

**MINUTES**  
**Regular Council Meeting**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**January 12, 2022**  
**7:00 p.m.**

**APPROVED** by Council

Date: 1/24/2022

Clerks Office: GC

**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 (via Zoom)  
Council Member Mario Buchanan Jr.  
Council Member Luis Cabrera (arrived at approximately 7:01 p.m.)  
Council Member Jose Ponce  
Council Member Matias Rosales

**ABSENT:** Council Member Gloria Torres

**OTHERS PRESENT:** Lizandro Galaviz, Interim City Manager  
Kay Macuil, City Attorney  
Sonia Cornelio, City Clerk  
Derek Dueñas, I.T. Manager  
Eulogio Vera, Director of Public Works  
Fernando Corona, I.T. Specialist – Public Safety  
Fernando Villegas, Principal Planner  
Glenn Gimbut, Assistant City Attorney  
Jenny Torres, Economic Development Manager  
Jorge Perez, Billing & Collections Manager  
Jose Guzman, Director of Planning & Zoning  
Jose Luis Cisneros, Executive Assistant  
Karla Lastra, Office Assistant  
Ralph Velez, Consultant (via Zoom)  
Richard Jessup, Chief of Police  
Christian Cuevas, Translator  
Cesar Neyoy, Reporter  
David Rivas, LaSalle-Warden  
Elizabeth Carpenter, Developer  
Nieves Riedel, Developer Riedel Construction  
Olivia Jenkins, Riedel Construction  
Tadeo De La Hoya, Resident

## 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. CONSENT AGENDA

### 4. A. MINUTES OF

- December 21, 2021

### 4. B. DISBURSEMENTS FROM DECEMBER 14, 2021 THROUGH JANUARY 3, 2022

**Total Disbursements \$782,741.39**

**(Seven Hundred Eighty-Two Thousand, Seven Hundred Forty-One Dollars and Thirty-Nine Cents)**

**4. C. Discussion and possible action on any and all matters regarding Order No. 2022-01. An order of the Mayor and City Council of the City of San Luis, Arizona adopting uses for the American Rescue Plan Act fund allocation to the City of San Luis. (Lizandro Galaviz, City**

**MOTION: Council Member Mario Buchanan Jr./Council Member Matias Rosales 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

## 5. DISCUSSION AND POSSIBLE ACTION ITEMS:

**5. A. Discussion and possible action on any and all matters regarding the proposed agreement between the City of San Luis, Arizona and Allkiosk LLC, to provide the processing of utility payments through a kiosk setup outside City Hall. (Jorge Perez, Billing & Collections Manager)**

Mr. Jorge Perez, Billing & Collections Manager, indicated that this is an option to enhance the services provided to residents. The purpose of the kiosk is for customers to have access 24/7 to pay their utility bill using cash or debit/credit card options and will be in both English and Spanish.

The agreement is with AllKiosk, LLC and they will provide the kiosk equipment and supplies needed at no cost, the city will only pay a per-transaction fee of \$1.50 for cash transactions or 1.5% for card payments.

Transaction fees can either be absorbed by the city or charged to the customer for each transaction. Staff recommends approval of this agreement; this request complies with the San Luis Purchasing Code Section 3.05.090 Cooperative Purchasing.

**MOTION:** Council Member Jose Ponce/Council Member Mario Buchanan Jr., to approve the contract with AllKiosk, LLC 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

**5. B. Discussion and possible action on any and all matters regarding adopting a notice of intention to recuperate the city's costs through a special water connection surcharge on those connecting to the city-built water line on County 25th Street between Avenue E and Avenue D. (Kay Marion Macuil, City Attorney and Eulogio Vera, Director of Public Works)**

Ms. Kay Macuil, City Attorney, explained that this item is to recuperate the cost of the city putting in a water line on County 25<sup>th</sup> Street between Avenues E and D. This is for posting of the 60-day notice and approves the form that advises the public of the public hearing to be held during the Regular Council meeting scheduled for March 23, 2022 at 7:00 p.m.

**MOTION:** Council Member Matias Rosales/Council Member Mario Buchanan Jr. to adopt the Notice of Intention setting the public hearing for March 23, 2022 and direct staff to publish the notice as required by A.R.S. Section 9-511.01 (A)(2). 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

**5. C. Public Hearing followed by discussion and possible action on any and all matters regarding the recommendation of the Liquor License Application submitted to the Arizona Department of Liquor Licenses and Control by Michael Joseph Basha on behalf of Food City #127 located at 579 N. Main Street, San Luis, Arizona. (Sonia Cornelio, City Clerk)**

**A. Open Public Hearing**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Luis Cabrera 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 Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

**1. Staff and/or applicant presentation**

Mrs. Sonia Cornelio, City Clerk, stated that her office received the liquor license application and was posted at the proposed premises along the notice as required by state law. This application is for a change in agent, staff recommended approval of this item.

**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 Mario Buchanan Jr./Council Member Luis Cabrera 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 Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

**C. Action on the recommendation of the Liquor License Application to the Arizona Department of Liquor Licenses and Control for Food City #127.**

**MOTION:** Council Member Luis Cabrera/Council Member Jose Ponce to recommend approval of liquor license application to the Arizona Department of Liquor Licenses and Control for Food City #127 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

**5. D. Discussion and possible action on any and all matters regarding authorization to purchase Virtual Reality (VR) training program and equipment using Fiscal Year 2022 Capital Project Budgeted funds. (Richard Jessup, Chief of Police)**

Mr. Richard Jessup, Chief of Police, said that the San Luis Police Department is seeking approval for the purchase of a Virtual Reality Training Program for the Axon Taser 7. Staff would like to use the remaining funds from the FY 2022 Capital Project to purchase the body worn cameras. The purchase contract with Axon will be for a term of five (5) years, to be paid upfront for the whole term. If the purchase is made after January 2022, the cost will increase by \$18,106.00 for the same product. At the end of the five-year term, the contract will be reviewed and renegotiated based on the needs and new technology at that time. This is a purchase as a sole source, using Procurement Code 3.05.020 Exclusive Services.

**MOTION:** Council Member Jose Ponce/Council Member Luis Cabrera to proceed with the Purchasing Procedures to purchase the Virtual Reality (VR) Training program and equipment for the San Luis Police Department, for a total amount of \$31,173.50 and approve a budget transfer from Capital Outlay account to the Software Support account as presented in the fiscal impact of this agenda. Motion passed unanimously.

The vote was as follows:

<del>Mayor Gerardo Sanchez</del>	<del>Aye</del>
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

**5. E. Discussion and possible action on any and all matters regarding the amendment to the Kimley Horn and Associates, Inc. contract for the development of a study to include a downtown circulation assessment, an origin and destination assessment and a downtown parking assessment. (Jenny Torres, Economic Development Manager)**

Ms. Jenny Torres, Economic Development Manager, explained that a few weeks ago, the City of San Luis awarded a contract to Kimley Horn Inc. for the development of the origin/destination, parking and circulation study.

The contract included a reduced scope of work eliminating several tasks due to funding constraints. The city submitted a \$75,000.00 request to the Arizona Department of Transportation (ADOT) to cover the full scope of work. In the meantime, in order to collect all the data as required by the original scope of work, the city would like to proceed to amend the contract with Kimley Horn and Associates, Inc. to include the tasks reduced by the scope of work. Yuma Metropolitan Planning Organization (YMPO) Executive Board approved granting the city a contribution of \$35,000.00 for the origin and destination study and \$75,000.00 for the circulation study. ADOT agreed to reimburse YMPO for the \$75,000.00. Staff is working with YMPO in an intergovernmental agreement between the City of San Luis and YMPO for the allocated funds. Staff asked that the Mayor and City Council approve the full contract with some changes to the budget of \$68,875.00 to reflect additional costs to include modifications to tasks 1-7 of the scope of work and a final contract amount of \$208,605.00.

**MOTION:** Council Member Luis Cabrera/Council Member Jose Ponce to approve the Amendment to the Kimley Horn and Associates, Inc., contract in the amount of \$68,875.00 for a final contract amount of \$208,605.00, as presented and to approve budget transfer as stated in this item fiscal impact statement. 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

**5. F. Discussion and possible action on any and all matters regarding the award of contract to Consultant Engineering, Inc., for the Cesar Chavez Boulevard Project. (Jenny Torres, Economic Development Manager)**

Ms. Jenny Torres, Economic Development Manager, stated that the City of San Luis entered into an intergovernmental agreement (IGA) with the Arizona Department of Transportation (ADOT) to manage a Federal Highway Administration (FHWA) grant for the development of environmental and design documents for the widening of Cesar Chavez Boulevard project.

A balance of \$431,894.00 of grant funds is still remaining of the original \$1,210,000.00 grant. The City of San Luis requested a reclassification of the remaining funds to be used for right-of-way acquisition for the Cesar Chavez Boulevard project. The City of San Luis approved the amendment intergovernmental agreement on October 13, 2021. The City of San Luis requested proposals from the ADOT approved consultants list to provide professional services for projects. A total of three (3) proposals were received as follows:

Consultant Engineering Inc.	\$102,400.25
Acquisition Services, LTC	\$130,200.00
Tierra Right of Way Services, LTD	\$140,245.00

After reviewing all proposals, staff recommends awarding the contract to Consultant Engineering, Inc. in the amount of \$102,400.25.

**MOTION:** Council Member Luis Cabrera/Council Member Mario Buchanan Jr. to award the contract to Consultant Engineering, Inc., in the amount of \$102,400.25 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

**5. G. Public Hearing followed by discussion and possible action on any and all matters regarding Resolution No. 2205. A resolution of the San Luis City Council relating to the community redevelopment in San Luis; defining the redevelopment area; finding the existence of a slum and/or blighted area in the City of San Luis and declaring the necessity for and the creation of the downtown San Luis redevelopment area. (Jenny Torres, Economic Development Manager)**

#### **A. Open Public Hearing**

**MOTION:** Council Member Matias Rosales/Council Member Mario Buchanan Jr. 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 Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

## 1. Staff presentation

Ms. Jenny Torres, Economic Development Manager, specified that the City of San Luis contracted with J2 Engineering and Matrix to conduct this analysis. The City of San Luis held an in-person redevelopment area open house on September 28, 2021, at the San Luis Cultural Center where the residents, business owners and the public provided their comments. A second virtual redevelopment area open house was held on October 19, 2021, to provide another option for community engagement. All comments submitted were integrated into the finding of the necessity study. A public notice was mailed to all property owners on the public hearing scheduled for the proposed approval and adoption of Resolution No. 2205.

City staff recommends the approval of Resolution No. 2205, to designate the downtown as a redevelopment area.

Mr. Ed Boik, Matrix Design Group, provided and briefly illustrated a PowerPoint presentation that is filed at the City Clerk's Office with the complete agenda packet.

## 2. Call to the public on this item

Ms. Elizabeth Carpenter, Sams Group Investment, stated that she agrees there are areas in downtown that need to be redeveloped and added she would like to see from the consultants more specific ways of dealing with this, not just say that there are federal grants or that the city from the general fund can contribute. She has studied the boards outside the picture and those are not realistic to San Luis as they do not demonstrate the true dynamics of the city.

Mr. Fausto Rodriguez, business owner, stated that he is enthusiastic about the redevelopment in downtown project, he has been a business owner since 1982 and has never received the support to beautify this area, specially the alleys that are full of trash and/or vehicles that are obstructing the entrances to businesses.

Mr. Jeff Velasquez, J2 Design, commented that he will be working with Ms. Torres and staff over the next couple of months to show the details of the redevelopment and/or next step that will be presented to the Mayor and City Council.

**MOTION:** Council Member Mario Buchanan Jr./Council Member Luis Cabrera 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 Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

**B. Action on Resolution No. 2205**

**MOTION:** Council Member Luis Cabrera/Council Member Jose Ponce to approve and adopt Resolution No. 2205. 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

**5. H. Public hearing followed by discussion and possible action on any and all matters regarding Resolution No. 2206. A Resolution of the San Luis City Council relating to the community redevelopment in San Luis and designating a central business district (CBD). (Jenny Torres, Economic Development Manager)**

**A. Open Public Hearing**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Luis Cabrera 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 Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

**1. Staff presentation**

Mr. Ed Boik, Matrix Design Group, stated that this is the companion to the previous item, adoption of this district has the same boundaries as the redevelopment area and will open this area to incentives, economic development opportunities and programs.

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

There were no comments from the public on this item.

**MOTION:** Council Member Mario Buchanan Jr./Council Member Jose Ponce 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 Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

**B. Action on Resolution No. 2206**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Jose Ponce to approve and adopt Resolution No. 2206. 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

**5. I. Public hearing followed by discussion and possible action on any and all matters regarding Minor Amendment Case No. 2021-0703 and Resolution No. 2207. A resolution of the Mayor and City Council of the City of San Luis, Arizona, amending the 2040 General Plan to change the land use designation of 2.9 acres of land located on the northeast corner of Avenue F and County 24th Street from Medium Density Residential (MDR) to High-Density Residential (HDR). (Fernando Villegas, Principal Planner)**

**A. Open Public Hearing**

**MOTION:** Council Member Matias Rosales/Council Member Mario Buchanan Jr. 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 Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

## 1. Staff presentation

Mr. Fernando Villegas, Principal Planner, explained that the subject property land use designation is Medium Density Residential (MDR) as shown on the City of San Luis 2040 General Plan. The MDR land use designation is compatible with development for detached single family residential development. The applicant is requesting a land use change to High Density Residential for the construction of multi-story apartments.

## 2. Call to the public on this item

Mr. Agustin Tumbaga, applicant, indicated that they need alternative type housing and the ultimate goal is to have options other than low income housing for individuals that do not qualify for certain programs.

## B. Close Public Hearing

**MOTION:** Council Member Mario Buchanan Jr./Council Member Luis Cabrera 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 Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

## C. Action on Resolution No. 2207

**MOTION:** Council Member Mario Buchanan Jr./Council Member Luis Cabrera to approve Resolution No. 2207. 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

**5. J. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2021-0243 and Ordinance No. 423. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending the official zoning map of the City of San Luis by changing the zoning classification of 186.84 acres from Medium-High Density Residential (R-2), High-Density Residential (R-3), Community Commercial (C-2) and Light Industrial (L-I) to Medium Density Residential (R1-6) for property located on the southeast corner of Avenue E and County 23 ½ Street in San Luis, Arizona. (Jose A. Guzman, Director of Planning and Zoning)**

**A. Open Public Hearing**

**MOTION:** Council Member Mario Buchanan Jr./Council Jose Ponce 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 Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

**1. Staff presentation**

Mr. Jose Guzman, Director of Planning & Zoning, stated that on October 27, 2021, City Council approved Major Amendment Case No. 2021-0340. The approval of the Major Amendment allows the property owner to request rezoning of the subject properties to Medium Density Residential R1-6 for the development of Los Mezquites. The total proposed layout is approximately 154 lots. The applicant submitted Phase 1 and Phase 2 which consists of 278 lots. The Planning & Zoning reviewed this item and recommended approval. Subject to a development agreement approved on December 21, 2021 by the City Council, all the conditions on the development agreements are on the report. The development will have a buffer between the detention center and a waste water treatment plant of 30 feet, a green area plus an 8-foot fence. Additionally, the developer agreed to donate a strip of 30 feet wide land next to the detention center for the detention center's use for patrolling. The detention center was informed about this and did not have any comments or concerns to the proposed development. Staff recommends approval of Rezoning Case No. 2021-0693 with the following conditions:

1. Developer must comply with all provisions and conditions of the development agreement approved by Resolution No. 2204.

2. That any development of the property, or a portion thereof, and/or the approval of any subdivision plat, be conditioned upon payment to the city the sum of \$260.00 per acre, or any portion of an acre, as a proportionate contribution for a traffic signal at the intersection of County 24th Street and Avenue E.
3. Development must comply with Public Works Standards as approved by City Council during the Final Plat. Updated Public Works Standards to include right-of-way requirements, pavement thickness and other applicable standards.
4. Developer, on behalf of itself, its heirs, successors, and assigns agrees to transfer a strip of land 30 feet wide all along the Detention Center property. Title to said property shall vest to the San Luis Facility Development Corporation in fee simple free and clear of all liens and encumbrances.

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

Mr. Glenn Gimbut, Assistant City Attorney, said that what was not presented to the Mayor and City Council tonight and considers they need to know, is that late Monday afternoon Mr. Eulogio Vera, Director of Public Works, received from the Yuma County Health a reminder of the Arizona Administrative Regulations and this applies to the wastewater treatment plant. If the Mayor and City Council go through with this rezoning ordinance, they may very well have to shut down the East Mesa Wastewater Treatment Plant. The Arizona Administrative Regulations require a 1,000 foot buffer between the wastewater treatment plant and the proposed houses. There is a provision for a possible setback waiver but this information came to him Tuesday and is working hard to come up with an appropriate waiver. Staff does not know all of the implications of this proposed rezoning as it is presented. Staff has engaged outside knowledgeable engineers to help with the proposed expansion of that plant. He asked the Mayor and City Council to not hold up Los Mezquites but to just rezone the land that is west of B $\frac{1}{2}$  and continue the land that is east B $\frac{1}{2}$  30 days, to talk to the outside professional engineers to make sure of what does this imply to the city, its operation, its proposed expansion, cost and what steps or conditions the city might need to be able to hold those costs down and implications. There is no rush, the land east of B $\frac{1}{2}$  will not be developed for a year.

Mr. Najeh Edais, Engineer for Riedel Construction, mentioned that they are in agreement with the conditions set forth by staff. He added that he planned, designed and built the wastewater treatment plant and along with Mr. Gimbut, negotiated with the prison. Mr. Gimbut did not read the administrative code to the Mayor and City Council, and as an attorney, he should of. He represented that the buffer zone requirement was 350 feet not 1,000 feet. If the city is designing, constructing a new wastewater treatment plant or making a major upgrade to the existing one, then certain setback requirements have to be met. He proceeded to briefly explain the odor and no odor requirements. His plan demonstrates that none of the houses are within 350 feet from the headworks of the wastewater treatment plant, percolation system or the sludge holding.

Mr. Eulogio Vera, Director of Public Works, stated that the information about this was a call making him aware that there is an Arizona administrative regulation that has this setback requirement. He added that the the current infrastructure might be 350 feet from what is being proposed but the entire parcel is the city's, therefore the city might be closer if it was to be expanded.

The setback would be different if they would put the headworks, drying beds or pecolation ponds to the east or west property line and will get closer to the residential area if an expansion was to occur. That is the reason for the large parcel for future expansion. Furthermore, Mr. Vera said that consulting an outside engineer can help with this. But sometimes their availability is not as expected.

Ms. Nieves Riedel, Riedel Construction, explained that there is a developer agreement and it is for 185 acres. She added that for Mr. Gimbut there is no rush, however it is not his money nor his project and he cannot decide for her. She has met with the warden and city staff when there have been issues and have resolve them. She said that if there are any issues after passing tonight, the city has her word that she will take care of it. She has agreed to all the conditions setforth by staff including 30 feet of land, she asked the Mayor and City Council to consider the request.

Mr. Edais mentioned that it was brought to his attention that there is a way out on the setback requirements; the City Council can approve a lesser setback and that will include that the proper adjacent property owners will identify the city and give an identification which the city is requiring. (He proceeded to read from the document he held)

Ms. Elizabeth Carpenter, Sam Group Investment, indicated that this could affect their land to the south and would like the questions answered as they are in the process of submitting a plan for 40 acres within the next two (2) weeks for commercial development.

Mayor Gerardo Sanchez said that he is frustrated with staff just like the developers. Providing information/documents to the City Council for action during the Council meeting on a serious matter should have been done two (2) weeks ago. He added that he is certain that this can be approved and work this out, unless an Elected Official disagrees or someone from the public.

Mr. Guzman mentioned that before the issue of the odor was brought up, a condition was added to the agreement to make sure that there were no issues with the odor control.

Ms. Kay Macuil, City Attorney, responded that it is very broad provision in the Development Agreement which was passed in December 2021, that gives the city broad latitude.

**B. Close Public Hearing**

**MOTION:** Council Member Matias Rosales/Council Member Mario Buchanan Jr. to close the public hearing. Motion passed with five (5) ayes and one (1) nay vote by Council Member Luis Cabrera.

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	Nay
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye

**C. Action on Ordinance No. 423**

Council Member Matias Rosales indicated that the willingness of the developer and engineer to come back and work with staff, as well as the Development Agreement in place, he is ready to make a motion. The developer has worked hard for this project as well as staff in negotiating this item.

**MOTION:** Council Member Matias Rosales/Council Member Mario Buchanan Jr. to approve Reading of Ordinance No. 423 by title only. Motion passed unanimously.

Council Member Luis Cabrera added that the City Council should honor Ms. Riedel word as well as answering Ms. Carpenter's questions for their submittal of the plan.

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

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 423 by title only.

**MOTION:** Council Member Luis Cabrera/Council Member Mario Buchanan Jr. to approve and adopt Ordinance No. 423 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

## 6. SUMMARY OF CURRENT EVENTS

Council Member Matias Rosales informed that he attended the Senate and the House of Representatives Opening Session as Senator Lisa Otondo invited him. He mentioned that she introduced the city representatives to the other members of the senate and asked them for their support to bring a Bill to be able to get the funding needed for the Cesar Chavez Boulevard Expansion. He commented that Ms. Otondo is working in conjunction with State Representative Brian Fernandez. They intend to get attention from the state; the city might not get the funding but at least it will help get their attention on this project.

Mayor Gerardo Sanchez informed that the city held its 15<sup>th</sup> vaccination campaign and will be holding its 16<sup>th</sup> vaccination campaign. He commented that the number of COVID-19 cases had been rapidly increasing; the number of cases are higher than any time before. He asked all those present to protect themselves, neighbors, and those around them. He encouraged everyone to get vaccinated.

## 7. CALL TO THE PUBLIC

There were no comments from the public.


## 8. ADJOURNMENT

**MOTION:** Council Member Luis Cabrera/Council Member Jose Ponce to adjourn the Regular Council meeting at approximately 8:20 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

**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 12, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

  
Sonia Cornelio, City Clerk