

MINUTES
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
October 25, 2023
6:00 p.m.

APPROVED by Council
Date: 11/21/2023
Clerks Office: SC

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
Council Member Maria Cecilia Cruz
Council Member Gloria Torres
Council Member Javier Vargas

ABSENT: Vice Mayor Luis E. Cabrera
Council Member Tadeo Azael De La Hoya
Council Member Matias Rosales

OTHERS PRESENT: Kay Macuil, City Attorney
Sonia Cornelio, City Clerk
Adela Cortez, Director of Human Resources
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
Juan Tejeda, Associate Planner
Lizette Varela, Assistant Director of Parks & Recreation
Manuel Hernandez, Acting Assistant of Public Works
Nigel Reynoso, Acting Chief of Police
Olivia Jenkins, Operations Coordinator
Ruben Lopez, I.T. Technician
Xochitl Lopez, Administrative Coordinator
Christian Cuevas, Simultaneous Translator
Fabher Sanchez, Resident
Jahaziel Vargas, Resident
Mark Concha, Resident
Maria Gonzalez, Resident
Maria Nuñez, Resident

2. PLEDGE OF ALLEGIANCE

Council Member Gloria Torres led the Pledge of Allegiance.

3. INVOCATION

Mr. Ruben Rubalcava, Minister – Iglesia Apostolica de la Fe En Cristo Jesus, led the invocation.

4. CALL TO THE PUBLIC

There were no comments from the public.

5. PROCLAMATIONS

- 5. A. Extra Mile Day November 1, 2023**
- 5. B. Alzheimer's and Caregiver Awareness Month November 2023**
- 5. C. National Diabetes Month November 2023**
- 5. D. National Runaway Prevention Month - November 2023**

Mrs. Sonia Cornelio, City Clerk, read the proclamations by title only.

6. CONSENT AGENDA

6. A. MINUTES OF

- Special Council meeting held September 25, 2023**
- Regular Council meeting held September 27, 2023**

6. B. DISBURSEMENTS FROM OCTOBER 6, 2023 TO OCTOBER 17, 2023

Total \$1,159,371.52

(One Million, One Hundred Fifty-Nine Thousand, Three Hundred Seventy-One Dollars and Fifty-Two Cents)

MOTION: Council Member Gloria Torres/Council Member Javier Vargas to approve the Consent Agenda as presented. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	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 the dedication of Fire Station #2 to Robert Fernandez. (Angel Ramirez, Fire Chief)

Mr. Angel Ramirez, Fire Chief, stated that Fire Station #2 will be opening soon. In March of 2020, when COVID-19 began, all of personnel firefighters along with Public Works, Police and other staff members worked diligently through the COVID-19 pandemic. The San Luis Fire Department had one (1) firefighter and the first line of duty death for the Fire Department, who was Mr. Robert Fernandez. Speaking to his family, Fire Chief Ramirez and the family would like to have permission to dedicate Fire Station #2 to Mr. Robert Fernandez. He asked to be allowed to place a bronze plaque at the station dedicating it to Robert Fernandez. He clarified that the station will remain City of San Luis Fire Station #2. This has been done at other municipalities with fire stations where there have been line of duty deaths. Mr. Fernandez passed away on February 5, 2022, heroically battling COVID-19.

MOTION: Council Member Javier Vargas/Council Member Maria Cecilia Cruz to approve that the San Luis Fire Station #2 be dedicated to Robert Fernandez. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

7. B. Discussion and possible action on any and all matters regarding the bid acceptance and award of a construction contract to Taylor Engineering, P.L.L.C. for the East Wastewater Treatment Plant Improvements Project. (Jorge Perez, Assistant Director of Public Works)

Mr. Jorge Perez, Assistant Director of Public Works, indicated that this item is to award a successful bid project for the construction of East Waste Water Treatment Plant Improvements Project to Taylor Engineering, PLLC. He added that the City of San Luis has been working with PACE Engineering to produce construction of improvement plans for this project. They moved forward to conduct a formal bid process resulting in a single bid received from Taylor Engineering totaling \$1,322,777.00. As part of the review and evaluation of the bid, the Department of Public Works and the PACE Engineering, Consultant, encountered a line item in which staff was able to work with the contractor and found some room for savings equaling to \$30,000.00. Staff has not formalize the savings and contract documents but are working on it. Staff requested approval from the City Council of the original bid amount for the contract, to not exceed the bid amount and leave the \$30,000.00 for any contingency that might arise during this project.

MOTION: Council Member Gloria Torres/Council Member Maria Cecilia Cruz to accept and award the successful bid to Taylor Engineering, P.L.L.C, for the East Waste Water Treatment Plant Improvements Project not to exceed \$1,322,777.00. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

7. C. Discussion and possible action on any and all matters regarding the awarding of a construction services contract to Taylor Engineering, P.L.L.C. for the replacement of five (5) sanitary sewer manholes located near Hidalgo Ave and Cesar Chavez Boulevard. (Manuel Hernandez, Acting Assistant Director of Public Works)

Mr. Manuel Hernandez, Acting Assistant Director of Public Works, stated that his department is asking for approval to award a Construction Services Contract to Taylor Engineering, PLLC, for the replacement of five (5) sewer manholes located near the main drain at Cesar Chavez Boulevard. This is the second time staff bids this project; the initial bids were received in July 2023 and were excessively high for the scope of work. The last formal bid resulted in much lower bid results potentially saving the city \$75,000.00 or more. Three (3) bids were received and Taylor Engineering, PLLC was the lowest responsive bidder in the amount of \$161,000.00.

Council Member Maria Cecilia Cruz commented that they love to hear the amount of money the city is saving.

Mayor Nieve Riedel commented that contractors of this type of job are realizing and to learn that the city does not have a free checking book. If staff went to the process of the first bid and results were too high, they do not need to go with those bids, a second round of bids can be done.

MOTION: Council Member Javier Vargas/Council Member Gloria Torres to accept and award the successful bid to Taylor Engineering, P.L.L.C., for the Hidalgo Avenue Manhole Replacement Project in the amount of \$161,000.00. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

7. D. Discussion and possible action on any and all matters regarding (1) the City of San Luis as Fiscal Agent considering expenditures from the funds of the 4FrontED Binational Program to pay for an Executive Director conditioned on authority being granted under the terms of the 4FrontED Binational Intergovernmental Program intergovernmental agreement; (2) the City of San Luis as one member of the 4FrontED Binational Program consider continuing the Independent Contract for the Executive Director, Nazzer O. Mendez. (Olivia Jenkins, Operations Coordinator)

Ms. Olivia Jenkins, Operations Coordinator, stated that staff is asking the City Council's approval of the City of San Luis to continue to be the Fiscal Agent and also to approve the independent agreement for an Executive Director. The City of San Luis has been a member of the 4FrontED for a few years and has been the agent as well.

Council Member Maria Cecilia Cruz stated she is in favor of this, because she believes that 4FrontED has been able to promote not just the City of San Luis but the county and the region. Once the city, county and region gets exposure and working together, then people will know more about this area.

MOTION: Council Member Maria Cecilia Cruz/Council Member Javier Vargas to approve as the Fiscal Agent, the use of the 4FrontED Bi-National Program funds for \$52,500.00 plus expenses for a year for an independent contractor to serve as the Program's Executive Director on the condition that the City of San Luis receives written authorization under the intergovernmental agreement and to ratify expense paid for the months of July and August in the amount of \$13,880.72. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

MOTION: Council Member Javier Vargas/Council Member Maria Cecilia Cruz to approve, as one (1) member of the 4FrontED Bi-National Program, the independent contract for the Executive Director as presented. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

7. E. Discussion and possible action on any and all matters regarding authorization to accept service agreement and enter into a contract with Precision Protective Security Services Inc. for traffic control. (Nigel Reynoso, Acting Chief of Police)

Mr. Nigel Reynoso, Acting Chief of Police, explained that he is asking for approval to enter in an agreement with Precision Protective Security Service, Inc. for the assistance of traffic control. The city has experienced long hours of traffic, specially with southbound traffic. He added that having assistance with traffic control, the Police Department will attend to the city's needs. They are also working on other tools to help the City of San Luis Police Department in the traffic control and have reached out to businesses on Archibald Street, they will be placing traffic control devices and will make sure that they are not removed. His department budgeted \$113,000.00 for this project and does not foresee he will use the entire budgeted amount.

Council Member Javier Vargas asked how many months will the contract be for?

Acting Chief Reynoso responded it will be for eight (8) months.

MOTION: Council Member Javier Vargas/Council Member Maria Cecilia Cruz to approve the contract with Precision Protective Security Services for the initial year ending June 30, 2024, not to exceed the budgeted dollar amount of \$113,000.00. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

7. F. Discussion and possible action on any and all matters regarding a Contract with Campesinos Sin Fronteras for the Free and Open to the Public Event Dia del Campesino in San Luis, Arizona. (Lizette Varela, Assistant Director of Parks & Recreation)

Ms. Lizette Varela, Assistant Director of Parks & Recreation, stated that in the past the City of San Luis has been assisting Campesinos Sin Fronteras with their Dia Del Campesino event.

She added that unfortunately, this year city staff will not be able to help with the logistics and the setup. Campesinos Sin Fronteras requested \$5,000.00 contribution from the city to continue providing free health services and other services during this event. Staff asked for approval to transfer \$5,000.00 from Administration's Contractual Services account to the City Council's Contribution account.

MOTION: Council Member Gloria Torres/Council Member Javier Vargas to approve \$5,000.00 for the public services provided at the Dia Del Campesino event and direct staff to provide a contract with Campesinos Sin Fronteras. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

8. BOARD OF ADJUSTMENT MOTION TO ADJOURN AS CITY COUNCIL AND CONVENE AS BOARD OF ADJUSTMENT

MOTION: Council Member Gloria Torres/Council Member Javier Vargas to adjourn as City Council and convene as Board of Adjustment. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

8. A. Public Hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2023-0439 - Iglesia de Cristo. A request by Rivera Studio, Inc., on behalf of Iglesia de Cristo, for a Variance from the City Code Chapter 18.75 - Table No. 15 to reduce the required parking spaces from 9 to 6 on property located at 1050 E. Arizona Street in San Luis, Arizona. (Jose A. Guzman, Director of Planning and Zoning)

A. Open Public Hearing

MOTION: Mayor Nieves Riedel/Council Member Javier Vargas to open the Public Hearing. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

1. Presentation by staff and/or applicant

Mr. Jose Guzman, Director of Planning & Zoning, explained that the property is located at 1050 Arizona Street, San Luis, AZ. The request is to reduce the required parking spaces from nine (9) to six (6); this is for an addition of 1,740 square feet to the existing church. He added that a Variance is not a right, the applicant has to establish compliance with all the required criteria set by state statute and the City Code. He briefly spoke about the required criteria as follows:

1. There exist special circumstances or conditions, which do not apply to other properties. Staff found that there are no special circumstances on the property, they can continue with the use of the church.
2. The special circumstances or conditions are preexisting and are not created or self-imposed by the owner or applicant. Based on staff's analysis, there are no special circumstances and the request is self-imposed because they can modify the proposed addition and the parking layout.
3. The variance is needed to keep the property rights. The current use is a church and whether the variance is denied or approved, they can still continue with the use, so they are not losing any property rights. They can still do the addition, but they will have to modify the parking layout or the building size.
4. Whether it will be detrimental to the neighborhood; and by approving this variance, it can potentially create an issue with the parking in the neighborhood.

Therefore, based on the analysis, staff is recommending denial of the application. As mentioned on the report, based on the state statute, the Board of Adjustment cannot grant a variance, if there are no special circumstances that apply to the property and if the application is self-imposed.

Mayor Nieves Riedel commented that staff is recommending denial on the variance, and asked if the church can reconfigure the building and they can continue as long as they meet the criteria for the parking spaces, correct?

Mr. Jose Guzman responded that is correct.

Mayor Nieves Riedel stated that the City Council have to follow the recommendations from the experts in this process, who in this case is Mr. Jose Guzman, Director of Planning & Zoning. At the same time, Mr. Guzman is leaving an open door for modifications to meet the required criteria. Her recommendation is to make it smaller so they can continue with the project.

Mr. Jose Noe Rivera, Architect - Rivera Studio, Inc., stated that when he took over this project, he visited the Planning & Zoning Department to obtain the information and comply with the regulations. The only reason they are asking to reduce the parking spaces is because a religious service is very different from the commercial spaces. Parking spaces in commercial area are being used simultaneously. At the religious services, people gather at the principal building for the assembly and from there they go to the other building which is used as religious classrooms. There is an existing building that will be used as a multi-use room and at no moment will they be used simultaneously.

Mayor Nieves Riedel mentioned that the problem she sees is that in commercial areas, people come and go, unfortunately the location of this project is in a commercial area and does not apply to this area.

Mr. Guzman explained that the regulations are based on the use and does not take in consideration the purpose as once it is approved how the buildings are used, the city has no control.

2. Call to the public on this item

Mr. Alberto Ayala, 9th Avenue, San Luis, AZ, stated that they can build and will continue with the project. They want to comply with all the regulations and he knows that some adjustments can be made. The space is affecting the project because there is already a building on the side and the auditorium will be utilized for 45 minutes on Sundays. This affects them, it is not used all the time and asked the Mayor and City Council to reconsider their request.

B. Close Public Hearing

MOTION: Council Member Javier Vargas/Council Member Gloria Torres to close the Public Hearing. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

C. Action on Variance Case No. 2023-0439

MOTION: Council Member Javier Vargas/Council Member Gloria Torres for the moment being to deny Variance Case No. 2023-0439 because the application does not meet the criteria for a variance. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

9. MOTION TO ADJOURN AS BOARD OF ADJUSTMENT AND RECONVENE AS CITY COUNCIL

MOTION: Council Member Maria Cecilia Cruz/Council Member Javier Vargas to adjourn as Board of Adjustment and convene as City Council. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

10. DISCUSSION AND POSSIBLE ACTION ITEM:

Public Hearing followed by discussion and possible action on any all matters regarding Conditional Use Permit Case No. 2023-0387 - Iglesia de Cristo. A request by Rivera Studio, Inc., on behalf of Iglesia De Cristo, for a Conditional Use Permit to allow the expansion of a religious institution established at 1050 E. Arizona Street in San Luis, Arizona. (Jose A. Guzman, Director of Planning & Zoning)

A. Open Public Hearing

MOTION: Council Member Javier Vargas/Mayor Nieves Riedel to open the Public Hearing. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

1. Presentation by staff and/or applicant

Mr. Jose Guzman, Director of Planning & Zoning, explained that this is for the expansion of the Conditional Use Permit. The proposed building was 1,740 square feet, they will have to redesign and amend the size to comply with the zoning regulations. Staff recommends approval of the expansion of use as long as they comply with the parking requirements based on the zoning regulations.

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 Javier Vargas/Council Member Maria Cecilia Cruz to close the Public Hearing. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

C. Action on Conditional Use Permit Case No. 2023-0387

MOTION: Council Member Javier Vargas/Council Member Maria Cecilia Cruz to approve Conditional Use Permit Case No. 2023-0387 subject to the conditions of approval as presented by staff. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

11. SUMMARY OF CURRENT EVENTS

Council Member Maria Cecilia Cruz reported that on Wednesday, October 18, 2023, Yuma Metropolitan Planning Organization (YMPO) hosted the 24th Annual Arizona Rural Transportation Summit. It was a very successful event, there were 275 registered attendees. One of the talking points that was important to her was how Arizona was 4th and the lowest in gas tax in the nation. There has not been an increase since 1991 and when there is not sufficient funds, funding cannot be dispersed through the state.

She mentioned that they were encouraging to raise the gas tax but that has been an ongoing issue that needs to happen so that the whole state can make improvements on their roads. They also spoke on the diminishing power of the dollar, in July 1995, the dollar's value was at 86 cents, in July 2023, the dollar's value is at 43 cents. Furthermore, she reported her attendance to the 7th Annual Mayors' Bike Ride, it was a fun ride she enjoyed. She also attended the Yuma County's groundbreaking for their new building and that was exciting news for the entire county.

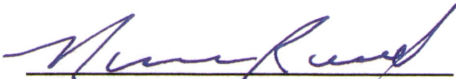
12. ADJOURNMENT

MOTION: Council Member Gloria Torres/Council Member Javier Vargas to adjourn the Regular Council meeting at approximately 6:42 p.m. Motion passed unanimously.

The vote was as follows:

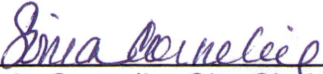
Mayor Nieves Riedel	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

APPROVED:



Nieves Riedel, Mayor

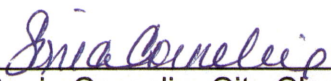
ATTEST:



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 October 25, 2023. I further certify that the meeting was duly called and held and that a quorum was present.



Sonia Cornelio, City Clerk