

**MINUTES**  
**Special Council Meeting**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**October 19, 2022**  
**6:30 p.m.**

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

Mayor Gerardo Sanchez called the Special City Council meeting to order at approximately 6:30 p.m.

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

**ABSENT:** Council Member Luis Cabrera  
Council Member Africa Luna-Carrasco

**OTHERS PRESENT:** Lizandro Galaviz, Acting City Manager  
Kay Macuil, City Attorney  
Sonia Cornelio, City Clerk  
Axel Chayra, I.T. Technician  
Crystal Ochoa, Acting Assistant to Council/PIO  
Derek Dueñas, I.T. Manager  
Eulogio Vera, Director of Public Works  
Fernando Corona, Network & IT Security Administrator  
Fernando Villegas, Principal Planner  
Jenny Torres, Economic Development Manager  
Jonathan Dumadag, Systems Administrator  
Jorge Perez, Assistant Director of Public Works  
Jose Luis Cisneros, Executive Assistant  
Jossue Cerda, I. T. Help Desk Technician  
Ruben Lopez, I.T. Technician  
Elizabeth Carpenter, Developer  
Lizeth Servin, Resident

**2. PLEDGE OF ALLEGIANCE**

Council Member Jose Ponce led the Pledge of Allegiance.

### **3. PROCLAMATION**

#### **3. A. National Cyber Security Awareness Month October 2022**

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

Mayor Gerardo Sanchez thanked the City of San Luis I.T. Department for their hard work and dedication.

### **4. DISCUSSION AND POSSIBLE ACTION ITEM:**

#### **4. A. Discussion and possible action on any and all matters regarding Resolution No. 2234. A resolution of the Mayor and City Council of the City of San Luis, Arizona, approving a Memorandum of Understanding with MOY Farming Company, L.L.C., concerning a proposed lot split of a parcel bounded by Avenue D $\frac{1}{2}$ , County 24 $\frac{1}{2}$ Street, Avenue D, and County 25<sup>th</sup> Street. (Fernando Villegas, Principal Planner)**

Mr. Fernando Villegas, Principal Planner, explained that the applicant is requesting a lot split to create a new 48 acre parcel. The City of San Luis subdivision regulations does not allow lot splits that require right of way dedication, utility sanctions or off site improvements. Therefore, the purpose of the Memorandum of Understanding (MOU) is to allow the applicant to split the property to establish a heavy truck parking business. The right of way dedication will allow the applicant to split the property and will be done during the lot split process. All public improvements will be done prior to establishing the new business or the new use of said property. The applicant is proposing not to build new sidewalks along Avenue D and County 25<sup>th</sup> Street adjacent to the new proposed parcel. However, if the owner does establish use not allowed by the MOU, the owner will be required to build the sidewalk. The allowed use for is a warehouse, heavy truck parking or storage and they will have two (2) years to obtain the permit.

Mayor Gerardo Sanchez asked that the new owner will have to build the sidewalks.

Mr. Villegas responded that the existing owner or new owner will be responsible for building sidewalks only if they change the use to one (1) that is not listed on the MOU.

Council Member Matias Rosales asked if they do not build the sidewalks and five (5) years from now they change it, who build the sidewalks.

Mr. Villegas replied that the MOU will not be valid after two (2) years and they will have to comply with all the requirements.

Council Member Matias Rosales asked if they build something in 1  $\frac{1}{2}$  years and they do not change the use, but five (5) years from now the rest of the area grows and people ask for for sidewalks, who will pay for the sidewalks at that time.

Mr. Villegas stated if they do not change the use or if they do nothing to the property and it remains the same, then the city will be required to build the sidewalks, if the city does not want to wait until something happens such as a subdivision inside the property that will require the additional improvements. If nothing changes, it will remain without sidewalks from Avenue D to a quarter mile north.

Mayor Gerardo Sanchez asked Mr. Eulogio Vera, Director of Public Works, the estimated cost of sidewalks for a quarter mile.

Mr. Vera responded that the estimated cost is \$60,000.00 for a 5 foot wide sidewalk. However, the challenge is that to build a sidewalk, one has to also build the curb. The estimated cost for the curb is another \$60,000.00. Also, when there is a curb, a control drainage is needed and one has to provide retention basins and catch basins. That is why, when it is originally designed all these areas need to be covered as part of the design. If not properly planned and in the future, if the city wants to build sidewalks and curbs, the city will be looking into purchasing land for drainage, if it is not purchased now.

Council Member Matias Rosales asked if other lot splits have been done where the owner builds the sidewalks.

Mr. Vera commented that he thinks this is the first one that staff would not be requiring the developer to build sidewalks.

Mayor Gerardo Sanchez asked if this was done at the request of the applicant or why is it being changed overnight.

Mr. Villegas mentioned that the intent of the applicant is to do a lot split to establish this new use. The city will not allow the lot split without the MOU.

Council Member Matias Rosales clarified that Mayor Gerardo Sanchez asked about the MOU in regards to the exception that it is going to have a warehouse and that it will be for two (2) years, and asked if that section was added at the request of the applicant.

Mayor Gerardo Sanchez wanted clarification as it reads that the city is making this for the first time and the city is setting precedence for future developments.

Council Member Matias Rosales stated he does not have an issue with the lot split without the sidewalks, but as long as when the building permit gets done, the sidewalks get done, that is where he is having the issue with.

Mayor Gerardo Sanchez does not have a problem requiring who ever purchases this is required to build the sidewalks as required by everyone else.

Ms. Elizabeth Carpenter, Developer, explained that this is industrial development and her experience when one has sidewalks in industrial development they just get torn up all the time by truckers. There are no sidewalks in the Magrino Park nor on the Southwest Industrial Park, only on the commercial part.

When she realized that that was on there, the city did not require the Port Authority to put sidewalks on the other side of County 25<sup>th</sup> Street nor finish the road to go into their subdivision. On the north side, she will have to put in their half of the road. She added that when there are sidewalks in industrial development, after two (2) years the city is responsible for maintaining the sidewalks and the city will be repairing sidewalks all the time. It will cost a lot more to maintain them than building them. Another thing is that she does not believe that the city want to encourage pedestrian walking on County 25<sup>th</sup> Street. She is agreeing to sidewalks on another industrial subdivision because part of it along the side of it is commercial and they do want the continuity of the sidewalks. The only thing she does not want to do is go north on Avenue D because it is the sidewalk to nowhere. She understand that curbing has to be done and is on the agreement.

Council Member Matias Rosales expressed that indeed Magrino Park does not have sidewalks on the inside of the perimeters of the lots, but the developers have that requirement when they are building. His concern is that the city is adding this exception, if this person is buying the lot, decides to keep it, gets the permit in two (2) years and keeps it that way for 50 years, then the sidewalks are not going to be built unless the city pays for them at that time.

Ms. Carpenter further stated that the agreement also calls for additional right of way, staff wants Avenue D to be 100 feet, in the pre-annexation agreement it is 80 feet. She added that her proposal is that it is left at 80 feet because they do not exactly know what is going to be built on the east side and it requires a whole engineering. She would rather commit that if at that time, they need to expand Avenue D to 100 feet, which she does not foresee it, as there are two (2) lanes and there is enough room for a turn lane with 80 feet.

Mr. Vera indicated that on the inside of an industrial subdivision, staff does not require sidewalks, it is a standard. He clarified that not all the subdivision is industrial, there is commercial and industrial portion. A commercial portion does have sidewalks on the perimeter and on the industrial, there was an oversight from staff to require the sidewalk on County 24<sup>th</sup> Street and there is a gap at the moment that the city will have to build. The reason County 25<sup>th</sup> Street was developed the way it is now is because it was the work in conjunction with the county and some brands to get that roadway in and the city did put in the waterlines. On the right of way side, the city will be looking at getting the other half of the 50 feet to the south, currently, the city has 33 feet of right of way. He added that on the construction standards it is 100 feet of right of way for arterials, in the subdivision regulations and zoning it says 110 feet of right of way. Staff has informed Ms. Carpenter that the minimum is 100 feet of right of way because it is arterial. Staff cannot foresee or project exactly how things are going to develop.

Ms. Carpenter indicated that her plan is to close escrow in the next 20 days if not sooner, it will be trucking company that is international and they will provide jobs.

Council Member Matias Rosales commented that they are holding a Special Council meeting for this item and asked when this request come in to staff.

Ms. Carpenter responded that probably six (6) weeks ago adding that it got bumped from last week's Council meeting, it was scheduled to be on last week's Council meeting and her request was just for sidewalks. The request back was for six (6) items that staff wanted her to do and this is when the 80 feet versus the 100 feet was brought to her attention and this was like a week ago. She added that staff has been great to meet and work with her.

Mr. Villegas remarked that staff upon City Council's request has the ability to make changes to the MOU.

**MOTION:** Council Member Matias Rosales/Mayor Gerardo Sanchez to approve Resolution No. 2234 with the following changes:

Commitment from the landowner of the right-of-way to the east side parcels in the future if needed for the addition of 20 feet.

The requirement of the sidewalks, if needed, if the uses change to the east side land development in the future and include said parcel.

Council Member Jose Ponce asked if staff recommends this resolution.

Mr. Vera responded he would not recommend removing the sidewalks just to be consistent, but he does see the issues Ms. Carpenter mentioned and it seems that this is something she really wants it this way to make this development happen. For consistency purposes he would require sidewalks inside. Outside it is required because it is part of the arterial cross section. He recommends the solution that was proposed with the modifications versus not seeing this development happen.

Motion passed unanimously.

The vote was as follows:

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

## 5. ADJOURNMENT

**MOTION:** Vice Mayor Mario Buchanan Jr./Council Member Gloria Torres to adjourn the Special Council meeting at approximately 7:18 p.m. Motion passed unanimously.

The vote was as follows:

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

**APPROVED:**

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Gerardo Sanchez, Mayor

**ATTEST:**

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Sonia Cornelio, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special City Council meeting of the City Council of the City of San Luis, Arizona, held on October 19, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

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Sonia Cornelio, City Clerk