

**MINUTES**  
**Regular Council Meeting**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**August 9, 2023**  
**6:00 p.m.**

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

Mayor Nieves Riedel called the Regular City Council meeting to order at approximately 6:00 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:** Jenny Torres, Acting City Manager  
Kay Macuil, City Attorney  
Sonia Cornelio, City Clerk  
Adela Cortez, Director of Human Resources  
Alicia Zermeño, Magistrate  
Angel Ramirez, Fire Chief  
Antonio Maldonado, Video Production Specialist  
Domingo Sosa, Graphics and Media Specialist  
Eulogio Vera, Director of Public Works  
Francia Alonso, Public Information Officer  
Jorge Perez, Assistant Director of Public Works  
Jose Guzman, Director of Planning & Zoning  
Jose Luis Cisneros, Acting Director of Parks & Recreation  
Lizette Varela, Assistant Director of Parks & Recreation  
Manuel Hernandez, Acting Assistant Director of Public Works  
Miguel Alvarez, Chief of Police  
Monica Castro, Director of Finance  
Olivia Jenkins, Operations Coordinator  
Ruben Lopez, I.T. Technician  
Alberto Leon, Resident  
Elias Gonzalez, Resident  
Esteban Rosales, Resident  
Gary Snyder, Resident  
Lucky Hoyos, Resident  
Luis Marquez, Resident

Maria Gonzalez, Resident  
Mark Concha, Resident  
Najeh Edais, Edais Engineering  
Rosa Walshe, Resident  
Veronica Zavala, Resident

## **2. PLEDGE OF ALLEGIANCE**

Council Member Tadeo Azael De La Hoya led the Pledge of Allegiance.

## **3. INVOCATION**

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

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

Ms. Alicia Zermeño, 609 S. Orange Avenue, Yuma, AZ, stated she is an attorney and served as the current Assistant City Magistrate. She added this is the second time she serves in this position, first in December 2018, when the court had an emergency with the lack of a magistrate and for the second time on January 30, 2023, to the present. As the Assistant City Magistrate from February 2023 to the end of July 2023, she has heard approximately 261 cases per month. She added that the matter of her agreement is on the agenda for the City Council's consideration. She thanked the San Luis Municipal Court staff, city staff, Human Resources, Director of Finance, Ms. Olivia Jenkins, Ms. Jenny Torres and Mr. Jose de la Vara. She was surprised to learn the Mr. Landau will be replacing her as the Assistant City Magistrate. She thanked the City Council for the opportunity to serve the citizens of San Luis.

Mr. Gary Snyder, 2416 E. Aguirre Street, San Luis, AZ, stated he is present on behalf of the Southern Winter Baseball League. They are a league focused on developing youth within the communities and across the border. They will bring the Cañeros de Los Mochis, a professional baseball team and champions of the Liga Mexicana Pacifico. This is a good opportunity to bring this team to San Luis just like other teams such as Hermosillo and Mexicali. It has been a while since the city had professional baseball, since COVID-19 and in this community. One has been working together with staff to give back to the youth, especially baseball. The youth is willing to drive to San Diego and Phoenix, pay up \$1,500.00 to be seen by scouts as there is no exposure here. This is all about giving back to the community, especially the youth. Mr. Snyder provided the Mayor and City Council the cost of the teams, which included the hotels and restaurants. The Arizona Western College (AWC) baseball team will also participate in what will be their first time playing in San Luis, Arizona and against Cañeros de Los Mochis. The exhibition baseball game is scheduled for September 14, 2023, at Joe Orduño Park. He asked the Mayor, Vice Mayor and City Council to contribute for an opportunity for residents to watch professional baseball. He has been working on this project since May 4, 2023 with the Parks and Recreation Director. He added that this is something he would like to do every year for the community.

Mayor Nieves Riedel asked Ms. Jenny Torres, Acting City Manager, to work together with Mr. Snyder on this. She is aware that Mr. Snyder submitted the request on time, but did not make it to the them.

## **5. PRESENTATION**

### **5. A. Presentation of retirement plaque to Leandro Valenzuela for his 18 years of service to the City of San Luis. (Eulogio Vera, Director of Public Works)**

Mayor Nieves Riedel stated that staff has requested that this item be continued to a future council meeting as Mr. Valenzuela was not available.

## **6. CONSENT AGENDA**

Mayor Nieves Riedel declared a conflict of interest on Item Nos. 6.D. and 6.E. and asked Vice Mayor Luis E. Cabrera to take over the Consent Agenda.

Council Member Tadeo Azael De La Hoya stated that after his conversation with Ms. Kay Macuil, City Attorney and Mayor Nieves Riedel, he will vote no on Item No. 6.C.

Ms. Macuil said that in order to vote separately, a motion is needed to be removed from the Consent Agenda.

### **6. A. MINUTES OF**

Special Council meeting held July 19, 2023

### **6. B. DISBURSEMENTS FROM JULY 20, 2023, 2023 TO AUGUST 2, 2023**

**Total \$2,392,835.87**

(Two Million, Three Hundred Ninety-Two Thousand, Eight Hundred Thirty-Five Dollars and Eighty-Seven Cents)

**6. D. Discussion and possible action on any and all matters regarding Resolution No. 2285. A resolution of the Mayor and City Council of the City of San Luis, Arizona, removing property from the San Luis Port Subdivision Street Lighting Improvement District; declaring certain territory to be no longer benefited by inclusion within the district; amending the district boundaries to exclude such areas; and forming a new district, to be known as Los Mezquites Street Lighting Improvement District, out of the balance of the original district pursuant to A.R.S. §48-616(H). (Jose A. Guzman, Director of Planning and Zoning)**

**6. E. Discussion and possible action on any and all matters regarding Resolution No. 2286. A resolution of the Mayor and City Council of the City of San Luis, Arizona, removing property from the San Luis Port Subdivision Municipal Services Improvement District; declaring certain territory to be no longer benefited by inclusion within the district; amending the district boundaries to exclude such areas; and forming a new district, to be known as Los Mezquites Enhanced Municipal Services Improvement District, out of the balance of the original district pursuant to A.R.S. § 48-575(J). (Jose A. Guzman, Director of Planning and Zoning)**

**MOTION:** Council Member Tadeo Azael De La Hoya/Council Member Javier Vargas to approve the Consent Agenda without Item No. 6.C. Motion passed with five (5) ayes and one (1) abstention from Mayor Nieves Riedel.

The vote was as follows:

|                                       |           |
|---------------------------------------|-----------|
| Mayor Nieves Riedel                   | Abstained |
| 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. DISCUSSION AND POSSIBLE ACTION ITEMS:**

**6. C. Discussion and possible action on any and all matters regarding an employment contract with Jerry Landau as an Assistant Magistrate to serve temporarily part-time per City Council action on July 26, 2023. (Jenny Torres, Acting City Manager)**

Ms. Jenny Torres, Acting City Manager, stated that at the last council meeting, staff presented an order by the Superior Court ordering Magistrate Jerry Landau to be the temporary Municipal Magistrate. At that time, the City Council approved the item; this item is for his contract which specifies some of the expenses that will incur for Mr. Landau. Staff recommends approval of the temporary contract; there is some hesitation on the cost and will be working with Judge Haws on the matter. The directive for staff is to hire a Magistrate in a timely manner. The contract does specify it cannot be for more than two (2) years as that is part of the regulations in terms of the order.

Council Member Tadeo Azael De La Hoya commented that he is aware this is a mandate by the court but does not agree that the city should pay someone \$80.00 an hour, mileage, hotel, travel time, breakfast, lunch and dinner. Judge Haws imposed this and Mr. De La Hoya does not agree with it.

Ms. Torres indicated that in comparing Ms. Zermeño's contract with Mr. Landau's, it is about the same, the difference is the travel, per-diems and everything else that adds up to higher contract amount.

Council Member Tadeo Azael De La Hoya added that this might be a good opportunity for the Superior Court to take over the San Luis Municipal Court, if they will be mandating over it.

Mayor Nieves Riedel stated that this is an order by Judge Haws, he orders, and the city pays. The city does not have a lot of choices, he is the one that made the decision to make the change. The city has this new judge and is control of the court, hopefully the city can find a solution fast.

Vice Mayor Luis E. Cabrera asked Ms. Torres when will the city begin recruitment for this position.

Ms. Torres responded the Human Resources Department was working on the job description, it was sent to the court for review, it was being finalized and should post by the end of the week.

Vice Mayor Luis E. Cabrera asked if staff can explore other alternatives with this assistant magistrate, possibly taking over the bench from a remote location so that the traveling fees and cost are not incurred.

Ms. Torres replied staff can definitely look into that, staff can negotiate with Mr. Landau that way it reduces the travel expenses. It all depends on how much correction is needed at the court and how much time it will take. He is a very qualified attorney and the city is getting one of the best.

**MOTION:** Council Member Javier Vargas/Vice Mayor Luis E. Cabrera to approve the contract with Jerry Landau 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 |

**7. A. Discussion and possible action to end Alicia Zermeño contract as a temporary assistant magistrate for the San Luis Municipal Court. (Jenny Torres, Acting City Manager)**

Ms. Jenny Torres, Acting City Manager, explained that Ms. Zermeño has served the court for a couple of months and based on the new order, her discussion with Judge Haws is that the city cannot afford to pay two (2) contracts, hence Council Member Tadeo Azael De La Hoya's concern. She met with Ms. Zermeño to let her know that Ms. Torres' recommendation to the City Council is to end her contract due to the budgetary constraints. She hopes that Ms. Zermeño can work with through August 18, 2023, while Mr. Landau takes over the court; her contract has exceeded the \$45,000.00 limitations. On August 18, staff will know the exact amount of what the contract was so that amount would be ratified.

**MOTION:** Council Member Javier Vargas/Vice Mayor Luis E. Cabrera to move that the contract with Alicia Zermeño dated January 25, 2023, shall terminate at the end of the business day on August 18, 2023. 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 |

**7. B. Discussion and possible action on any and all matters regarding an intergovernmental agreement with the Yuma County Superior Court to provide security guard services due to a vacancy in that position at the San Luis Municipal Court. (Jenny Torres, Acting City Manager)**

Ms. Jenny Torres, Acting City Manager, stated there is a vacancy in the security guard position, this position must be certified and has been difficult to fill. The Superior Court suggested an intergovernmental agreement (IGA) where they can use their security guards to rotate and cover the San Luis Municipal Court. This will be on a temporary basis until the city hires a certified security guard.

Vice Mayor Luis E. Cabrera asked if the city will recruit for the position or will the city move forward permanently with the Superior Court on this.

Ms. Torres replied that there are options, the city can recruit and hire somebody for this position as it would cost less than what it would cost through the IGA.

**MOTION:** Vice Mayor Luis E. Cabrera/Council Member Javier Vargas to approve the intergovernmental agreement with the Yuma Superior Court for Security Guard Services for the San Luis Magistrate's Court. 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 Resolution No. 2282. A Resolution of the Mayor and City Council of the City of San Luis, Arizona, an Arizona Municipal Corporation, to authorize the application for a Clean Water State Revolving Fund Loan from the Water Infrastructure Finance Authority of Arizona (WIFA). (Monica Castro, Director of Finance)**

Ms. Monica Castro, Director of Finance, described that the city needs investing a substantial amount of money in the improvement of the wastewater and water infrastructure; the estimated amount is approximately \$42 million. Staff began evaluating financing alternatives and staff is recommending applying for a WIFA loan. The advantages of a WIFA loan are that the city can obtain a subsidized or low interest rate and attain forgivable principal. This would be done in phases, beginning with the water infrastructure as this is the one moving more quickly than wastewater. This resolution is to apply for \$1.5 million, the application was split in two (2) to address the projects that have started; the other application is the one that will take multi-years to complete. This is just the application and does not commit to a loan. The city has to wait for the decision of the loan and once staff hears from WIFA with a conclusion of the revision, it will be reviewed in regard to the terms of the loan and if they are satisfactory, staff will present it to the Mayor and City Council for approval.

Council Member Tadeo Azael De La Hoya asked if approved, will the project be the ones already included in the budget.

Ms. Castro replied that is correct.

**MOTION:** Council Member Tadeo Azael De La Hoya/Vice Mayor Luis E. Cabrera to approve and adopt Resolution No. 2282. 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 Resolution No. 2283. A Resolution of the Mayor and City Council of the City of San Luis, Arizona, an Arizona Municipal Corporation declaring, for purposes of section 1.150-2 of the Federal Treasury regulations, official intent to be reimbursed in connection with certain capital expenditures relating to water and wastewater capital improvement projects. (Monica Castro, Director of Finance)**

Ms. Monica Castro, Director of Finance, stated that this resolution is in connection with the application just approved and with the one she will explain after this item. This resolution is to be in compliance with the Internal Revenue Service (IRS). The IRS limits the use of proceeds of bonds as they would not want the city to issue a tax-exempt debt and pay all capital improvements. Additionally, this resolution would allow the city to be reimbursed; as she previously stated, the city already began spending money on the water projects. This resolution does not commit the city to borrow but the ability to be reimbursed. If the borrowing takes place up to 60 days prior to the adoption of this resolution, there should not be more than three (3) years after the city did the first expenditure.

**MOTION:** Vice Mayor Luis E. Cabrera/Council Member Javier Vargas approve and adopt Resolution No. 2283. 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. E. Discussion and possible action on any and all matters regarding Resolution No. 2284. A Resolution of the Mayor and City Council of the City of San Luis, Arizona, a Municipal Corporation of Arizona, to authorize the application for a Drinking Water State Revolving Fund Loan from the Water Infrastructure Finance Authority (WIFA). (Monica Castro, Director of Finance)**

Ms. Monica Castro, Director of Finance, explained that with this application, staff is trying to cover all the water projects that will take multi-years to complete. This resolution is to request authorization to submit an application for \$13.6 million to WIFA.

**MOTION:** Vice Mayor Luis E. Cabrera/Council Member Maria Cecilia Cruz to approve and adopt Resolution No. 2284. 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. Discussion and possible action on any and all matters regarding Order No. 2023-08. An order of the Mayor and City Council of the City of San Luis, Arizona, to authorize the City of San Luis Police Department to enter into an Intergovernmental Agreement between the City of Yuma, on behalf of the Yuma Police Department (YPD), Yuma County, on behalf of the Yuma County Sheriff's Office (YCSO), Arizona Western College, on behalf of Arizona Western College Police Department (AWCPD), the City of San Luis, on behalf of San Luis Police Department (SLPD), the City of Somerton, on behalf of the Somerton Police Department (SPD), and the Town of Wellton, on behalf of the Wellton Police Department (WPD). (Nigel Reynoso, Administrative Lieutenant)**

Mr. Miguel Alvarez, Chief of Police, stated that the intergovernmental agreement (IGA) for Yuma Regional Critical Incident Response Team is for the support of local agencies in response to intentional and accidental shootings by a peace officer, the use of force by a peace officer resulting in death or serious physical injury to another and in custody's death or any peace officer suicides. It is the first time this is being done and will be mandated by the state to become forced upon for the Police Department to have a team or call the state to come in and help investigate such incidents. Therefore, Yuma County has taken a proactive measure to ensure the local law enforcement agencies have this established. There is trained people and staff to be able to handle it anywhere in the county. Currently, there is funding through the Yuma Sheriff's Office to provide training to staff identified who are going to be part of this.

**MOTION:** Council Member Maria Cecilia Cruz/Council Member Tadeo Azael De La Hoya to approve Order No. 2023-08. 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 |

Mayor Nieves Riedel declared a conflict of interest on Item No. 7.G. and will not participate on the item. She asked Vice Mayor Luis E. Cabrera to lead the item.

**7. G. Public Hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2023-0214 and Ordinance No. 443. An Ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending the conditions on Medium Density Residential (R1-6) zoning, as approved by Ordinance No. 400, on the property located between 6th Avenue and 8th Avenue north of Bienestar Estates No. 5 and south of the East Main Canal in San Luis, Arizona; repealing any conflicting provisions and providing for severability. (Jose A. Guzman, Director of Planning and Zoning)**

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

**MOTION:** Council Member Tadeo Azael De La Hoya/Council Member Javier Vargas to open the Public Hearing. Motion passed with five (5) ayes and one (1) abstention by Mayor Nieves Riedel.

The vote was as follows:

|                                       |           |
|---------------------------------------|-----------|
| Mayor Nieves Riedel                   | Abstained |
| 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 Ordinance No. 400 was approved in 2020, changing the classification for the property from Rural Area Residential (RA-10) to Medium Density Residential (R1-6). The approval was granted with certain conditions such as the road connection from 6<sup>th</sup> Avenue to 8<sup>th</sup> Avenue. The original purpose of this condition was for emergency access and street connectivity. Due to cost constraints and feasibility of the project, the applicant is requesting to remove this condition. Since the new development is being proposed as private gated community, the street will not improve street connectivity for the general public, therefore the removal of the condition is acceptable as long as it provides an emergency access for emergency vehicles. For the Fire Department, the ideal scenario will be having an access through 6<sup>th</sup> Avenue, but providing additional infrastructure on the subdivision, will be acceptable. Additional infrastructure will be wider streets, wider water lines and additional fire hydrant for fire safety. Additionally, the applicant is requesting a deviation from the subdivision regulations to allow cul-de-sac to serve 30 lots instead of 20 and allowing a private street; currently the subdivision does not allow private streets. This will be part of the conditions to having a development agreement after the rezoning is approved, including other certain conditions for the private street. Rather than moving the conditions, staff is recommending amending the condition that if the property is developed with public streets, the connection will have to be done. The applicant agrees with the conditions as presented by staff.

Council Member Matias Rosales asked with the traffic that is caused with the high school, if there was an emergency, how would medical services enter then, even if it is a gated community with a private street. Is this something that will show in a traffic study in the future as it is part of the condition of the development.

Mr. Guzman responded that the condition of the traffic study will remain and it will be for the number of traffic that the development will generate. It does not specify anything on first responders or emergency vehicles access.

Council Member Matias Rosales asked if the traffic study would show if it recommends adding a secondary point of access or not.

Mr. Eulogio Vera, Director of Public Works, responded that not all traffic studies include the evaluation of emergency vehicle access. In this case, probably it can be evaluated or added in the traffic study, possibly even having a traffic signal on 8<sup>th</sup> Avenue and the entrance, but that is only if it is warranted, it is not automatic. It would make sense to make it a requirement for the traffic study to evaluate that concern. Probably the engineer who is designing the subdivision has some comments on this matter as he is aware of the traffic in that area.

Council Member Matias Rosales commented that if it is a public road it will be required to have access to 6<sup>th</sup> Avenue, but if it becomes a private road, he only wants to make sure that the residents do not come and complain that they do not have a secondary point of access. He asked if Mr. Guzman received any comments from the residents who received the letters that were mailed by the Planning & Zoning Department.

Mr. Guzman replied that a total of 62 letters were mailed and his office did not receive any calls or comments on the rezoning.

Mr. Najeh Edais, Edais Engineering, stated that they agree to the conditions as mentioned by Mr. Guzman. They agreed that the road will be a private gated community. As far as the traffic, the Traffic Engineer, will evaluate the number of vehicles that will be coming and leaving the subdivision from that access point. He added that the traffic impact study will also include the existing conditions, such as the traffic from the school and will make their recommendations. Their recommendations are based on any improvement that is needed for that intersection or outside of it. Taking into consideration that this is a small subdivision with 30 lots and that neither he, nor the Directors of Planning & Zoning and Public Works will know the answers until the traffic engineer tells them. However, he will abide to what the traffic engineer recommends.

Council Member Matias Rosales asked if the building standards for a private road are different from a public road. He added that Bien Estar Town Homes was the first gated community.

Mr. Edais indicated that a private gated community is different from a public road. For example, when a person leaves a private gated community, one has to stop and that does slow down things, but it is better for the traffic. He did it on the Palencia Hills subdivision and does not seem to be a problem there. He spoke about other option to build the road and the challenges, adding that this project has been in the works since 2017.

Mr. Vera asked if this will then be a gated private community, private subdivision or is this just gated and if the development will be private.

Mr. Edais responded that it will not be a private development and will be a gated community, the streets will be private, water and sewer will be public exactly the same as in Palencia Hills.

Mr. Guzman stated that it does not change anything on the approval or the ordinance, staff can add language to specify the development agreement.

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

There were no comments by the public on this item.

## **B. Close Public Hearing**

**MOTION:** Council Member Tadeo Azael De La Hoya/Council Member Javier Vargas to close the Public Hearing. Motion passed with five (5) ayes and one (1) abstention by Mayor Nieves Riedel.

The vote was as follows:

|                                       |           |
|---------------------------------------|-----------|
| Mayor Nieves Riedel                   | Abstained |
| 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. 443 by title only**

**MOTION:** Council Member Tadeo Azael De La Hoya/Council Member Javier Vargas to approve reading of Ordinance No. 443 by title only. Motion passed with five (5) ayes and one (1) abstention by Mayor Nieves Riedel.

The vote was as follows:

|                                       |           |
|---------------------------------------|-----------|
| Mayor Nieves Riedel                   | Abstained |
| 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       |

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 443 by title only.

#### **D. Action on Ordinance No. 443**

**MOTION:** Council Member Javier Vargas/Vice Mayor Luis E. Cabrera to approve Rezoning Case No. 2023-0214 as presented by staff and adopt Ordinance No. 443. Motion passed with five (5) ayes and one (1) abstention by Mayor Nieves Riedel.

The vote was as follows:

|                                       |           |
|---------------------------------------|-----------|
| Mayor Nieves Riedel                   | Abstained |
| 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. H. Discussion and possible action on any and all matters regarding Ordinance No. 444. An Ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending the San Luis City Code, making the Chief of Police a City Council-appointed position; repealing any conflicting provisions; and providing for severability. (Kay Marion Macuil, City Attorney)**

Ms. Kay Macuil, City Attorney, stated that originally the City Code had it as direct with the City Council for the Chief of Police and then in 2009 there was a hybrid type ordinance where the City Manager was in control of day-to-day, the contract and appointment but only within a consultation with the City Council. In January 2023, it became part of the classified service and tonight, the Mayor has proposed to put this item back under the City Council's supervision.

Vice Mayor Luis E. Cabrera asked that if approved, as a position under the City Council, will the Chief of Police still be under the City Manager and report to the City Manager.

Ms. Macuil responded it can be done with a contract since this is a contracted position, it is no longer in the classified service if this passes, or staff can present another ordinance.

Council Member Tadeo Azael De La Hoya commented that it is just making the change back to the City Council and not making it a hybrid. So, either the City Council has the position directly because having it hybrid with the City Manager and City Council does not work.

Council Member Maria Cecilia Cruz commented that she does not understand why it is coming back to the City Council and needs more clarification.

Mayor Nieves Riedel placed it on the agenda so this position would be under the Mayor and the City Council as they need to be involved more, not to micromanage but to have more freedom to be able to decide more. The City Council is the one that receives all the complaints from people, therefore, it is not fair for the City Manager because he/she is not on the street and people come complaining to the City Council. She believes that it is the only department that should be the City Council's responsibility. She had spoken to Mr. Velez, former City Manager, that it might be a good idea to have the position under the City Manager, but even though it sounded like a good idea, it did not work out.

Ms. Macuil added that there are whereas clauses on this ordinance that explain that policy that Elected Officials are in touch with the constituency and this particular position, the Mayor has expressed it well in explaining her rationale for bringing it before the City Council.

Council Member Maria Cecilia Cruz stated that she does not want this to come back again in six (6) months again and say let's put it back to the City Manager's desk, they have to make sure the right decisions are made and not flip-flop every time something comes up.

Council Member Matias Rosales commented that it was like that in the past and like the Mayor mentioned it was changed but did not work out. He believes a high percentage of the community follows that direction as well, hopefully it is not being changed back and forth.

Mr. Miguel Alvarez, Chief of Police, stated that he is ok either way, he is there to work for the community, therefore, whatever works for the City Council works for him to make things done better in an efficient and faster way.

#### **A. Action on Ordinance No. 444 by title only**

**MOTION:** Council Member Tadeo Azael De La Hoya/Vice Mayor Luis E. Cabrera to approve the reading of Ordinance No. 444 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 Javier Vargas          | Aye |

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 444 by title only.

### **B. Action on Ordinance No. 444**

**MOTION:** Vice Mayor Luis E. Cabrera/Council Member Javier Vargas to approve Ordinance No. 444. 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 |

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

Vice Mayor Luis E. Cabrera congratulated Ms. Monica Castro, Director of Finance and her team, for their Certificate of Achievement for Excellence in financial reporting by the Government Finance Officers Association of the United States and Canada for its Annual Comprehensive Financial Report. On a separate note, he added that the first day of school was Monday, August 7, 2023 and hopes that his colleagues in the profession of education feel the enthusiasm that there is the first month of school through the entire year.

Mayor Nieves Riedel reported that the project of County 22<sup>nd</sup> Street worked out for teachers, parents, students and everyone using this road.

### **9. ADJOURNMENT**

**MOTION:** Vice Mayor Luis E. Cabrera/Council Member Javier Vargas to adjourn the Regular Council meeting at approximately 7:04 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:**

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Nieves Riedel, 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 Regular City Council meeting of the City Council of the City of San Luis, Arizona, held on August 9, 2023. 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