

MINUTES
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
September 27, 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 Gloria Torres

ABSENT: Council Member Matias Rosales
Council Member Javier Vargas

OTHERS PRESENT: Jenny Torres, Acting City Manager
Kay Macuil, City Attorney
Melissa Lopez, Deputy City Clerk
Adela Cortez, Director of Human Resources
Angel Ramirez, Fire Chief
Antonio Maldonado, Video Production Specialist
Ariana Gonzalez, Graphics & Media Specialist
Candy Lara, Records Management Specialist
Domingo Sosa, Graphics and Media Specialist
Eulogio Vera, Director of Public Works
Francia Alonso, Public Information Officer
Jonathan Dumadag, Systems Administrator
Jorge Perez, Assistant Director of Public Works
Jose Guzman, Director of Planning & Zoning
Lizette Varela, Assistant Director of Parks & Recreation
Manuel Hernandez, Acting Assistant Director of Public Works
Monica Castro, Director of Finance
Nigel Reynoso, Administrative Lieutenant
Olivia Jenkins, Operations Coordinator
Ruben Lopez, I.T. Technician
Alberto Leon, Resident
Arianna Gonzalez
Christian Cuevas, Simultaneous Translator
Columba Nunez, Resident
Elizabeth Carpenter, Developer
Fabher Sanchez, Resident

Frank Rascon, Resident
Guillermina Fuentes, Resident
Jerry Cabrera, Elevate Southwest
Jose Ponce, Resident
Lizeth Servin, Resident
Luis Marquez, Resident
Manuel Castro, Gethsemani Church
Mark Concha, Resident
Ruben Walshe, Resident
Tori Bourguignon, Amberly's Place
Vianey Vega, Vega & Vega Engineering
Yolanda Urias, Resident

2. PLEDGE OF ALLEGIANCE

Council Member Maria Cecilia Cruz led the Pledge of Allegiance.

3. INVOCATION

Pastor Yolanda Urias – Centro Misionero Yihre, led the invocation.

4. CALL TO THE PUBLIC

Mayor Nieves Riedel informed that Mr. Ortiz, the applicant for Item No. 8, has withdrawn his petition, and the item will not be discussed. Some members of the public received a notification letter about the item and although the item will not be discussed, those people are welcome to stay to listen to the Council meeting.

She added that there is a controversy in Call to the Public, and there are two (2) groups in favor of and against the situation with Mr. Castro and the Gethsemani Church. In consideration of the city employees's time, since they have started their shift at 6:00 a.m., 7:00 a.m., or 8:00 a.m., and due to the long agenda, Mayor Nieves Riedel suggested appointing one (1) person from each group to address the Mayor and City Council in five (5) minutes.

Ms. Angelica Torres, 992 Babbitt Lane, San Luis, AZ, stated that Mr. Manuel Castro, who is the pastor, came to knock on the door of the neighbors on September 20, 2023, to those who came to the council meeting on September 13, 2023, to make a proposal for them to support him so that the trailer can be allowed at the church for one (1) or two (2) hours. She and the neighbors disagree because the trailer is a danger, and once an accident happened, he has to respect that there is an ordinance. They are doing very well without noise or danger and do not agree that he leaves the trailer again. He has to obey, that's enough, and asked Mr. Castro to please not bother her anymore because their answer is no, no more trailers. Mr. Manuel Castro posted on Facebook that he had signatures that his ministry was collapsing. They are pure signatures obtained from people who do not live near the church and do not really know what is happening, and like all the time, they are pure business. The signatures that matter are those of the area near the church and those who live there.

Now that the trailer is gone and there are no sales, they live comfortably without noise and danger. Not only did it knock down the fence of her house, but the trailer entered her property, and it was 1 ½ meters away from entering her living room. Her granddaughter, 20 minutes before, was playing, so no more trailers be allowed for one (1), two (2) hours, one (1) minute, or one (1) second. Nobody is taking away his ministry, but he can relocate to a non-residential commercial area since where they live is a residential area.

Mr. Manuel Castro, Gethsemani Church, stated that he is present to respond to the complaints made in the last session against his community assistance program. He is not here to question or contradict such complaints or defend himself. He only came to ask for understanding and help to continue his ministry of helping communities. He knows they will tell him they are not stopping him, but stopping his truck from entering to unload on his property is the same as stopping him. He respects the City Council's way of seeing things, but he wanted to say two (2) things. First, he would like to apologize to all of you and the neighbors, whom he caused a lot of discomfort for a long time by neglecting their comfort and the image of their area, which he promise to take care of and not repeat the same things. In fact, he already went to the main victims to ask for an apology. Mr. Daniel Padilla was courteous and noble in accepting his apology and that his truck could have permission to enter and unload only, for which he sincerely appreciates, and he promises to comply with this provision on time if the City Council allows it.

Next, he asked for the City Council's support to allow him to enter the trailer, unload, and immediately leave the church parking lot. He quoted Section 10.15.250 of the City Code, which describes that there is an exception for trucks to enter residential areas to load or unload only. However, the city has advised him that this code does not apply to him because they are selling. He said they are not a store, a market, nor are they selling the products. It is true that a small donation is requested for some products, but it is to cover the impact of the expenses of the same food and to support the program. But there are many witnesses who can say that all the seasonal vegetables were donated free of charge. When he receives tomatoes, no one can say he is selling them when he asks for a donation of \$2.00 or \$3.00 for a 20-pound box of tomatoes in perfect condition. He is not selling the products; everything is managed based on donations. He has had his ministry for the past 25 years.

He gave some history of the money donations as follows...the first two (2) years, food boxes were delivered to the communities at zero donations. Seeing the need in the community on both sides of the border, he asked people if they would be willing to donate only \$2.00 to continue because the program already seemed unsustainable. People agreed, and it remained that way for more than five (5) years after the inflation and growth in the cost of fuel, drivers, and maintenance, and again, it seemed unsustainable; either they continued or stopped. People agreed to raise the donation to \$5.00 for a food box worth \$50.00 to \$70.00. He added they have been like this until January 2023.

Furthermore, he added that during the pandemic, they did more than 12 drive-throughs with the participation of more than 300 cars in each drive-through, which included four (4) drive-throughs in Somerton, without asking for a monetary donation at all. Later, Ms. Martha from Somerton asked him to continue supporting the residents every two (2) months, and they did so and never ask for a monetary donation.

In Mexico, there were four (4) drive-throughs, and no money was ever asked for. A month ago, on the hottest days, water was given to the local community. Sometimes, he received the trucks with four (4), six (6), or eight (8) pallets of fresh vegetables in perfect condition and has given those away in their entirety. The Senior Center is supported with totally free products; they participate in city parades and give away many products. He has been helping for years in the Safety Day Event and other community programs.

On Thanksgiving, he gives away plates of hot-cooked turkey and free groceries. On Christmas and Children's Day, toys and new and used bicycles are given away. In August, during back-to-school, backpacks and school supplies are given out, and everything is free. Local schools are supported with free water and other products, free of charge.

Two (2) weeks ago, sandwich & hotdog bread and hamburger buns were delivered to several churches in the community completely free of charge. Five (5) Yuma churches are supported every week, totally free. Mr. Castro stated they are living day to day, he is not making money out of this, and every trip is a miracle, and the thousands of pounds are tons of blessings for the people. He is very happy to be able to help families and asked the Mayor and City Council to please not base their decision on the idea that they are marketing or getting rich because that is not the case. A donation is requested, and sometimes, the product is donated to people who express that they do not have a job or have just arrived in our city and cannot afford to donate any money. He can present hundreds of testimonies from families who have been blessed by his ministry. He asked that he be allowed to use Section 10.15.250 of the City Code, to be allowed to enter the parking lot and unload the product that will be given to the community, and will leave immediately. If other codes require compliance, he said he is at the city's service to see those codes and adhere to them if he is guided and helped. All can work together so that its communities continue to be blessed by his ministry. The willingness to unload in a distant or far place and for the product to be transported to the church's parking lot implies having several small vehicles, employees, and gasoline, which they do not have. Allowing the truck to enter the parking lot for only a couple of hours would help a lot, and the neighbors would not be at risk, as the truck would no longer be in the parking lot. He only hopes that there is grace among the City Council and that he can have their favor, with the conditions the city sets for him. He will leave signed petitions that contain almost 500 signatures; he asked the City Council to work with him and help him with this situation.

Mr. Luis Marquez, 1254 America Street, San Luis, AZ, stated that he had known the Pastor for 30 years, and in the 20 years that Mr. Marquez worked for the Police Department, he was one (1) who helped him the most in all his programs such as the cleaning campaigns, bike rides, blood drives and the safety event with 3,000 children.

5. PROCLAMATIONS/PRESENTATIONS

5. A. National Custodian Workers Recognition Day October 2, 2023

5. B. Breast Cancer Awareness Month October 2023

5. C. Bullying Prevention Month October 2023

5. D. Domestic Violence Awareness Month October 2023

5. E. National Community Planning Month October 2023

5. F. National Cyber Security Awareness Month October 2023

Ms. Melissa Lopez, Deputy City Clerk, read the proclamations by title only.

5. G. Presentation by the Yuma Coalition on the Brownfields to Innovations Districts. (Craig Stoffel, Ayres Associates and Jerry Cabrera, Elevate Southwest)

Mr. Jerry Cabrera, Elevate Southwest, provided an update on the Ayres Project and the evolution thereof of the coalitions of Brownsfield and where they are at this point. He explained a timeline from 2012 to the present. He stated that the strategic assessment report prepared for the Yuma Multiversity Campus Corporation identified ten (10) strategic recommendations for the Yuma Multiversity Campus (YMVC), now Elevate Southwest. He spoke about the big idea, which consisted of development and enrichment.

Mr. Craig Stoffel, Ayres Associates, stated that this program is an EPA-funded project; the coalition applied and was awarded \$600,000.00 from EPA in 2021, and is used for planning, environmental analysis, and testing. No construction is associated with this project nor cleanup, but look at vacant and underutilized parcels and see the development potential for those. If they are contaminated, what kind of remediation would be required so they can clean them up and redevelop them to get them back into productive use? When the coalition hired Ayres Associates, they were also getting the strategic assessments in place for the multiversity. The original grant focused more on downtown Yuma, and they informed EPA that they had identified a lot more regional entrepreneur ecosystems through the strategic analysis report. EPA approved their revised work plan, which includes San Luis in the Arizona Western College (AWC) campus area. He explained that innovative districts are urban geographies of innovation where strong R&D institutions, companies, and other private actors develop integrated strategies and solutions to develop thriving innovation ecosystems—areas that attract entrepreneurs, startups, and business incubators. His team will be at San Luis City Hall next week, October 5, 2023, to present preliminary ideas and speak to the public about what it is and things they would like to have.

5. H. Presentation on the community program 78-Crime. (Marco Santana, Patrol Lieutenant)

Mayor Nieves Riedel commented that this time would be moved to a later council meeting as the presenter was not able to be present due to a family emergency.

6. CONSENT AGENDA

6. A. MINUTES OF

- Regular Council Meeting held August 23, 2023

6. B. DISBURSEMENTS FROM SEPTEMBER 6, 2023 TO SEPTEMBER 19, 2023

- Total \$1,186,537.78

(One Million, One Hundred Eighty-Six Thousand, Five Hundred, Thirty-Seven Dollars and Seventy-Eight Cents)

MOTION: Vice Mayor Luis E. Cabrera/Council Member Gloria Torres 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 Gloria Torres	Aye

7. DISCUSSION AND POSSIBLE ACTION ITEMS:

7. A. Discussion and possible action on any and all matters regarding Resolution No. 2290. A resolution of the City Council of the City of San Luis, Arizona, approving the First Amendment to the Pre-Annexation Development Agreement San Luis Port II Industrial Park, LLC, as approved by Resolution No. 936; repealing conflicting provisions; and providing for severability. (Jose A. Guzman, Director of Planning and Zoning)

Mr. Jose Guzman, Director of Planning & Zoning, stated that Von Verde Development applied for a final plat approval for the Southwest Arizona Industrial Subdivision Phase 2. The proposed subdivision is located north of County 24th Street between Avenue D and Avenue D ½. This property is part of the pre-annexation agreement that was approved in 2011 through Resolution No. 936. This development agreement required the construction of sidewalks along Avenue D. The applicant is requesting the removal of that condition, allowing the development to be done without the sidewalks on Avenue D. Staff believes that it is important to develop any property following the adopted regulations, including the Public Works Standards and the General Plan to provide for a sidewalk for current and future connectivity. If the sidewalks are not required at the moment, but if in the future they are, the city will end up paying for that construction.

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Gloria Torres to approve and adopt Resolution No. 2290 as presented.

Council Member Maria Cecilia Cruz asked if the motion is to be approved without building the sidewalks.

Mr. Guzman responded that the motion to adopt the resolution is amending the pre-annexation removing the sidewalks. The motion to deny the resolution is to keep the sidewalks.

Council Member Maria Cecilia Cruz stated that it is important to have the sidewalks as she does not want the city to pay for anything it does not have to.

Ms. Elizabeth Carpenter, owner, added that the reason they are requesting the sidewalk not be built is just on the location on Avenue D from County 24th Street north is a sidewalk to nowhere; adjacent to this property is the lift station, and adjacent to that property is the prison. She does not believe the city would want a sidewalk leading to that part. If the city is going to make her put a sidewalk, then the city needs to put a sidewalk from the lift station past the prison. This is an industrial property where usually a sidewalk does not go.

Council Member Maria Cecilia Cruz asked Mr. Guzman if no sidewalk is needed because no pedestrian would be going through that area.

Mr. Guzman responded that the regulation requirement is for all arterial roads to have a sidewalk regardless of the current uses for future connectivity; the city should require sidewalks.

Mr. Vianey Vega, applicant, expressed that the project has three (3) boundary streets. They are building sidewalks on County 24th Street, which will align with Avenue D ½ and go north to a residential district; this project is industrial. They are also building a sidewalk along the south boundary line, which is all the alignment of County 24th Street. Their request is not to provide sidewalks on the project's east side; he explained the final plat diagram attached to the agenda item, filed with the complete agenda packet filed at the City Clerk's Office.

Mayor Nieves Riedel asked Mr. Guzman what his recommendation is after listening to Ms. Carpenter and Mr. Vega.

Mr. Guzman replied that staff understands Mr. Vega's point on the uses to the north; however, for future connectivity, the city must require infrastructure for pedestrian connectivity.

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Maria Cecilia Cruz to amend his original motion and deny Resolution No. 2290. 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 Gloria Torres	Aye

7. B. Discussion and possible action on any and all matters regarding Subdivision Case No. 2022-0556F - Southwest Arizona Industrial Subdivision Phase 2 Final Plat. A request by Vega and Vega Engineering PLC, on behalf of Von Verde Development LLC, for the final plat approval of the Southwest Arizona Industrial Subdivision Phase 2 to be located on the northeast corner of Avenue D 1/2 and County 24th Street in San Luis, Arizona. (Jose A. Guzman, Director of Planning and Zoning)

Mr. Jose Guzman, Director of Planning & Zoning, explained that the subdivision is approximately 40 acres containing five (5) industrial lots. Staff recommends approval with the condition that they follow the pre-annexation agreement or any amendments; since the development agreement was not amended, they will be required to provide the sidewalks.

MOTION: Vice Mayor Luis E. Cabrera/Council Member Tadeo Azael De La Hoya to approve Subdivision Case No. 2022-0556F with the condition that the applicant meets the conditions of the pre-annexation agreement approved by Resolution No. 936 or any development agreement amending the pre-annexation agreement approved by Resolution No. 936. 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 Gloria Torres	Aye

7. C. Discussion and possible action on any and all matters regarding Resolution No. 2292. A resolution of the Mayor and City Council of the City of San Luis, Arizona authorizing and directing the entering into a development agreement between the City of San Luis, Arizona, and Riedel Holdings LLC, for La Esperanza Estates Subdivision. (Jose A. Guzman, Director of Planning & Zoning)

Mayor Nieves Riedel declared a conflict of interest and abstained from participating in this item. She asked Vice Mayor Luis E. Cabrera to take over the item.

Mr. Jose Guzman, Director of Planning & Zoning, stated that last month, the City Council approved a rezoning for La Esperanza Estates subdivision; this subdivision will be located between 6th and 8th Avenues, south of the east main canal. The approval was subject to several conditions, and one (1) of the conditions was to formalize the approval through a development agreement; therefore, this item is the development agreement for said approval. The applicant agrees with all the conditions and the agreement.

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Maria Cecilia Cruz to approve and adopt Resolution No. 2292. Motion passed with four (4) 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 Gloria Torres	Aye

7. D. Discussion and possible action on any and all matters regarding Resolution No. 2293. A resolution of the Mayor and City Council of the City of San Luis, Arizona, amending the Classification and Salary Plan to create seven (7) new classifications; superseding any conflicting provisions of existing regulations or policies; and providing for severability. (Adela Cortez, Director of Human Resources)

Ms. Adela Cortez, Director of Human Resources, explained that during the September 13, 2023, meeting, a restructuring was presented and approved for several city departments. The restructure included creating seven (7) new classifications that impact the Classification and Salary Plan presented to the City Council during the budget adoption in May. This item is for the revised compensation, classification plan, and resolution.

Council Member Tadeo Azael De La Hoya mentioned he received the report yesterday and asked if the report was created by city staff only or by a third-party consultant.

Ms. Cortez responded the report was created only by city staff.

Council Member Tadeo Azael De La Hoya commented that from what he was able to read or find, there are discrepancies in two (2) positions. Last time, the Facilities Department was moved, yet there is no consistency in other positions. The I.T. Manager, Billing and Collections Manager, and Risk Manager was said that they were not able to be a stand-alone division yet to be moved to Public Works, but it is being created as a stand-alone and does not see how this is feasible. If there are discrepancies now between the resolution and what was presented last week...this is what happens, the city has employees that have been here for over 5, 10, 15, 20 years, and when this happens, their time in position is affected. When this is affected, it affects their pay when changes like these are made without anyone else reviewing it. He added that yes, in the past, this was done, but there were only four (4) people in Human Resources, and now there are nine (9), so it makes him uneasy to not having outside eyes reviewing the information. There are two (2) positions in different divisions that are not there now.

Ms. Cortez further said that during the City Council meeting held on January 25, 2023, the item to review positions and salaries at that time, staff was directed to do that internally and not to utilize the outside vendor. Therefore, this study was based on that directive, however, if the City Council decides that staff should go to an outside consulting firm, it can definitely be done.

Mayor Nieves Riedel asked how much the city saved by having staff prepare the study.

Ms. Cortez responded that the total proposal for the classification and compensation was \$196,000.00.

Mayor Nieves Riedel asked Ms. Cortez how many years of experience she has in Human Resources.

Ms. Cortez answered she has almost 25 years of experience in Human Resources.

Mayor Nieves Riedel commented that she feels confident that if the city has competent people who can guide the city and save money, the City Council should take advantage of that. She suggested that the City Council consider having a work session for further discussion when using or asking for knowledge from the city engineer, architect, or any other employee.

Council Member Tadeo Azael De La Hoya added that he agrees with Mayor Nieves Riedel and he was not asking for a \$190,000.00 salary study as it is too much money, but a salary update, which is what is being presented tonight, was quoted between \$15,000.00 to \$20,000.00 back then.

MOTION: Vice Mayor Luis E. Cabrera/Council Member Gloria Torres to approve, ratify, and adopt Resolution No. 2293, as presented, and authorize budget transfer as shown in the fiscal impact of this agenda item. Motion passed with four (4) ayes and one (1) nay vote 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 Gloria Torres	Aye

7. E. Discussion and possible action on any and all matters regarding the purchase of a new Elgin Broom Bear Street Sweeper from RWC Group. (Manuel Hernandez, Acting Assistant Director of Public Works)

Mr. Manuel Hernandez, Acting Assistant Director of Public Works, stated that this item is for the approval of the 2024 Elgin Broom Bear Street Sweeper purchase. The Public Works Department worked with other municipalities and the four (4) largest street sweeper manufacturers before deciding on the Elgin. Staff also consulted with cities like Glendale, Mesa, Buckeye, and Avondale; staff's priorities were reliability, maintenance cost, and ease of use and repair.

MOTION: Vice Mayor Luis E. Cabrera/Council Member Maria Cecilia Cruz to approve the purchase of a new street sweeper for \$360,507.67 and to approve a budget transfer as presented in the fiscal impact of this agenda 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 Gloria Torres	Aye

7. F. Discussion and possible action on any and all matters regarding the amendment to the Professional Services Agreement with PACE Advanced Water Engineering to include construction administration and Aquifer Protection Permit (APP) assistance. (Manuel Hernandez, Acting Assistant Director of Public Works)

Mr. Manuel Hernandez, Acting Assistant Director of Public Works, stated that staff is seeking approval to amend the Professional Services Agreement with PACE Engineering for the East Wastewater Treatment Plant Improvement Project.

MOTION: Vice Mayor Luis E. Cabrera/Council Member Gloria Torres to accept the amended professional services proposal from PACE Advances Water Engineering; adding construction administration and aquifer protection permit assistance in the amount of \$59,800.00. 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 Gloria Torres	Aye

7. G. Discussion and possible action on any and all matters regarding an agreement for the City of San Luis to become a Sister City with the City of Magdalena de Kino, Sonora, Mexico. (Olivia Jenkins, Operations Coordinator)

Ms. Olivia Jenkins, Operations Coordinator, explained that this request came from the Consul de Mexico, offering the City of San Luis an opportunity to become a Sister City with counterparts in Mexico. There was a list of the different entities or cities in Mexico that one could participate in and agree on becoming Sister Cities. The Consul's recommendation was Magdalena de Kino, and Mayor Nieves Riedel responded by accepting that challenge to become Sister Cities. The City of San Luis has had two (2) other previous Sister Cities with San Luis Rio Colorado, Sonora, in 1988 and with Navolato, Sinaloa, in 2005. Council Members Tadeo Azael De La Hoya and Javier Vargas were selected and volunteered to go tomorrow during a ceremony in Scottsdale. Council Member Tadeo Azael De La Hoya was not able to participate, and Council Member Javier Vargas is on his way to be at the ceremony where they will be signing the agreement. The purpose of becoming a Sister City is for cities in the U.S. and Mexico to agree to become sisters, and they share different aspects of their community.

There might be something they have in common, or maybe something they do not, but they share the willingness to learn about each city. Magdalena de Kino has a lot of tourism that the City of San Luis can learn about. One of the things she found during her research on the City of San Luis is that it exists in its history that it is part of the Gadsden Purchase in 1853. Something both cities have in common is agriculture, the agreement entails ideas that both cities can work on.

MOTION: Council Member Gloria Torres/Vice Mayor Luis E. Cabrera to approve the Sister City agreement with the City of Magdalena de Kino. 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 Gloria Torres	Aye

7. H. Discussion and possible action on any and all matters regarding the prosecutor vacancy. *CONTINUED FROM THE SEPTEMBER 13, 2023, REGULAR COUNCIL MEETING (Kay Marion Macuil, City Attorney)*

Ms. Kay Macuil, City Attorney, stated that this item is regarding the vacancy at the Prosecutor's Office; currently, there is a 90-day contracted prosecutor in the position. She spoke with the contracted prosecutor and reported that the San Luis Municipal Court is much more busy than anticipated. Ms. Macuil also spoke to the temporary Judge Landau, and he is convinced that even when one gets through the backlog, it will still be a full-time position. The Temporary Prosecutor agrees that even after getting through the backlog, there is a lot of business for the San Luis Municipal Court. Yesterday, they went through 42 cases in court in one (1) day, and the prosecutor has 51 cases pending to decide whether to do a long-form charging document, and it is busy for a part-time person. A contracted attorney would necessarily be part-time because they would want to keep clients in their own business, but the pros to a contracted attorney are the lower cost, and they would cover their insurance and not be part of the city's risk pool. However, with a part-time attorney, they would not be able to provide the services that a full-time in-house attorney does. All the private attorneys are in Yuma, so the crime victims would not have the same opportunities to meet with the prosecutor as they do here with an in-house. Also, even for the defendants, there are a lot of deferring prosecutions holding the prosecution over a defendant's head to see if they can behave for a certain amount of time, and there is some monitoring with that to make sure they are making the steps that might be under that deferred prosecution agreement. A contracted attorney could not advise the police, whereas an in-house attorney could be on-call any time the police contact them on a particular case.

Mayor Nieves Riedel commented that some years ago, the city had a Contracted Prosecutor, a study was done, and the city needs a full-time prosecutor. The most important thing is the services provided to the City of San Luis citizens.

Council Member Gloria Torres agreed with Mayor Nieves Riedel.

MOTION: Vice Mayor Luis E. Cabrera/Council Member Maria Cecilia Cruz to continue the Prosecutor’s position as a full-time employee position. 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 Gloria Torres	Aye

8. BOARD OF ADJUSTMENT

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

The Board of Adjustment did not take place as the applicant withdrew his application, and no action was required from the Mayor and City Council.

8. A. Public Hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2023-0407 - Mariscos El Navegante. A request by Jesus Ortiz, owner of Mariscos el Navegante, for a variance from the City Code Chapter 18.75 - Table No. 15 to reduce the parking required from 32 to 8 in a neighborhood commercial (C-1), located at 840 D Street in San Luis, Arizona. (Jose A. Guzman, Director of Planning & Zoning)

Item not discussed as the applicant withdrew his application, and no action was required from the Mayor and City Council.

A. Open Public Hearing

1. Staff Presentation and Applicant if available

2. Call to the Public on this item

B. Close Public Hearing

C. Action on Variance Case No. 2023-0407

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

No action was needed as the applicant withdrew his application, and no action was required from the Mayor and City Council.

10. SUMMARY OF CURRENT EVENTS

Council Member Maria Cecilia Cruz reported she attended the Harvest School Wholehearted “See you at the Pole” Prayer Gathering; children must be instilled in teaching children that praying is very powerful. She added that Miss San Luis will be having her first conference on her platform called “Breaking Chains” and invited everyone to attend and support this conference.

Vice Mayor Luis E. Cabrera reminded everyone that there is an art exhibition at the local public library from September 15 through October 15, 2023.

Mayor Nieves Riedel stated that there would be a Work Session on October 4, 2023, which is very important for the growth and well-being of the city. She encouraged city employees to get involved and attend the meeting.

11. ADJOURNMENT

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Gloria Torres to adjourn the Regular Council meeting at approximately 7:19 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 Gloria Torres	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 September 27, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Sonia Cornelio, City Clerk