

**APPROVED** by Council

Date: 5/24/23

Clerks Office: M Lopez

**MINUTES**  
**Regular Council Meeting**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**April 26, 2023**  
**6:00 p.m.**

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

Mayor Nieves Riedel called the Regular City Council meeting to order at approximately 6:01 p.m.

**PRESENT:** Mayor Nieves Riedel  
Vice Mayor Luis E. Cabrera  
Council Member Maria Cecilia Cruz  
Council Member Tadeo Azael De La Hoya  
Council Member Matias Rosales  
Council Member Javier Vargas

**ABSENT:** Council Member Gloria Torres

**OTHERS PRESENT:** Ralph Velez, Interim City Manager  
Jenny Torres, Assistant City Manager  
Kay Macuil, City Attorney  
Melissa Lopez, Deputy City Clerk  
Adela Cortez, Director of Human Resources  
Angel Ramirez, Fire Chief  
Aracely De La Hoya, Senior Services Manager  
Domingo Sosa, Graphics and Media Specialist  
Eulogio Vera, Director of Public Works  
Francia Alonso, Public Information Officer  
Joaquin Campa, Building Official  
Jose A. Guzman, Director of Planning & Zoning  
Miguel Alvarez, Interim Chief of Police  
Olivia Jenkins, Government & Foreign Affairs Coordinator  
Ruben Lopez, I.T. Technician  
Cesar Neyoy, Reporter  
Christian Cuevas, Interpreter  
Columba Nuñez, Resident  
Esteban Rosales, Resident  
Jose Ponce, Resident  
Lucy Lopez, Reporter  
Mark Concha, Resident  
Najeh Edais, Edais Engineering

## **2. PLEDGE OF ALLEGIANCE**

Council Member Matias Rosales led the Pledge of Allegiance.

## **3. INVOCATION**

Ms. Helia Martinez – Pastor Templo Vino Nuevo, led the invocation.

## **4. CALL TO THE PUBLIC**

Mr. Alberto Cardenas, 1582 San Pedro Street, San Luis, AZ, commented that approximately two (2) months ago a council meeting was held where the shade structures were discussed. He added that he built a structure in his home approximately 30 years ago and in order for him to be allowed to keep it, he had to sign a legal document and increase his insurance coverage. He later learned that the current administration was going to try to remove the condition that if the owner wanted to sell or transfer the property, the structure would need to be removed. He attended the community workshop regarding shade structures the day before and was informed that this proposal is in the works and is not finalized. He asked the Mayor and City Council not to forget about this.

## **5. PROCLAMATIONS/PRESENTATION**

**5. A. Powertalk 21 Day April 21, 2023**

**5. B. 54th Annual Professional Municipal Clerks Week April 30 - May 6, 2023**

**5. C. Economic Development Week May 8 - 12, 2023**

**5. E. Bike Month May 2023**

Ms. Melissa Lopez, Deputy City Clerk, read the title of the Proclamations.

**5. F. Certificates of Appreciation to members of the Volunteer Income Tax Assistance (VITA) Program. (Mayor Nieves Riedel)**

Ms. Francia Alonso, Public Information Officer, stated that recognition is being given to the VITA Program volunteers. This program is a volunteered income tax assistance program to assist the public.

Mayor Nieves Riedel thanked the volunteers on behalf of herself and the City Council for the time they provide to assist the public.

## 6. CONSENT AGENDA

### 6. A. MINUTES OF

- MINUTES OF - Regular Council meeting held March 22, 2023

### 6. B. Disbursements from April 4, 2023 to April 17, 2023

**Total disbursements \$2,625,192.26**

(Two Million, Six Hundred Twenty-Five Thousand, One Hundred Ninety-Two Dollars and Twenty-Six Cents)

**MOTION:** Council Member Matias Rosales/Council Member Tadeo Azael De La Hoya to approve the Consent Agenda as presented. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

## 7. DISCUSSION AND POSSIBLE ACTION ITEMS:

### 7. A. Discussion and possible action on any and all matters regarding a Lease Agreement with ~~Comite De Bien Estar~~ for a temporary Police Station located in East San Luis. (Miguel Alvarez, Interim Chief of Police)

Mr. Miguel Alvarez, Interim Chief of Police, explained that second police station to be built on County 24<sup>th</sup> Street will be completed two (2) to three (3) years. In the meantime, staff is looking into the option of leasing a building for a temporary sub-station from Comite De Bien Estar located on 298 Avenue F. The building is approximately 12,000 square feet and there is some upfront cost to recondition the building suitable for police functions. This building will provide a training center and does have the room for an office space that can be used to bring other services within that building along the police services and will make it accessible for the local community to reach out a Police Officer when needed.

**MOTION:** Council Member Matias Rosales/Council Member Javier Vargas to continue this item to the next scheduled Council meeting on May 10, 2023, due to a contract not being available. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	Aye
Council Member Matias Rosales	Aye
Council Member Javier Vargas	Aye

**7. B. Discussion and possible action on any and all matters regarding the appointment of a member to serve on the Western Arizona Council of Governments (WACOG) Regional Council of Aging. (Olivia Jenkins, Government and Foreign Affairs Coordinator)**

Ms. Olivia Jenkins, Government and Foreign Affairs Coordinator, stated that WACOG contacted the city requesting an appointee from the City Council or designee to serve this board. Former Council Member Jose Ponce was appointed to serve of this board, however since his term ended the term with WACOG did as well. An email was sent to the Mayor and City Council asking for a volunteer but no response was obtained. The membership is a three (3)-year term and they meet the third Tuesday of each month in Parker, Arizona, for a total of five (5) meetings during the year.

**MOTION:** Council Member Tadeo Azael De La Hoya/Vice Mayor Luis E. Cabrera to appoint Council Member Maria Cecilia Cruz to serve on the WACOG Regional Council on Aging as presented. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	Aye
Council Member Matias Rosales	Aye
Council Member Javier Vargas	Aye

**7. C. Discussion and possible action on any and all matters regarding Incentive Program for Public Safety Departments (Police and Fire). (Adela Cortez, Director of Human Resources)**

Ms. Adela Cortez, Director of Human Resources, explained that there is a nationwide shortage of personnel in Public Safety Departments. The ability to recruit, retain and hire the qualified individuals has been a difficult task. Public Safety Departments are short staff and trying to compete with all other agencies throughout the country. They are coming with creative ways of providing different compensation, plans and programs in order to attract officers. At the City of San Luis, staff has organized a plan for incentives and perks for the Fire and Police Departments.

The plan includes incentives for hiring, retention, education, special assignments among various other incentives. Ms. Cortez briefly explained the financial impact in this plan get approved.

Council Member Tadeo Azael De La Hoya commented that this will increase the financial liability and somehow staff is going to have to find ways to come up with the revenues as this will become costly to maintain it and be the safest city or on the top ten (10) safest cities.

Council Member Matias Rosales asked regarding the incentives being after a 12 month period and other cities have the same type of incentives after a 24 month period and if Ms. Cortez considered this too short or if the City of San Luis should mirror some of the other communities and making it after two (2) years.

Ms. Cortez responded that a time period has not been finalized, in addition staff looked into other municipalities and staff is trying to break it into installments and not paying it in one (1) lump sum as there is still risk of someone getting the incentive and then leaving the agency. There will be an agreement with criteria that will need to be met by the new hires in order to qualify to receive the incentive.

Vice Mayor Luis E. Cabrera stated this is very much needed adding that a few months ago there was a directive to work on the salary study for all city employees and asked when that is presented, will there be an adjustment to the plan being presented tonight.

Ms. Cortez answered that the study that was completed for law enforcement agencies included incentives as well as base pay so when information is provided on the study, this will be taken in consideration. Staff is not touching the base as it will be part of the full study.

**MOTION:** Council Member Javier Vargas/Vice Mayor Luis E. Cabrera to approve the Public Safety Incentive Program as presented and the budget transfer as stated in the fiscal impact of this item. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	Aye
Council Member Matias Rosales	Aye
Council Member Javier Vargas	Aye

**7. D. Discussion and possible action on any and all matters regarding Order No. 2023-06. An order of the Mayor and City Council of the City of San Luis, Arizona, providing for employee secondary appointments in the San Luis Personnel Policies by changing Sections HR-2-06, HR-2-08, HR-3-02, and HR-3-05; specifically repealing Resolution No. 882; repealing any conflicting provisions; providing for severability; and providing an effective date. (Adela Cortez, Director of Human Resources)**

Ms. Adela Cortez, Director of Human Resources, stated that the updates to the Department Policy Manual have been ongoing for a few years and staff continues to work on them currently. However, there are things that need to be addressed further immediately and this being one of them. There is a need to have procedures in place for secondary appointments within the City of San Luis. The purpose of these appointment is to work on projects that are in addition to a primary position with the city, which usually come from different funding sources. Currently, there is a practice within the city to have the secondary appointments, but there is no policy in place that can be a structured city-wide for other departments. This resolution delineates guidelines in place for the secondary appointments.

Council Member Tadeo Azael De La Hoya asked what is an example of a secondary appointment and who or what determines to classify a secondary appointment. He also asked when will the Personnel Policies be completely update.

Ms. Cortez indicated that at the Police Department where officers work a Stonegarden project assignment and it is paid from a different funding source and it is paid up to a specific rate. Therefore, this would take the place to have a secondary assignment that is outside of the regular work week and work hours. She stated that the resolution outlines how the request would need to be made to the Human Resources Department. It will then be assessed and then a decision would be made in collaboration with the Finance Department and then approved by the City Manager. The Human Resources Department does not have a definite date as to when the Personnel Policies will be completed adding that many revisions have been made by the attorneys as well.

Mr. Ralph Velez, Interim City Manager, explained that in 2012 the City Council adopted a resolution changing the police lieutenants to an hourly rate so they could work the Stonegarden. The latest ruling is that it can be exempt or non-exempt to work the Stonegarden. If this changes it allows an exempt employee to work a special assignment and receive pay at time and a half of the regular pay, but this can involve any exempt employee not just the Police Department upon approval of the City Manager and the Director of Finance to receive the pay. There is no negative impact on this.

Council Member Tadeo Azael De La Hoya said that he understands for the Stonegarden purposes, but for an exempt employee that is the reason they are exempt.

Mayor Nieves Riedel commented that being an exempt employee one should not expect them to be working 24/7. If they are out on vacation time off and an exempt employee is needed to work a special project, they should be compensated.

**MOTION:** Council Member Javier Vargas/Vice Mayor Luis E. Cabrera to approve Order No. 2023-06 as presented. Motion passed with five (5) ayes and one (1) nay by Council Member Tadeo Azael De La Hoya.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	Nay
Council Member Matias Rosales	Aye
Council Member Javier Vargas	Aye

Mayor Nieve Riedel stepped down for the next item as she declared a conflict of interest and asked Vice Mayor Luis E. Cabrera to take over the meeting.

**7. E. Discussion and possible action on any and all matters regarding Subdivision Case No. 2023-0134F application by Najeh Edais, on behalf of Riedel Holdings LLC., for the approval of the final plat of Plaza Colibri Commercial Subdivision, located on the northeast corner of County 24<sup>th</sup> Street and Avenue E in San Luis, Arizona. (Jose A. Guzman, Director of Planning and Zoning)**

Mr. Jose Guzman, Director of Planning & Zoning, stated that this is for the final plat approval for Plaza Colibri Commercial Subdivision; this is a 31-acre commercial subdivision and will be divided into 39 lots. As part of the review, staff sent out a review comment letter dated April 7, 2023. A response was received on April 11, 2023 and based on the response, the applicant is proposing deferment of the landscape installation on the right-of-way and allowing retention basins on the city's right-of-way. This can be done by making sure that the landscape will be done and in case the city needs the right-of-way, there is a mechanism in place to get that right-of-way. This property is part of a Development Agreement that was approved, in order to allow the applicant to continue with the project but at the same time making sure that the city has a mechanism to ensure the installation of the landscape and the future use of the right-of-way, staff is proposing that the City Council approve this application with the condition that the Development Agreement is amended and it includes all those conditions.

**MOTION:** Council Member Javier Vargas/Council Member Maria Cecilia Cruz to approve Subdivision Case No. 2023-0134F with the condition that before the recordation of the plat, the Development Agreement is amended to address comments on the staff comment letter dated April 7, 2023. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	Aye
Council Member Matias Rosales	Aye
Council Member Javier Vargas	Aye

**7. F. Public Hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2023-0048 and Ordinance No. 440. An ordinance of the Mayor and City Council of San Luis, Arizona amending Title 18 of the City Code of the City of San Luis, Zoning Regulations to amend the provisions for front and side yard setbacks to allow certain shade structures and to amend permit requirements for accessory buildings; repealing any conflicting provisions; and providing for severability. (Jose A. Guzman, Director of Planning and Zoning)**

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

**MOTION:** Council Member Maria Cecilia Cruz/Vice Mayor Luis E. Cabrera to open the Public Hearing. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	Aye
Council Member Matias Rosales	Aye
Council Member Javier Vargas	Aye

#### **1. Staff presentation**

Mr. Jose Guzman, Director of Planning & Zoning, explained that the proposed Text Amendment only changes the zoning regulations regarding the setbacks and does not change the building or fire code in regards to safety. The main goal is for the safety of the residents. Mr. Guzman provided a PowerPoint presentation that covered the driveway shade structure as it adds the definition to the zoning regulations.

For the structure, the setbacks will be allowed to be reduced to ten (10) feet, but will have the specifics in regards to the design of the structure; one will have to open all four (4) sides, which consists of four (4) columns measuring six (6) by six (6) inches, can have a two (2) feet overhang and they will follow the same size setbacks for the driveway. They will be required to request a building permit and if wood material is used, then they can follow the building code, if they do any other material then a design by a registered engineer in the State of Arizona will need to be provided. Some of the concerns by residents is they want shades for their vehicles and on the sides of their homes, therefore the proposed amendment provides more options to residents which also includes side setbacks and rear setbacks. If the Text Amendment is approved by the Mayor and City Council, it will become effective May 26, 2023. These amendments will benefit all the houses.

Council Member Javier Vargas commented that he is aware the city has a blueprint available for residents and asked if this is for a metal or wood structure.

Mr. Guzman responded it is for the wood structure done through the Building Code but additionally, staff has a design for engineering, which is metal and a permit is required; and follow the instructions of that design.

Council Member Matias Rosales commented that this change is for the setbacks but the process is still the same in regards to public safety, engineering requirements and depending on the material being used.

Council Member Tadeo Azael De La Hoya asked if accessory buildings will be allowed to be rented to a different family and who will be enforcing it.

Mr. Guzman replied no and that an accessory dwelling unit is allowing R16, but cannot be rented to people; a guest house does not have a kitchen and can be rented as it is a room or bedroom and an air conditioner can be installed.

There was discussion amongst City Council and Mr. Guzman regarding how it will be determined if it is a guest house and enforcement if it is a rental and why was it not proposed in 2014-2015. Mr. Guzman added that during that time, the City Manager then, did not know the community very well and the then Director of Planning & Zoning was following his direction. The then Director of Planning & Zoning looked into the matter with options to reducing the setbacks in the front.

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

Mr. Braulio Flores, resident, commented that there is confusion with what can be done and can not be done and asked to have it in writing.

**B. Close public hearing**

**MOTION:** Council Member Tadeo Azael De La Hoya/Council Member Javier Vargas to close the Public Hearing. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	Aye
Council Member Matias Rosales	Aye
Council Member Javier Vargas	Aye

**C. Action on Ordinance No. 440**

**MOTION:** Council Member Javier Vargas/Council Member Matias Rosales to approve the reading of Ordinance No. 440 by title only. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

Ms. Melissa Lopez, Deputy City Clerk, read Ordinance No. 440 by title only.

**MOTION:** Council Member Javier Vargas/Vice Mayor Luis E. Cabrera to approve Ordinance No. 440. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

## **8. SUMMARY OF CURRENT EVENTS**

### **Events by Mayor, Council Members and/or City Manager pursuant to A.R.S. § 38-431.02 (K).**

Council Member Maria Cecilia Cruz reported that today is denim or jeans day with a purpose to support survivors and educate others about sexual assault and to combat victim blaming. Denim was first seen worn in support of survivors after a rape, conviction was overturned by the Italian Supreme Court by judges saying that victims implied consent by wearing tight jeans. In response women in the Italian parliament came back the next day working to work wearing jeans to stand with the victim in solidarity. On a separate note, she reminded and invited everyone about National Day of Prayer, which will take place on May 4<sup>th</sup>, outside City Hall under the flag poles at 6:00 p.m.

Vice Mayor Luis E. Cabrera reported that today some Elected Officials met with General Services Administration (GSA) Officials and Customs and Border Protection (CBP), a presentation was provided regarding the Port of Entry. He learned that there will be no delays coming in and out from Mexico through the construction of the port. He also reported he attended the Employee Picnic on April 22, 2023 and thanked the Human Resources Department for organizing this event.

Mayor Nieves Riedel reported that she is happy with the annexation results and asked Ms. Jenny Torres, Assistant City Manager, to provide an update.

Ms. Torres reported that a few weeks ago, the city received notification that the City of Yuma was going to be annexing a portion of land on the east side. At that point, the city wrote a letter to the utility company because for annexation they need a signature of a property owner and the city understood there were no property owners only a utility company in that location. During that time, the city was made aware the utility company would be providing their signature in support of the annexation. Today, the city received notification that that signature would be withdrawn from the annexation. It is uncertain what the next process will be, but staff believes that the City of Yuma has a property owner or a utility company that would support them. Staff will reevaluate the process and follow the necessary steps.

Mayor Nieves Riedel added that without Southwest Gas withdrawing their signature, the City of San Luis could not have fought this annexation in court. On April 24, 2023, Mayor Nieves Riedel signed a letter that was mailed to Southwest Gas and today, the city received a response from them. She mentioned that in 2019, the City of San Luis wanted to annex that particular piece of land and then the City of Yuma wanted to do it too. Therefore, Southwest Gas said, they were not going to get in the middle of two (2) cities and did not want to get involve. With her letter, she reminded them that they were choosing the City of Yuma over the City of San Luis and the City of San Luis is closer to the land. With this annexation the City of San Luis was going to be hindered from future growth and development. She stated that 20 years ago, the City of Yuma also wanted San Luis Port II and the City of San Luis fought it.

Mayor Nieves Riedel thanked staff and those from the City of Yuma and out of town that took the time to call and pro bono to help the City of San Luis.

Mayor Nieves Riedel indicated that the Executive Session next of the Agenda was not necessary as the matter was already resolved.

**9. EXECUTIVE SESSION Vote to hold an Executive Session pursuant to A.R.S. §§38-431.03(A)(3) and (4). Discussion and possible action to hold an Executive Session pursuant to A.R.S. §§ 38-431.03(A)(3) and (4) on any and all matters regarding consultation for legal advice with the city attorneys on the laws of annexation, the City of Yuma's pending annexation Ordinance and the intergovernmental agreement with Yuma dated May 6, 2020, regarding annexation. (Kay Marion Macuil, City Attorney and Outside Counsel Jon Paladini)**

No action was taken by the Mayor and City Council on this item.

## **11. ADJOURNMENT**

**MOTION:** Vice Mayor Luis E. Cabrera/Council Member Javier Vargas to adjourn the Regular Council meeting at approximately 7:24 p.m. Motion passed unanimously.

The vote was as follows:

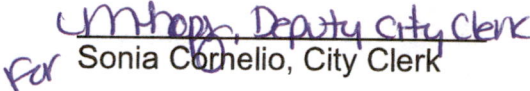
Mayor Nieves Riedel	Aye
Vice Mayor Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	Aye
Council Member Matias Rosales	Aye
Council Member Javier Vargas	Aye

**APPROVED:**



Nieves Riedel, Mayor

**ATTEST:**

*for*   
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 April 26, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

*for*   
Sonia Cornelio, City Clerk