

MINUTES
Special Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
March 29, 2023
6:00 p.m.

1. CALL TO ORDER/ROLL CALL

Mayor Nieves Riedel called the Special City Council meeting to order at approximately 6:00 p.m.

PRESENT: Mayor Nieves Riedel
Vice Mayor Luis E. Cabrera (via Zoom)
Council Member Maria Cecilia Cruz
Council Member Tadeo Azael De La Hoya
Council Member Matias Rosales (via Zoom)
Council Member Gloria Torres
Council Member Javier Vargas

OTHERS PRESENT: Jenny Torres, Assistant City Manager
Kay Macuil, City Attorney
Sonia Cornelio, City Clerk
Adela Cortez, Director of Human Resources
Domingo Sosa, Graphics and Media Specialist
Francia Alonso, Acting Public Information Officer
Jose de la Vara, City Prosecutor
Miguel Alvarez, Interim Chief of Police
Olivia Jenkins, Government & Foreign Affairs Coordinator
Ruben Lopez, I.T. Technician
Alicia Zermeño Aguirre, San Luis Court Pro-Tem
Alicia Muñoz, San Luis Frontera Rotary Club
Georgina Gonzalez, San Luis Frontera Rotary Club
Juan Manuel Guerrero, Justice of the Peace
Mark Concha, Resident
Maria Luz Hoyos, Resident
Nydia Mendenhall, Resident

2. PLEDGE OF ALLEGIANCE

Council Member Gloria Torres led the Pledge of Allegiance.

3. DISCUSSION AND POSSIBLE ACTION ITEMS:

3. A. Public Hearing followed by discussion and possible action on any and all matters regarding the recommendation of a Special Event Liquor License Application to the Arizona Department of Liquor Licenses and Control to authorize the San Luis FRONTERA Rotary Club to serve and sell alcohol at the 30th Anniversary Gala Night Celebration to be held Saturday, April 15, 2023. (Georgina Gonzalez, Treasurer for San Luis FRONTERA Rotary Club)

A. Open Public Hearing

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Maria Cecilia Cruz to open the Public Hearing. Motion passed unanimously.

The vote was as follows:

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

1. Presentation by staff and/or applicant

Ms. Georgina Gonzalez, Treasurer for San Luis FRONTERA Rotary Club, explained this application is for the Rotary's 30th Anniversary which will be celebrated with a Gala Night Dinner.

2. Call to the public on this item

Ms. Melissa Muñoz, Rotary Club Member, stated that this will be their first Gala Night Dinner in the 30 years adding that all proceeds from this event will be utilized for scholarships.

B. Close Public Hearing

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

The vote was as follows:

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

C. Action on Special Event Liquor License Application to the Arizona Department of Liquor Licenses & Control

MOTION: Council Member Javier Vargas/Council Member Tadeo Azael De La Hoya to recommend approval of the Special Event Liquor License application submitted by San Luis FRONTERA Rotary Club to the Arizona Department of Liquor Licenses & Control as presented. Motion passed with six (6) aye votes and one (1) nay vote by Council Member Maria Cecilia Cruz.

The vote was as follows:

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

3. B. Discussion and possible action on any and all matters regarding an employment contract for a City Magistrate. (Adela Cortez, Director of Human Resources and Kay Macuil, City Attorney)

Ms. Adela Cortez, Director of Human Resources, indicated that the City of San Luis held a recruitment for the position of Municipal Magistrate. The position was posted for 30 days and 11 applications were received, of which the top three (3) qualified individuals were invited for an interview. Interviews took place on March 8, 2023 and a decision was made for the top candidate to be Mr. Juan Manuel Guerrero.

Council Member Gloria Torres asked if the position is full-time and for that position only, he would not have another job besides the court.

Ms. Kay Macuil, City Attorney, stated that she has a very draft contract and it will be a full-time position, he would not be giving up the Justice of the Peace position.

Council Member Gloria Torres commented that she is not in agreement that Mr. Guerrero has two (2) jobs. It will require him to be full-time at the City of San Luis Court and be full-time at the other court.

Council Member Javier Vargas stated that he read it is the law that allows him to have two (2) jobs.

Mr. Juan Manuel Guerrero cleared the misconception that everybody has; he added that his position is full-time and does not mean he has to stay full-time. There are times he covers five (5) courts at the same time. His current position is an elected position and the one for the Municipal Court is an appointed position. So what it means is that if this is approved, he would have the City Council's full trust and confidence that he will take that court to be where it needs to be. There are a lot of issues that need to be complied with. He excelled on the interviews so that demonstrates that probably he is the only one that could fix the court at this time. He would be there on a full-time basis, that does not necessarily mean he will be there all the time, but they will have his guidance as well. He most likely will spend more time at the Municipal Court than at the Justice Court due to the nature of help needed at the Municipal Court. So, it will be up to the Presiding Judge of the Municipal Court the amount of work that is needed to make it and bring it up to standard and it would have very clear because there needs to be a separation of powers.

Vice Mayor Luis E. Cabrera asked if Mr. Guerrero be willing to work as the Municipal Magistrate and this would be his only paid judge position and not work as a magistrate anywhere else.

Mr. Guerrero replied no he would not.

Vice Mayor Luis E. Cabrera commented that the city needs to have someone that is 100% committed to being at the Municipal Court full-time and not splitting up between two (2) different courts. If Mr. Guerrero is not fully vested in being only the city's employee, then other candidates must be considered as well.

Ms. Maria Luz Hoyos, resident, stated that what she sees here is that on different subjects, the city is not moving ahead and things need to be put in order. She does not see people cooperating to get to that point. What is being said is unfair because here is a person who is capable, prepared and dedicated to hold maybe not only two (2) but three (3) positions. She knows for a fact that the Municipal Court has many problems and asked the City Council to consider and take the community more seriously.

Council Member Javier Vargas stated that the Arizona Law allows the Justice of the Peace Court to hold both Justice of the Peace and Municipal Magistrate. He added that this law exists because the City of San Luis is not the the only city with this type of problems but other cities face the same situation. Therefore, this means that if the law allows to hold positons as long as the person is qualified for, there is no problem with it.

Vice Mayor Luis E. Cabrera referenced an email received from Ms. Macuil regarding a visit from Presiding Judge Haws staff to the Municipal Court stating that staff indicated that they have made good progress toward operational improvement and access to the court for the community with the person the city has covering who was assigned as a Pro-Tem. He said that the court is moving forward according to professionals and experts in the matter. He agrees that the law states that a city can have a Justice of the Peace serve as a City Magistrate, that is the current situation with the Town of Wellton, but they cannot compare the size of the Town of Wellton with the City of San Luis. He is not against Judge Guerrero join the Municipal Court and would like to see on his contract that he cannot have another employment or elected paid position.

Mayor Nieves Riedel stated that they cannot ask a person to...he is an elected official and this is a democracy, they do not own people and they cannot tell people where to work, where to go or where to live. None of these things apply to the this great country.

Ms. Alicia Zermeño Aguirre, 609 S. Orange Avenue, Yuma, AZ, commented that she is the current Pro-Tem at the San Luis Municipal Court and her opinion is that the Municipal Court does need a full-time position, regardless of who it is. Also, having worked with many staff members, the Municipal Court is ran as efficiently as possible with the resources that it has. The staff is trained and yes everybody has issues, there is no government agency that does not, but when one generalizes statement that there are issues, what are they. How can they be corrected if those issues are not identified specifically. The Municipal Court has dedicated staff and they work hard everyday to serve the public.

Council Member Tadeo Azael De La Hoya commented that they directed staff to conduct interviews, interviews were held and have a top candidate. He added that half of the City Council have multiple jobs and are all there. He does not see the conflict when it comes to holding an elected position and the duties of the City Magistrate. The city is not going to add a section that says Judge Guerrero will be fulfilling all the duties as required by law and separation of powers has to be there. The judge does the sentencing but staff is managed by the Court Administrator, supervised by the Judge. He asked if there are any mishandling or misplacing it will be addressed by the Superior Court and not by the City Council, the City Council will only decide or approve a contract.

Ms. Macuil responded yes, tonight is the decision on the magistrate's position only. The Presiding Judge does have control over the court type decisions, there are some decisions that do come to the city such as the buildings and perhaps customer service; things of this nature which also the Presiding Judge would be concerned with.

Council Member Tadeo Azael De La Hoya asked if the Superior Court Judge supervises the Municipal Judge and not the City of San Luis Council.

Ms. Macuil replied that is correct.

Council Member Tadeo Azael De La Hoya asked that in an elected position one can show up one (1) day or half a day and it is up to the people who elected you to keep you or not. So as an exempt employee, one can work one (1) hour or 80 hours and get paid the same amount of money, correct.

Ms. Macuil answered that elected officials take an Oath of Office and they do have to perform the duties, so they would have to perform the duties in both courts.

MOTION: Mayor Nieves Riedel/Council Member Javier Vargas to hire Juan Manuel Guerrero as the Magistrate for the City of San Luis. Motion did not pass with three (3) ayes and four (4) nays by Vice Mayor Luis E. Cabrera, Council Members Maria Cecilia Cruz, Matias Rosales and Gloria Torres.

The vote was as follows:

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

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Javier Vargas to start negotiations to draft a contract before the City Council makes a decision on hiring Judge Juan Manuel Guerrero. To keep communication open but not approving a contract. Motion passed with five (5) ayes and two (2) nays by Council Members Maria Cecilia Cruz and Gloria Torres.

The vote was as follows:

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

4. ADJOURNMENT

MOTION: Mayor Nieves Riedel/Council Member Javier Vargas to adjourn the Special Council meeting at approximately 6:26 p.m. The motion passed unanimously.

The vote was as follows:

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

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 Special City Council meeting of the City Council of the City of San Luis, Arizona, held on March 29, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Sonia Cornelio, City Clerk