

**MINUTES**  
**Regular Council Meeting**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**May 26, 2021**  
**7:00 p.m.**

**APPROVED** by Council  
Date: 6/23/2021  
Clerks Office: SC

**1. CALL TO ORDER/ROLL CALL**

Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 7:02 p.m.

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

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

**ABSENT:** Council Member Luis Cabrera

**OTHERS PRESENT:** Tadeo A. De La Hoya, City Administrator  
Melissa Lopez, Deputy City Clerk  
Kay Marion Macuil, City Attorney  
Axel Chaira, I.T. Technician  
Derek Dueñas, I.T. Manager  
Domingo Sosa, I.T. Department  
Elizabeth Garcia, Police Records Manager  
Eulogio Vera, Director of Public Works  
Glenn Gimbut, Assistant City Attorney  
Jenny Torres, Economic Development Manager  
Jorge Perez, Billing & Collections Manager  
Jose Luis Cisneros, Executive Assistant  
Jose Guzman, Director of Planning & Zoning  
Marco A. Santana, Police Lieutenant  
Marlene Lara, Assistant to Mayor and Council/PIO  
Mary French-Jones, Grant Writer  
Monica Castro, Director of Finance  
Nohemy Echavarria, Court Magistrate  
Ralph Velez, City Consultant (remotely)  
Richard Jessup, Chief of Police  
James Davey, James Davey & Associates  
Javier Nuño, Retired Police Officer  
Joe Johnson, Retired Police Officer  
John Miranda, Retired Police Officer

Jose Palencia, Developer  
Luis Marquez, Retired Police Officer  
Najeh Edais, Edais Engineering (remotely)  
Ron Picket, Arizona Green Power

## **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. PRESENTATION**

**4. A. The City of San Luis Police Department would like to present the following retired police officers with a retirement badge in recognition of their many years of service: John Miranda, Luis Marquez, Oscar Garcia, Javier Nuno, and Joe Johnson. (Richard Jessup, Chief of Police)**

Mr. Richard Jessup, Chief of Police, thanked the retired police officers for the years of dedication they provided to the community. He presented them with their retired badge in honor of their accomplishments.

Mayor Gerardo Sanchez thanked them for their years of service and dedication to the City of San Luis.

## **5. CONSENT AGENDA**

### **5. A. MINUTES OF**

#### **MINUTES OF**

**- Work Session held May 5, 2021**

### **5. B. DISBURSEMENTS FROM MAY 4, 2021 TO MAY 17, 2021**

**Total Disbursements \$889,508.99**

**(Eight Hundred Eighty-Nine Thousand, Five-Hundred Eight Dollars and Ninety-Nine Cents)**

**5. C. Discussion and possible action on any on all matters regarding the purchase of outdoor fitness equipment for city parks and pathways. (Lizandro Galaviz, Director of Parks and Recreation)**

**MOTION: Council Member Gloria Torres/Vice Mayor Africa Luna-Carrasco to approve the Consent Agenda as presented. Motion passed unanimously.**

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	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 an urgent requirement for electrical control panel improvements for Lift Station 300. (Eulogio Vera, Director of Public Works)**

Mr. Eulogio Vera, Director of Public Works, explained that this item for the approval of the purchase of the electrical panel for Lift Station 300. This lift station pumps half of the flow that goes through the west waste water treatment plant. The reliability is compromised because of age so the need of replacing the electrical panel is needed. The total amount is \$48,117.40. Staff opted the quote process to save time on acquiring the purchase, it is a sole source purchase through James Cooke & Hobson, Inc. (JCH). This company helps the city with all the equipment for the lift station. This purchase will be made from the bond funds available in the wastewater account. He also asked that purchasing procedures be waived.

**MOTION:** Council Member Matias Rosales/Council Member Jose Ponce to approve purchase of \$49,118.00 from the bond capital outlay budget account and approve contacting with James, Cooke & Hobson, Inc, for the required equipment and materials for Lift Station 300 control panel replacement and waive formal purchasing procedures for the reasons presented. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	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 an unforeseen cost increase for previously approved Lift Station 300. (Eulogio Vera, Director of Public Works)**

Mr. Eulogio Vera, Director of Public Works, stated that in February 2021 the Mayor and City Council approved a project to replace some guide rails in this Lift Station 300 which total \$81,000.00 because it requires bypass pumping and needs a confined space.

However, when the lift station was emptied and began work, there were some unforeseen conditions that required the bypass pumping to be extended for a week and that included mainly different ways of fastening the rails to the wet well of the structure. A contractor was needed to extend the bypass pumping; the lift station is back in service. But it was an after the fact work and the total is \$19,432.06 which is a total of the entire project of \$100,432.06. The funds utilized will be bond funds for wastewater projects.

**MOTION:** Council Member Matias Rosales/Council Member Jose Ponce to transfer the \$19,433.00 from the capital outlay budget to the maintenance/other budget and to approve the unforeseen \$19,433.00 cost increase for DPE Construction, Inc., for completion of additional required work for Lift Station 300. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	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. 2174. A resolution of the Mayor and City Council of the City of San Luis, Arizona approving a development and protected development rights agreement for an electricity generator using a solar wind tower with the Developer (KiNRG, Inc.; KiNRG Global Solutions, Inc. and Arizona Green Power, L.L.C.). ITEM CONTINUED FROM THE SPECIAL COUNCIL MEETING HELD MAY 19, 2021. (Glenn Gimbut, Assistant City Attorney; Eulogio Vera, Director of Public Works, Jenny Torres, Economic Development Manager, Jose Guzman, Director of Planning & Zoning; and Ron Pickett of Arizona Green Power)**

Mr. Glenn Gimbut, Assistant City Attorney, explained that last week there were questions concerning the amount of water for this tower and what it meant to the future of San Luis. Contact was made with Mr. Bill Plummer, who is probably Arizona's premier water consultant. Mr. Plummer headed the hydrology study done ten (10) years ago. Mr. Plummer informed Mr. Gimbut that he would make some phone calls and put together a team. This team includes Mr. James Davey who leads the team and also Mr. Don Young, Bureau of Reclamation Hydrologist. They approach this from a conservative standpoint. They received the report that Mr. Ron Pickett mentioned last week, but they did not use it in their calculations or determination of water or water availability. For the City of San Luis' protection, he read the first paragraph of Article 3 on the protected development rights agreement: "Subject to and conditioned upon, federal and state regulation and the ability of the city to maintain 100 year adequate water supply to its residents and property owners and maintain that designation, maintain a designation by the Arizona Department of Water Resources(ADWR) as having an adequate water supply.

The city agrees to provide untreated city groundwater to the tower or gray water to the tower at the rate of 12,500 acre feet of water per year. Furthermore, Mr. Gimbut added that it provides to that they will pay for all of the work needed to keep the city's 100 year assured supply water designation with ADWR. If the city can not maintain that designation, then the city has no duty to supply water. He learned in speaking to Mr. Davey, Mr. Plummer and Mr. Young that the city has been viewing the aquifer like it is a swimming pool and a finite supply of water and that does not describe this aquifer at all. This aquifer recharges continuously at a certain rate. The original hydrology study from ten (10) years ago, predicted that by now the city's aquifer would have dropped 32 feet and with that, the city still had adequate supply of water. According to Mr. Young and Mr. Davey, the city's aquifer has dropped only eight (8) feet, so it is only one (1) quarter of what was predicted. If the city supplies all of this water for 50 years to the tower, it would only drop two and half (2 ½) feet.

Mr. James Davey, Davey and Associates Engineer, indicated he, Mr. Plummer and Mr. Young prepared a six (6) page report included with the agenda packet for tonight's meeting. He added that the aquifer for the city is like half pool and also half flowing upper part of the aquifer being recharged by the Colorado River and by irrigation recharge from the farm land in the Yuma Valley. The aquifer is estimated to contain between 48 million and 96 million acre feet of groundwater. He thinks of an acre foot of groundwater as a football field, one foot deep, it contains a considerable amount of water from the north hill valley to Mexico to the Gila mountains and over to California. Out of 48 to 96 million acre feet, the 12,500 acre feet per year used by the wind tower project is a very small fraction of that. In addition to the aquifer, being on the border, there are some federal regulations that affect the use of the aquifer. In the 1970's the U.S. and Mexico governments, negotiated a groundwater pumping sharing agreement along the border within five (5) miles either side of the border, where each nation could pump up to 160,000 acre feet per year of groundwater. Last year the U.S. pumped approximately 60,000 acre feet per year, which is about one third (1/3) of allowed water. During the previous groundwater study prepared in 2010 for ADWR, a worst case scenario was considered of federal, private and city pumping from the aquifer to reach the 160,000 acre per feet per year. Mr. Davey illustrated a couple tables in the back of the report where out of the 160,000 acre per year pumped allowed to be pumped to the United States, there are at least 35,000 acre feet per year reserved for city and private pumping. The 240 well field, the main federal pumping project could reach 125,000 acre feet per year; last year it used 30,000 acre feet, which is about one quarter (¼). He doubts it will reach that but being conservative there are at least 35,000 acre feet available for the city and private wells. He explained the second table and how the 35,000 feet is now allocated. The city has a current ADWR assured water supply of over 8,900 acre feet per year. There are some private wells in the five (5)-mile area, mostly some farms along the river outside the levee and the state prison has its own wells; that is 578 feet per year. If the solar wind tower project is added at 12,500 acre feet per year or other future projects with the same water use, the current allocations with the solar wind project totals 27,000 acre feet per year. He confidently said that they can serve the city, existing private uses and wind tower and still have 7,900 left over. Also, the city has water rights in Yuma Valley, there is previously executed conversion contract between the City of San Luis, Bureau of Reclamation and Yuma County Water Users Association to allow conversion of all water rights in the valley.

The city uses groundwater and not river water, in the future if the city was to construct a treatment plant for Colorado River and deliver it, then the city would have another supply of water rights in the Yuma Valley. This is something he would recommend the city to look at in the future. There are other rights available in the area, the Yuma Mesa Irrigation District has a MI allocation that can be purchased from them.

Ms. Jenny Torres, Economic Development Manager, said that she asked a few questions to Mr. Davey, Mr. Young and Mr. Plummer based on the report they provided. She illustrated the type of projects the city is receiving interest from in the last five (5) years. She wanted the City Council to know they type of industry they are, the acreage they are requesting, the kind of facility and specifically the water needs. She read a specific statement in an email from Camino, one of the projects, as follows: "while it is not a requirement for sites at this stage, the ability to support future demand of 5 million gallons or 10 (ten) million gallons in a five (5) to ten (10) years timeline can be a significant competitive factor if all else is equal between sites. They are asking for 2,688 acre feet now, but they want 11,201 acre feet of water in the future. Looking at the last three (3) projects who have an interest in the city, it totals 6,000 acre feet, it goes over the 7,900 acre feet of water that the report made by the engineers stating that there is water allocation, this does not include residential and commercial development. From her economic development perspective, she is not against the tower but wants the Mayor and City Council to understand the type of projects the city is receiving interest from and the amount of water they are requesting. Because water has become a valuable resource, the city needs to start thinking about is what type of industry does the city want in the community, what is it worth, is it worth 500 jobs, 1,000 jobs. Are they worth an average wage of \$61,000.0 and make it 500 jobs or the investment. The analysis that she requested in the previous meeting is to focus on that. Mr. Young answered they did not analyze economic development project, that they would have to be further studied to determine what options exist.

Mayor Gerardo Sanchez mentioned that these are all assumptions, none of these have actually occurred. The previous possible investor wanted the city to invest \$25 million which did not have for their water demand. These companies want to come to the city but want the City of San Luis to pay for infrastructure. With this tower, the city is not investing and this company is willing to pay for their infrastructure.

Mr. Gimbut added that the water that is easiest for the city to acquire that is the most flexible is what is called municipal in industrial water from the Yuma Mesa Irrigation District not Yuma County Water Users Association. But that would take the building of about five (5) mile pipe to go get and there is at least 10,000 acre feet available and Yuma Mesa has the right to apply for more. What will this cost to the city, it will cost the city \$2 to \$3 million, the pay for the raw water with Yuma Mesa Irrigation District. However, if the tower comes will be generating income for the city of at least \$5 million a year and the sales tax for the sale of electricity to the data center. That \$5 million can be used to acquire then build that pipeline and obtain the water from Yuma Mesa Irrigation District.

Council Member Jose Ponce stated he believes the city does have plenty of water but does not believe on the tower project. There is no data to support that this project is going to work.

Mayor Gerardo Sanchez mentioned that the city is legally protected and if there is not enough water, the city is not held responsible to invest into it. The city is not losing any money.

Mr. Eulogio Vera, Director of Public Works, added that the analysis was put together, it covers staff's concerns regarding groundwater well. He believes it establishes the amount that is available and that there is 7,900 acre feet of water available for future development including industry as well as residential and commercial.

Council Member Matias Rosales commented he understands staff's point of view in regard to the future projects but keep in mind that the city is not investing anything in this project and it is a three (3) year renewal to the commitment and if the city get something else that comes in and start building.

Council Member Mario Buchanan Jr. stated that the city is excited for big things to happen and is desperate for them to be here, this is a big project and it will not cost the city a penny, he is willing to take a big risk for the community and see how it works.

**MOTION:** Council Member Jose Ponce/Council Member Mario Buchanan Jr. to approve Resolution No. 2174. Motion passed with four (4) aye votes and two (2) nay votes from Vice Mayor Africa Luna-Carrasco and Council Member Gloria Torres.

The vote was as follows:

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

**6. D. Discussion and possible action on any and all matters regarding Resolution No. 2176. 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 the San Luis Municipal Court. (Nohemy Echavarria, Magistrate)**

Ms. Nohemy Echavarria, Court Magistrate, explained that this Intergovernmental Agreement (IGA) is presented to the Mayor and City Council every year, this IGA is for the weekend coverage. This year, the only difference is that the Superior Court is asking that it be every four (4) years. The cost varies a couple hundred dollars every year because of the number of people arrested during the weekend and holidays.

**MOTION:** Council Member Mario Buchanan Jr./Council Member Jose Ponce to approve and adopt Resolution No. 2176 as presented. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

**6. E. Public hearing followed by discussion and possible action on any and all matters regarding Resolution No. 2177. A resolution of the Mayor and City Council of the City of San Luis authorizing the submission of an application for FY 2021 Community Development Block Grant (CDBG) Regional Account funds and FY 2021 State Special Projects (CDBG SSP) funds, certifying that said applications meet the community's previously identified housing and community development needs and the requirements of the Arizona Department of Housing (ADOH) Community Development Block Grant Program, and authorizing all actions necessary to implement and complete the activities outlined in said applications. (Mary French-Jones, Grant Writer and Jenny Torres, Economic Development Manager)**

**A. Open public hearing**

**MOTION:** Council Member Mario Buchanan Jr./Vice Mayor Africa Luna-Carrasco to open the public hearing. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

**1. Presentation by staff**

Ms. Mary French-Jones, Grant Writer, said that this item was previously introduced to the Mayor and City Council on April 14 and the projects were advanced and approved per two (2) prior resolutions. Staff has good projects however they were not ranked; one of the projects involves more complicated forefront work and it contains some right-of-way acquisition. With CDBG funds there are timeframes and parameters, therefore this resolution will rank the projects including Rancho Los Oros Phase 3 as an alternate regional account project in the event that the city can not advance the right-of-way expeditiously.

Mayor Gerardo Sanchez asked what project requires more intensive construction right-of-way and what is the projected cost.

Ms. French-Jones responded it is Mesa Street project and the estimated cost is \$1.26 million and for Rancho Los Oros Phase 3 the estimated cost is \$610,000.00.

Mayor Gerardo Sanchez specified that this is how much a project costs on average, these are improvements that need to occur and engineers looked at projects that qualify once the assessments are done. He wants people to understand the type of funding needed.

Ms. French-Jones said that with that, the City Council might want to consider ranking Mesa Street as priority one (1) for the regional account funds and as alternate Rancho Los Oros Phase 3 as a regional account alternate and Rancho Los Oros Phase 2 as the state special project.

## **2. Call to the public on this item**

Ms. Melissa Lopez, Deputy City Clerk, stated that the City Clerk's Office did not receive any comments from members of the public.

Ms. French-Jones added that Ms. Jenny Torres, Economic Development Manager, did not receive any comments either.

## **B. Close public hearing**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Matias Rosales to close the public hearing. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

## **C. Action on Resolution No. 2177**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Matias Rosales to approve and adopt Resolution No. 2177 as presented. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

**6. F. Discussion and possible action on any and all matters regarding Resolution No. 2178. A resolution of the Mayor and City Council of the City of San Luis, Arizona, County of Yuma, committing local funds as leverage for FY 2021 Community Development Block Grant applications. (Mary French-Jones, Grant Writer and Jenny Torres, Economic Development Manager)**

Ms. Mary French-Jones, Grant Writer, mentioned this item is an associated leverage resolution that includes Rancho Los Oros Phase 3 as an alternate and the costs related with that.

**MOTION:** Council Member Gloria Torres/Vice Mayor Africa Luna-Carrasco to approve and adopt Resolution No. 2178 committing city funds for the Community Development Block Grant application as presented. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

**6. G. Discussion and possible action on any and all matters regarding Resolution No. 2179. A resolution of the Mayor and City Council of the City of San Luis, Arizona amending section HR-4-03(A) of the City of San Luis personnel policies relating to holidays, adding a remembrance day to commemorate the COVID-19 pandemic. (Mayor Gerardo Sanchez)**

Mayor Gerardo Sanchez, explained the city is always thinking how can one forget something that has affected everyone, all of city employees have demonstrated professionalism and being able to work under great stress, specifically through the pandemic. The City of San Luis did lose one of its members of its workforce. The city was closed but always provided the services, he thanked the volunteers during the vaccination clinics and every city employee for their service. He received comments like the City of San Luis is doing a lot more than many other cities do. This item is a token of gratitude and it is something remind everyone that one is very vulnerable to something so small but yet COVID-19 closed down economies and took lives of family members and friends.

This day should be a day to remember one's fallen loved ones and should also say thank you city employees for performing a great job. As a community, the city had lower numbers compared to other cities because of how the City of San Luis reacted.

Vice Mayor Africa Luna-Carrasco asked if this employee the city lost due to COVID-19 was the only one and if his name could be added to remember him.

Mayor Gerardo Sanchez responded he is aware of only one (1) employee and one (1) is too many and the city can find a way to incorporate his name.

The rest of the City Council Member liked and agreed with the idea.

**MOTION:** Council Member Gloria Torres/Council Member Jose Ponce to approve Resolution No. 2179. Motion passed unanimously.

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

**6. H. Discussion and possible action on any and all matters regarding Resolution No. 2180. A resolution of the Mayor and Council of the City of San Luis, Arizona approving Palencia Hills Development Agreement between the City of San Luis, Arizona, and Salmos 127:1 LLC, and repealing Resolution No. 2146. (Jose A. Guzman, Director of Planning and Zoning)**

Mr. Jose Guzman, Director of Planning & Zoning, said that this item and Item No. 6.I. are related and they pertain to the Palencia Hills Subdivision formerly known as Las Quintas 3. A Development Agreement was approved for this property through Resolution No. 2146 by the Mayor and City Council. The conditions of the Development Agreement are in Article 2 and some of the conditions included requirement for a traffic study, retention areas, a 10-inch water line and fire hydrants every 240 feet. Condition 2.4 required owner to provide curve, gutter and sidewalk on the north side of County 22<sup>nd</sup> Street between the subdivision and 10<sup>th</sup> Avenue. Other conditions included the grading and erosion control for the slope development, including improvement districts and the necessary right-of-way for improvements as well as the submittal of said plans when the subdivision process began and a safe offside distance on the intersection of Quintero Avenue and County 22<sup>nd</sup> Street. This land was sold to Salmos and a new owner, they submitted a request to amend the conditions on the previously approved Development Agreement. Since the rezoning was approved with a condition on the Development Agreement, staff processed the request of amendment as the rezoning and as the Development Agreement in order to give the opportunity to the public to comment or ask questions. If this Development Agreement is approved, the rezoning request will be presented on the next item, if both items are approved, staff will present the final plat approval for Palencia Hills at the next Council meeting.

The condition that the owner is requesting to remove is 2.4, which is the owner agrees to provide curve, gutter and sidewalk on the north side of County 22<sup>nd</sup> Street between the subdivision and 10<sup>th</sup> Avenue. This condition was proposed by staff to create pedestrian connectivity but the owner mentioned that this request is not feasible for the number of lots and the cause it requires.

This recommendation from staff is not a requirement of the regulations, the regulations requires the owner to improve half of the street directly in front of the subdivision, which they will be doing. But since they layout of the subdivision changed, now it is proposed to be a gated community, staff is also proposing the changes to the agreement. One of the changes is update of the conceptional plan because the proposed agreement before were ten (10) lots now it is 18 lots and one (1) retention, change the name of the subdivision from Las Quintas 3 to Palencia Hills. Since this will be a gated community, staff is recommending to add the condition that the applicant must provide the city documentation regarding the homeowners association, which has been submitted and is under review by staff. The applicant has to provide an acceptable mechanism to generate funds necessary for the maintenance of any private street, landscape, retention, common areas and amenities. Staff is recommending approval of this new Development Agreement with the change proposed by the applicant and the changes proposed by staff. This resolution is written so that it only becomes effective if the rezoning is approved.

Mr. Najeh Edais, Engineer, thanked staff for the presentation and for working with him on this project. He asked for clarification on condition 2.1 which is the traffic impact study, they originally did the traffic impact study and then modified later when there was a problem with the offset of the street. Now they went back to lining up Quintero Avenue, why would another traffic impact study be needed if it is not going to do anything, the site distance has already been configured in the original traffic impact study.

Mr. Guzman replied that this requirement if for any new subdivisions and at the time of the final plat, the determination if a traffic impact study is needed or not will be made by the Public Works Department based on the design of the subdivision and the traffic it generates.

Mr. Edais mentioned that the comments received from the Director of Public Works did not require a traffic impact study, so he is assuming that it is not needed.

Mr. Eulogio Vera, Director of Public Works, stated that it is correct, the condition was placed early on not knowing the final design or layout of the project, but staff did not think it was necessary because it is only a small amount of lots and the intersection with County 22<sup>nd</sup> Street is the same as across the street which has significantly more lots than Palencia Hills Subdivision.

Mr. Edais also inquired about condition 2.5 which pertains to an improvement district, he does not believe an improvement district is necessary for this subdivision because the subdivision is a private gated community and homeowners association will be maintaining everything within the subdivision.

Mr. Guzman added that the traffic impact study is added to the report for consistency and to make sure staff does not leave anything out on the requirements and it is the same thing for the requirement of improvement districts. At the time when the report was generated, staff did not have any documentation on the homeowners association so it was included in the event it was needed, if it is not needed then the homeowners association will be all the city needs.

Mayor Gerardo Sanchez stated that the city needed an assurance that the homeowners association was going to be done and this will be the first homeowners association in the city and want to make sure that everything is covered.

Mr. Edais said that the attorney already drafted the homeowners association, legally it has to be done per state law, which was submitted to staff for review. He also queried condition 2.7 relating to the landscape and landscaping on County 22<sup>nd</sup> Street, he did not understand if the city is saying that they do not want to install the landscaping or they are just supposed to pay the money. Mr. Edais rather do the landscaping and the City of San Luis if not going to maintain the landscaping as it will be maintained by the homeowners association.

Mr. Guzman responded that it is a safety net in case anything is needed and this language was created before staff had the landscape improvement districts.

Council Member Mario Buchanan Jr. stated that he understand that staff has the requirement of the traffic impact study as a safety net, but in the event is needed is the developer ok to comply with it.

Mayor Gerardo Sanchez said that is the reason why is stays on the conditions.

**MOTION:** Council Member Mario Buchanan Jr./Vice Mayor Africa Luna-Carrasco to approve and adopt Resolution No. 2180. Motion passed unanimously.

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

**6. I. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2020-0474B and Ordinance No. 416. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending the conditions on Low-Density Residential (R1-20) zoning, as approved by Ordinance No. 402, on property located at Quintero Avenue & County 22nd Street. (Jose A. Guzman, Director of Planning & Zoning)**

## **A. Open public hearing**

**MOTION:** Vice Mayor Africa Luna-Carrasco/Council Member Matias Rosales to open the public hearing. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

### **1. Staff presentation**

Mr. Jose Guzman, Director of Planning & Zoning, stated that this item is related to the one previously discussed. The former rezoning was conditioned on the previous Development Agreement, with this ordinance, staff did the regular process as a rezoning to the opportunity to the public to comment or ask questions on this item. This ordinance will not be changing the actual zoning, it will update the conditions that were approved in the previous item with Resolution No. 2180. Staff recommends approval of this ordinance to amend the conditions of the rezoning.

### **2. Call to the Public on this item**

Ms. Melissa Lopez, Deputy City Clerk, indicated that the City Clerk's Office did not receive any comments from the members of the public.

Mayor Gerardo Sanchez added that there were no letters received regarding this topic.

## **B. Close public hearing**

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

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

**C. Approval of Reading of Ordinance No. 416 by title only**

**MOTION:** Council Member Matias Rosales/Council Member Jose Ponce to approve the reading of Ordinance No. 416 by title only. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

Ms. Melissa Lopez, Deputy City Clerk, read Ordinance No. 416 by title only.

**D. Action on Ordinance No. 416**

**MOTION:** Council Member Matias Rosales/Council Member Jose Ponce to approve the rezoning conditioned upon the terms of the Development Agreement approved by Resolution No. 2180 and to approve Ordinance No. 416. Motion passed unanimously.

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	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 he and the rest of the Council Members attended the celebration for the nine (9) benches donated to Alegria Park; he is very grateful for the people who donated them. It is empowering when residents decide to make a difference. It is small gesture but impacts a lot of people and as previously discussed, projects are expensive.

Vice Mayor Africa Luna-Carrasco reported she provided a short presentation to the ADOT Board for their five (5) year transportation plan to consider the City of San Luis for the Cesar Chavez project during their budget approval.

Council Member Matias Rosales reported that the City of San Luis owns the right-of-way for most of Cesar Chavez Boulevard, the city won the bid to acquire this right-of-bid. This is something that staff began working on five (5) years ago.


## 8. ADJOURNMENT

**MOTION:** Vice Mayor Africa Luna-Carrasco/Council Member Jose Ponce to adjourn the Regular Council meeting at approximately 8:36 p.m. Motion passed unanimously.


The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

**APPROVED:**

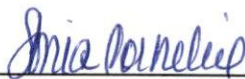
  
\_\_\_\_\_  
Gerardo Sanchez, Mayor

**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 May 26, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

  
\_\_\_\_\_  
Sonia Cornelio, City Clerk