarial assumed rate of 7.3%. Their actuarial assumption change is that perhaps over time people are living longer or pay raises are given that are higher than previously expected. If there are some of those assumption changes over time that create a higher liability for the city, which will result in new payment obligations by the city, then this cash reserve/contingency reserve fund is intended to serve as a resource for the city to utilize. They worked with staff and did the math based on the pension liability of the city and they calculated \$1,600,000.00 and 50% of this is expected to be funded through the general plan and the other 50% from proceeds from the financing.

MOTION: Council Member Luis E. Cabrera/Council Member Gloria Torres to adopt Resolution No. 2156. 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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Gloria Torres	Aye

5. E. Discussion and possible action on any and all matters regarding Resolution No. 2157. 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 as amended. (Lizandro Galaviz, Director of Parks and Recreation and Kay Marion Macuil, City Attorney)

Ms. Kay Macuil, City Attorney, explained that the school attorney had some minor changes but this is the same IGA presented to the City Council previously. The IGA is for the sharing of facilities with the school and the school pays for the lights that the city installed. The changes are the removal of the sentence about alcohol in school premises, they added extra language clarifying that whoever is using the facilities will be responsible for that facility. They will be paying the light bill and will pay the city \$150,000.00 in a lump sum for the lights.

MOTION: Vice Mayor Matias Rosales/Council Member Luis E. Cabrera to approve Resolution No. 2157 approving the attached 2021 version of the IGA. 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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Gloria Torres	Aye

5. F. Discussion and possible action on any all matters regarding Resolution No. 2158. 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 Yuma County Flood Control District for design, construction, and maintenance of the San Luis Retention Basin Pump Station. (Eulogio Vera, Director of Public Works)

Mr. Eulogio Vera, Director of Public Works, stated that Yuma County Flood Control District has been working on a design for a lift station on the retention basin located west of intersection of San Luis Plaza Drive and Urtuzuastegui Street. This retention basin collects stormwater from the downtown storm drain system, extending from Archibald Street to Cesar Chavez Street and Urtuzuastegui Street to D Street. The type of soil under the retention basin has slow filtration rates that does not allow it to drain within the five (5) days required by our standards and causes an environmental health concern. The city will be responsible for routine maintenance as well as the power bill. He added that another retention basin with similar problems is located in Las Brisas. There used to be another six (6) retention basins with similar issues but were fixed with the CDBG projects.

For City Council's information, Mr. Vera mentioned that they are also doing a drain study on the northwest part of the city and Gadsden at the same time.

MOTION: Council Member Gloria Torres/Vice Mayor Matias Rosales to adopt Resolution No. 2158. 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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Gloria Torres	Aye

5. G. Discussion and possible action on any and all matters regarding a contract with Edais Engineering, Inc. associated with the expansion of City Hall. (Jose A. Guzman, Director of Planning and Zoning)

Mr. Jose Guzman, Director of Planning & Zoning, said this project was budgeted for this fiscal year but due to COVID-19 it was delayed. He met with the Director of Finance and agreed to at least get the part of the design done for this project. Mr. Guzman contacted Edais Engineering since he was the original designer for City Hall and obtained a better quote from Edais Engineering than other companies that provided a quote. He added that this is a necessity and will help staff with the outgrown currently at City Hall; staff is in need of more restrooms and storage space to comply with the records retention.

Mayor Gerardo Sanchez asked if staff could have done the design before.

Mr. Guzman responded that all capital improvements were placed on hold to see the effects of COVID-19 and were released sometime in November or December.

MOTION: Vice Mayor Matias Rosales/Council Member Mario Buchanan Jr. to approve the contract with Edais Engineering, Inc. in the amount of \$24,000.00. Motion died as there was a tie.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Matias Rosales	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis E. Cabrera	Nay
Council Member Africa Luna-Carrasco	Nay
Council Member Gloria Torres	Nay

5. H. Public hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2021-031. A request by Alejandra Muñoz, owner, for a conditional use permit to allow the construction of an accessory dwelling unit (guesthouse) on property located at 115 N. Escamilla Court. (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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Gloria Torres	Aye

1. Staff presentation

Mr. Jose Guzman, Director of Planning & Zoning, explained that this is a request by Ms. Alejandra Muñoz, property owner, for a conditional use permit to allow an accessory development unit guest house. The property is located at 115 N. Escamilla Court. There are seven (7) criteria to be met in order for an accessory dwelling unit to be allowed. One of the main concerns is criteria number 7, that the dwelling cannot be used for commercial or non-residential uses, meaning that they will be allowed the accessory development unit. The main concern is future code enforcement issues, but this application meets all seven (7) criteria. This was presented to the Planning & Zoning Commission on February 9 and they recommended approval and also staff recommends approval of this request.

Mayor Gerardo Sanchez asked what makes this different from other applications denied.

Mr. Guzman responded that the size of the lot is what makes it different. One of the criteria is that they need to have at least 8,000 square feet of the lot and this property has 12,000 square feet. This went to a lot tie to create for the construction of the main house and if they wanted to divide it again, it would not be possible due to the location of the current house. The livable area of the guesthouse is proposed to be 544 square feet, the primary unit is 2,884 square feet, so only 50% of the principal house is allowed to be the size of the dwelling; in this case is less than 50%. A total of 51 letters were mailed to the neighbors within 300 feet.

Council Member Luis E. Cabrera asked if this would affect the houses in the community in value.

Vice Mayor Matias Rosales responded that it does not really matter unless they are using it for rentals. He asked Mr. Guzman what is the difference between a guesthouse and a residence.

Mr. Guzman responded that the difference is it does not have a kitchen.

2. Call to the Public on this item

Mrs. Sonia Cornelio, City Clerk, stated that her office did not receive any comments in favor of or against this item.

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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Gloria Torres	Aye

C. Action on Conditional Use Permit Case No. 2021-031

MOTION: Council Member Gloria Torres/Council Member Luis E. Cabrera to approve Conditional Use Permit Case No. 2020-031 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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Gloria Torres	Aye

6. BOARD OF ADJUSTMENT - Motion to adjourn as City Council and convene as Board of Adjustment.

MOTION: Council Member Mario Buchanan Jr./Vice Mayor Matias Rosales to adjourn as City Council and convene as Board of Adjustment. 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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Gloria Torres	Aye

6. A. Public hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2021-044. A request by Alejandro and Maria Lopez, owners, for a variance to reduce the rear yard setback from 10 feet to 5 feet for the construction of a room addition on property located at 514 N. Fuentes Drive. (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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Gloria Torres	Aye

1. Presentation by staff and/or applicant

Mr. Jose Guzman, Director of Planning & Zoning, explained this a request for a variance to reduce the rear setback from 10 feet to 5 feet for a room addition. The property is located at 514 N. Fuentes Drive. In order to approve a variance as indicated on the City Code, they have to comply with four (4) criteria established by state law. An analysis was performed and staff determined that the request does not meet the criteria. Criteria No. 1 is that there are special circumstances or conditions regarding this property that does not apply to other properties. Staff did not find any special circumstances and the room addition can be built to the south of the property. Criteria No. 2 is that the special circumstances are pre-existing and are not created or self-imposed, in this case it is self-imposed and it can be fixed by doing a re-design and building the room to the south side of the property. Criteria No. 3 is that the variance is necessary for the preservation of substantial property rights, in this instance the property can still be used as a residence. Criteria No. 4 that it will be detrimental to people residing or working in the vicinity or adjacent properties. Any reduction of setbacks, even though some changes are minimal, it increases the potential fire spread between structures. Staff recommends that this request be denied as it does not meet the criteria.

Mr. Ralph Velez, City Consultant, asked Mr. Guzman what the density percentage is on this lot.

Mr. Guzman responded that it is less than the 50% allowed even if they add the proposed structure.

Mr. Velez added that every zoning parcel commercial, industrial or residential has a density percentage meaning one can have so much on the roof, being a single family or a commercial building. He asked if the owner tears down the shade structures, does he have an argument.

Mr. Guzman responded no as the owner does not meet the criteria but the room addition can be built to the south of the property.

Mayor Gerardo Sanchez said his concern is that a trend will start and the city has had other residents come in asking for the same thing when they do not meet the criteria. Once one gets approved then everyone asking for the same variance will have to get approved too.

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/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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Gloria Torres	Aye

C. Action on Variance Case No. 2021-044

MOTION: Vice Mayor Matias Rosales/Council Member Gloria Torres to deny Variance Case No. 2021-044 because the applicant does not fit the criteria for a variance per staff. 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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Gloria Torres	Aye

7. REGULAR SESSION AS CITY COUNCIL - Motion to adjourn as Board of Adjustment and reconvene as City Council.

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to adjourn as Board of Adjustment and reconvene as City Council. 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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Gloria Torres	Aye

8. SUMMARY OF CURRENT EVENTS

Vice Mayor Matias Rosales commented that he is starting to see a lot of movement, people getting more comfortable when it comes to the COVID-19 precautions, hopefully it is not a mistake.

Council Member Luis E. Cabrera commented that he was present at the first vaccine campaign and people were coming in and out, even city employees received their vaccine.

Mr. Tadeo De La Hoya, City Administrator, reported that the city conducted the first vaccination clinic last Friday, 3/5/2021, from 9:00 a.m. to 2:00 p.m. He thanked all staff that helped in this campaign from organizing the event, taking appointment applications and scheduling appointment over the phone. Five hundred forty (540) doses were administered and approximately 15 city employees that were helping received the vaccine from the leftover dosages. Hopefully the City of San Luis will continue to receive vaccines for the residents and encouraged people and city employees to get vaccinated if they are able to get the vaccine somewhere else.

Council Member Gloria Torres reported that Comite de Bienestar is going to provide vaccines this Friday, 3/12/2021. On Monday, 3/8/2021 they had a long line of people interested in the vaccine.


9. ADJOURNMENT

MOTION: Council Member Gloria Torres/Council Member Mario Buchanan Jr. to adjourn the Regular Council meeting at approximately 8:07 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 E. Cabrera	Aye
Council Member Africa Luna-Carrasco	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 March 10, 2021. I further certify that the meeting was duly called and held and that a quorum was present.



Sonia Cornelio, City Clerk