

APPROVED by Council

Date: 9/8/2021

Clerks Office: [Signature]

MINUTES
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
August 25, 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.

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

OTHERS PRESENT: Lizandro Galaviz, Interim City Manager
Sonia Cornelio, City Clerk
Kay Marion Macuil, City Attorney
Crystal Fragozo, Administrative Coordinator
Derek Dueñas, I.T. Manager
Domingo Sosa, I.T. Department
Eulogio Vera, Director of Public Works
Francia Alonso, Acting Assistant to the Mayor & City Council
Jenny Torres, Economic Development Manager
Joaquin Campa, Building Safety
Jonathan Dumadag, I.T. Department
Jose Guzman, Director of Planning & Zoning
Jossue Cerda, I.T. Department
Marco Santana, Police Lieutenant
Melissa Lopez, Deputy City Clerk
Ralph Velez, City Consultant
Richard Jessup, Chief of Police
Ric Bauermann, Fire Department
Buna George, Greater Yuma Port Authority
Cesar Neyoy, Reporter
Columba Nuñez, Resident
Christian Cuevas, Translator
Maria Robles, Resident

2. PLEDGE OF ALLEGIANCE

Council Member Jose Ponce led the Pledge of Allegiance.

3. INVOCATION

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

4. PROCLAMATION/PRESENTATIONS

4. A. September 2021 Library Card Sign-Up Month

Mrs. Sonia Cornelio, City Clerk, read the proclamation in its entirety.

Mayor Gerardo Sanchez thanked the representative from the San Luis Library Branch for the service they provide to this community. He added it is a resource for adults and children and appreciates Yuma County for the services they provide.

4. B. Presentation on the development of the future Veterans Memorial Park. (Lizandro Galaviz, Director of Parks and Recreation)

Mr. Lizandro Galaviz, Interim City Manager/Director of Parks & Recreation, thanked the committee and all those involved for working together and support of the future Veteran Memorial Park. Mr. Galaviz provided a brief presentation on the design concept and cost. The PowerPoint presentation is filed with the complete agenda packet filed at the City Clerk's Office.

Mayor Gerardo Sanchez commented the Veterans Park is something needed especially for those who have given the ultimate sacrifice and they needs to be recognized, this community has active members in the military. While the cost is high and he recommended getting in contact with Congressman Raul Grijalva's Office for the possibility of federal funding towards this project.

4. C. Presentation regarding asbestos in water line pipe materials; informative and regulatory summary. (Eulogio Vera, Director of Public Works)

Mr. Eulogio Vera, Director of Public Works, presented a brief informative PowerPoint on the asbestos cement (AC) pipe and the polyvinylchloride (PVS) pipe which is now what is standard industry for water, sewer and other pipelining projects. He added that asbestos is a known carcinogen and it is a natural occurring mineral found in soil and rock. The primary route of exposure to people is inhalation; the material is very strong, corrosion resistant, fire resistant, light weight and very economical. In the early 1900s asbestos was very popular to the late 1980s and was used for water line construction in the United States (U.S.). It is estimated that approximately 600,000 miles of AC water lines are installed in the U.S. and Canada. The City of San Luis is a fairly new town and has only five (5) miles of AC water lines equaling to 6% of its entire water distribution system; other cities have between 30 and 50%. The city has been repairing older subdivisions and when the total reconstruction is being worked on, then that is how the old asbestos line will be replaced.

Currently there is no regulatory requirement to replace them and mainly it is due to Environmental Protection Agency (EPA) and Arizona Department of Environmental Quality (ADEQ) governing in Arizona and know that if that asbestos is not released into the atmosphere or enough into water, it is not harmful. Asbestos does not dissolve in water. There is a limit set by EPA which is seven (7) million fibers per liter. City staff tests the water and has never been close to one (1) million fibers per liter, the most recent tests results are 0.2, 0.3 and this is because it is coming from well water, from the soil coming from the ground.

Furthermore, he added that it has never been a concern in the city. The tests are done based on the requirements from ADEQ as they establish the testing schedules and different mineral get tested at different times. But usually it is twice a year but it is different minerals and it is not always the same test; some tests are more frequent but staff takes daily samples for more concerning contaminants. It was brought to his attention a concern about how some of the recent projects did not have waterline replacements. The life cycle of an AC pipe is between 70 to over 100 years. The city does not have lines that old and it is not a concern at this time.

The streets that recently got repaved were not in the budget; within the last six (6) or seven (7) years there was a list of approximately 12 streets that were deteriorated beyond any type of pavement preservation. The city is investing every year in pavement preservation and all the streets repaved in the last three (3) years were beyond pavement preservation. The re-pavement that was completed will probably be 15-20 years and will be redone again at the time. The projects that were completed would of almost double its cost for the same street if the waterline replacement would have been included. The cost was over \$800,000.00 in repaving and would have been over \$1.5 million for both re-pavement and waterline replacement. The use of funds was appropriate and the city is not in any violation of any regulatory concerns from ADEQ or EPA.

Mayor Gerardo Sanchez indicated to make sure city employees are aware of asbestos, how a person gets it, safety and lifespan of these pipelines.

Council Member Matias Rosales mentioned that the oldest in that area is from the 1990s and wondered if what residents are seeing on Merrill Avenue is from Yuma County Water Users Association.

Mr. Vera specified that the area that has asbestos is right up against the port, there is a small section there, all the other ones got replaced at one time. For many years when originally the town side was built, some of those streets were probably not paved. Comite de Bienestar Phase 1 is one subdivision that has asbestos. Everything on Merrill Avenue is PVC and there is another part of Los Portales that has asbestos but that is it. Yuma County Water Users Association does not use asbestos, they use concrete and looks the same as asbestos. Mr. Vera added that this presentation was forwarded to the Water Supervisor to be shared with staff.

Everybody gets training on asbestos, exposure and protecting themselves, however staff does not do the work with asbestos, as they hire someone else to help with that.

The existing lines is not something that would cause cancer. Some parts of 4th Avenue have asbestos and will be replaced with the intersection of 4th Avenue.

Mayor Gerardo Sanchez asked Mr. Vera to provide an estimate of how much would it cost to change that 6%.

Mr. Vera added that the America Water Works Association estimates \$1 million per mile of asbestos replacement. For the city it probably will be \$500,000.00 per mile which will be approximately \$2.5 million to replace the five (5) miles of waterlines.

CONSENT AGENDA

5. A. MINUTES OF

- **Work Session held August 4, 2021**
- **Regular Council meeting held August 11, 2021**

5. B. DISBURSEMENTS FROM AUGUST 3, 2021 TO AUGUST 16, 2021

Total Disbursements \$749,719.82

(Seven Hundred Forty-Nine Thousand, Seven Hundred, Nineteen Dollars and Eighty-Two Cents)

MOTION: Council Member Gloria Torres/Council Member Luis Cabrera 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 Luis Cabrera	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 authorization to accept service agreement and enter into a contract with Flock Group Inc. (Richard Jessup, Chief of Police)

Mr. Richard Jessup, Chief of Police, explained that this is for a two (2) year contract at the beginning and then one (1) year renewal contracts thereafter. Mr. Jessup spoke about the success of the program and asked the company that they do a pilot program with them and test it out. The City of San Luis Police Department asked for a three (3) month period and Flock Group, Inc., extend it for six (6) months and this program yielded some incredible returns. He explained the process of the application and how it works on officers' cellphones. The Flock Safety camera sees like a detective to make actionable evidence available when needed that is easily searchable by vehicle type, make, model, color, timeframe, or plate details.

They deliver this detail through machine learning technology that scans each image for distinguishing features, instead of traditional metal plates. This means they can also detect vehicles with no plates, temporary plates, dirty/covered plates, and even get accurate state detection.

MOTION: Council Member Mario Buchanan Jr./Council Member Luis Cabrera to approve the contract with Flock Group Incorporated for \$16,500.00 for the initial year of two (2) years and approve the price terms for subsequent years 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 Luis Cabrera	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 Subdivision Case No. 2021-0419F. A request by Core Engineering Group, PLLC., on behalf of the Greater Yuma Port Authority for the Magrino Industrial Park Unit 4 final plat. The property is located south of County 25th Street between Avenue E and Avenue D in San Luis, Arizona. (Jose A. Guzman, Director of Planning & Zoning)

A. Staff Presentation

Mr. Jose Guzman, Director of Planning & Zoning, stated that this request is for the Magrino Industrial Park Unit 4; this phase consists of 86.3 acres and will have 12 industrial lots ranging in size from two (2) to 14 acres. As part of Unit 1, all of the required improvement districts were approved for the entire subdivision. It is located south of County 25th and north of the border. This item was presented to the Planning & Zoning Commission and they recommended approval with the condition that the applicant addressed the review comments letter dated July 8, 2021. His office received the revised plans and the response letter; the applicant agreed to most of the comments. There is one (1) comment that was talked to with the applicant and staff agreed that the comments is not substantial and can be addressed at the start level during the review. Staff recommends approval of this item and the recommended motion.

B. Action on Subdivision Case No. 2021-419F

MOTION: Council Member Luis Cabrera/Council Member Jose Ponce to approve the Magrino Industrial Park Unit 4 Final Plat with the condition that the applicant addresses review comment letter dated July 8, 2021. 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 Luis Cabrera	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 a proposed contract with Parks and Recreation Director Lizandro Galaviz to assume the additional duties of Interim City Manager. (Kay Macuil, City Attorney)

Ms. Kay Macuil, City Attorney, this item is a follow up to the August 19, 2021 Special Council meeting, in which Mr. Lizandro Galaviz, Director of Parks & Recreation, was appointed as the Interim City Manager. The agreement leaves him as the Director of Parks & Recreation and adds on the duties of City Manager; and for that he is compensated by a 25% increase in his salary. The base salary will be the adjusted salary rather than the one that is in place today to begin August 20, 2021 and ends when the City Council takes further action on the position and upon termination the City Code would not apply. She explained that usually at the end of a City Manager's term they would have a 30-day appeal period and are paid 30 days, but since this is an interim position, staff made sure in this contract he would just go back to being a department head.

MOTION: Council Member Jose Ponce/Council Member Luis Cabrera to approve the Interim City Manager's contract as presented for Lizandro Galaviz. Motion passed with six (6) and one (1) nay.

The vote was as follows:

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

7. CALL TO THE PUBLIC

Ms. Columba Nuñez, 146 Jenkins Avenue, San Luis, AZ, stated that the Senior Center is closed and she was never informed, she understands the situation and that is how that person is.

She added that another thing she wanted to bring up to the Mayor and City Council is her husband's situation, for those who do not know, Mr. John Starkey did not retire because he wanted to, but because he was pressured, removed, humiliated and insulted so that he would leave. One (1) person with a high school diploma gaining more than \$100,000.00 would harass and humiliate her husband while he was at work. Additionally, she added that Mr. Velez would constantly ask her husband when would he retire and Mr. Starkey would come to work afraid, humiliated and stressed; he was frustrated and confused with the current administration. When Mr. Velez spoke to Mr. Starkey for the last time, he informed Mr. Starkey that he could go as an inspector but that his salary was going to be cut in half. She would tell her husband that they were the ones with the power and that he could not do anything about it. Her husband was a person with more than 30 years of experience, with credentials and a bachelors degree from a university who was liked by his co-workers and he could not do anything at all. He had to resign, he did not want to go from here, he loved this community and even after he left some of the city's employees would still call him to ask for his help. The city kicked him out, he did not want to retire; she demands respect for all city employees. She hopes that the new Interim City Manager treats all city employees fairly, with respect and dignity. She said that she supported Mayor Gerardo Sanchez and regrets it because he was one of the main executioners that got her husband out of the city.

8. SUMMARY OF CURRENT EVENTS

Mayor Gerardo Sanchez reported he received an invitation from Senator Sinema to join her for a meeting on the future structure of Port of Entry I; it passed the Senate and thanked both Senators Sinema and Mark Kelly. If the House of Representatives passed the bill, the City of San Luis will receive the \$147 million required to finalize Port of Entry I. The City of Douglas will obtain close to \$300 million for a new port and the City of Nogales will obtain funding for all the necessary studies; they estimate a cost of approximately \$1 billion. The City of Calexico will also obtain approximately \$300 million. In addition to investing in infrastructure, it will be needed to invest in personnel. There will be 17 lanes and need to make sure that there will be enough staffing. One of the concerns discussed is the increase in traffic; approximately 14,000 people cross the San Luis border with restrictions and when the restrictions are lifted, the vehicle traffic will increase. He also reported that he attended the Ribbon Cutting Ceremony for a new development at the Palencia Estates. He added that the census number is low but the city is still at 35,000, they projected between 39,000 and 40,000, the census is looking at their data. One thing about the population is that once the City of San Luis reaches 50,000 the funding range changes through infrastructure. In the 2010 Census, the city was a young community, the average age was between the ages of 18 and 26. He thanked staff for the different ideas for the community to participate in the census and emphasized the importance of the census. The community that showed the highest growth was the City of San Luis.

9. EXECUTIVE SESSION

Vote to hold an Executive Session pursuant to A.R.S. § 38-431.03(A)(3), (4), and (7).

Discussion and possible action to hold an Executive Session pursuant to A.R.S. § 38-431.03(A)(3), (4), and (7) for discussion or consultation with the city's attorneys regarding a commercial development agreement for the development of a hotel for legal advice , and/or to consider the city's position and instruct its attorneys regarding the its position regarding contracts that are the subject of negotiations, and/or with designated representatives of City Council in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale, or lease of real property. (Kay Marion Macuil, City Attorney; Jenny Torres, Economic Development Manager; and Ralph Velez, City Consultant and Bill Sims, Outside Counsel)

MOTION: Council Member Gloria Torres/Council Member Luis Cabrera to go into Executive Session at approximately 7:53 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 Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

10. EXECUTIVE SESSION

Vote to hold an Executive Session pursuant to A.R.S. §§ 38-431.03(A)(3) and 38-431.03(A)(4)

Discussion and possible action to hold an Executive Session pursuant to A.R.S. § 38-431.03(A) subsections (3) and (4) on any and all matters regarding the lease with Advanced Call Center Technologies for discussion or consultation for legal advice or to consider the city's position and instruct its attorneys regarding the lease that is the subject of negotiations, in pending or contemplated litigation or in settlement to avoid or resolve litigation. (Kay Marion Macuil, City Attorney)

MOTION: Council Member Gloria Torres/Council Member Luis Cabrera to go into Executive Session at approximately 7:53 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 Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

11. MOTION TO GO BACK TO REGULAR SESSION

MOTION: Council Member Mario Buchanan Jr./Council Member Luis Cabrera to go back to Regular Session at approximately 8:59 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 Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

12. DISCUSSION AND POSSIBLE ACTION ITEM:

Discussion and possible action on any and all matters regarding approval and ratification to engage outside counsel and to take all actions necessary to resolve current state law, city code violations and breaches of the lease with the City of San Luis by Advanced Call Center Technologies, Inc.; including without limitation settlement, mediation, arbitration and/or litigation. (Kay Marion Macuil, City Attorney)

MOTION: Council Member Luis Cabrera/Council Member Jose Ponce to ratify and approve the engagement of the Law Firm Dickinson Wright to represent the city regarding Advanced Call Center Technologies, LLC breaches and its and other people or entities violations of law; and to authorize the City Manager, the Office of the City Attorney and outside Legal Counsel to take all actions necessary to resolve current violations of law and breaches of the lease of the commercial space at 580 North San Luis Plaza Drive, San Luis, Arizona, including without limitation, settlement, mediation, arbitration and/or litigation. 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 Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

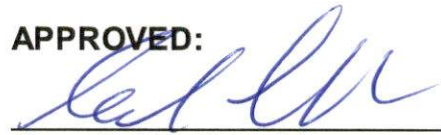
13. ADJOURNMENT

MOTION: Council Member Mario Buchanan Jr./Council Member Luis Cabrera to adjourn the Regular Council meeting at approximately 9:00 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 Luis Cabrera	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 August 25, 2021. I further certify that the meeting was duly called and held and that a quorum was present.


Sonia Cornelio, City Clerk