

MINUTES
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
October 11, 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 Gloria Torres
Council Member Javier Vargas

OTHERS PRESENT: Jenny Torres, Acting City Manager
Kay Macuil, City Attorney
Sonia Cornelio, City Clerk
Adela Cortez, Director of Human Resources
Ariana Gonzalez, Graphics & Media Specialist
Enrique Lopez, Assistant Fire Chief
Eulogio Vera, Director of Public Works
Francia Alonso, Public Information Officer
Glenn Gimbut, Assistant City Attorney
Javier Nuño, Police Detective
Jonathan Dumadag, Systems Administrator
Jorge Perez, Assistant Director of Public Works
Jose Luis Cisneros, Acting Director of Parks & Recreation
Maria Sabori, Risk Manager
Nigel Reynoso, Administrative Lieutenant
Olivia Jenkins, Operations Coordinator
Alberto Leon, Resident
Cesar Neyoy, Reporter
Christian Cuevas, Simultaneous Translator
Lucy Lopez, Reporter
Luis Marquez, Resident
Marco Pinzon, Resident
Mark Concha, Resident
Maria Gonzalez, Resident
Mercedes Pinzon, La Bodega Kitchen & Bar
Rosa Walsh, Resident

2. PLEDGE OF ALLEGIANCE

Council Member Matias Rosales led the Pledge of Allegiance.

3. INVOCATION

Mr. Nigel Reynoso, Police Lieutenant, led the invocation.

4. CALL TO THE PUBLIC

There were no comments from the public.

5. PROCLAMATIONS

5. A. Cities and Towns Week October 15-21, 2023

5. B. Red Ribbon Week October 23 - 31, 2023

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

6. CONSENT AGENDA

6. A. MINUTES OF

- Regular Council Meeting held September 13, 2023

6. B. DISBURSEMENTS FROM SEPTEMBER 20, 2023, TO OCTOBER 4, 2023

Total \$1,649,978.86

(One Million, Six Hundred Forty-Nine Thousand, Nine Hundred, Seventy-Eight Dollars and Eighty-Six Cents)

MOTION: Vice Mayor Luis E. Cabrera/Council Member Javier Vargas to approve the Consent Agenda as presented. Motion passed unanimously.

The vote was as follows:

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

7. DISCUSSION AND POSSIBLE ACTION ITEMS:

7. A. Discussion and possible action on any and all matters regarding the purchase of a 2024 Ram 5500 Chassis Cab for the Parks Grounds Division. (Jose Luis Cisneros, Acting Director of Parks and Recreation)

Mr. Jose Luis Cisneros, Acting Director of Parks & Recreation, stated that the Parks staff is requesting authorization for the purchase of a 2024 Ram Chassis Cab for the Parks Ground Division. Staff had requested the 2022 model at the initial of Fiscal Year 2024, however, the 2024 model was more readily available; therefore staff decided to proceed with that model. After contacting the local dealerships, staff was informed that they no longer hold state contracts. Staff searched for new quotes and asked that the formal purchasing procedures be waived as allowed per City Code – Purchasing, Section 3.05.10(F) Procedures Waived, to purchase the 2024 Dodge Ram 5500 from Build Luke Chrysler Jeep and Dodge in the amount of \$82,709.76.

Vice Mayor Luis E. Cabrera asked if the quotes are there why is it necessary to waive the formal purchasing procedures.

Ms. Kay Macuil, City Attorney, responded that the amount would normally go to formal bid.

MOTION: Council Member Javier Vargas/Council Member Tadeo Azael De La Hoya to approve the purchase of a 2024 Ram 5500 chassis not to exceed \$89,710.00 and waive formal purchasing procedures for the reasons presented. Motion passed unanimously.

The vote was as follows:

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

7. B. Discussion and possible action on any and all matters regarding the acceptance and award of a construction contract to Viking Painting, LLC for the rehabilitation of the interior and exterior of two (2) steel groundwater storage tanks at Well Sites 5 & 6. (Jorge Perez, Assistant Director of Public Works)

Mr. Jorge Perez, Assistant Director of Public Works, explained that staff is asking for the City Council's approval on the acceptance of the construction services from Viking Painting. The rehabilitation project of the water storage tanks at Well Sites 5 & 6 are part of a series of projects coming for the water system at the City of San Luis.

The department conducted a formal bid process resulting a single bid received from Viking Painting, LLC. Staff is recommending awarding the project in the amount of \$1,263,575.00.

MOTION: Vice Mayor Luis E. Cabrera/Council Member Javier Vargas to accept and award the successful bid to Viking Painting, LLC, for the water storage tanks rehabilitation project at Well Sites #5 & #6, not to exceed \$1,263,575.00. 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 Matias Rosales	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

7. C. Discussion and possible directions to staff on any and all matters regarding Assistant City Attorney Glenn Gimbut's proposed Contract. (Kay Marion Macuil, City Attorney, and Glenn Gimbut, Assistant City Attorney)

Ms. Kay Macuil, City Attorney, stated that this contract was reviewed by the Risk Pool Attorneys and Mr. Glenn Gimbut was not able to review the contract until Monday, therefore that is the reason it was available late. The contract will save the city money as it is a flat fee salary of \$65,000.00 a year. Last year's amount was for an hourly rate or contract totaling \$89,000.00 a year. He is entitled to sick leave hours as allowed per state statute as a part-time employee, otherwise there would not be any other leave benefits under the contract.

Council Member Tadeo Azael De La Hoya asked what the difference between the agreement Ms. Macuil provided as final less than four (4) hours ago and the one posted.

Ms. Macuil responded there was no agreement posted, but the final she provided the Mayor and City Council was just finding typos, page numbering and those types of things, no substantial changes.

Council Member Tadeo Azael De La Hoya commented that the term is until 2025 and does not remember that being agreed to; it was agreed six (6) months to one (1) year and that it was reviewed by the attorney and does not know how they get..he is assuming that it is because of the contract, one can make a part-time employee exempt, and asked that not just any part-time employee can become an exempt-employee.

Ms. Macuil replied that was correct, the exempt category is a professional category.

Council Member Tadeo Azael De La Hoya stated that Subsection B – Supervisor has the City Attorney listed, that was not agreed upon either. Subsection 5, Subsection D states a list of supervisor and then City Council's designee, he does not remember that and Section 5, Subsection A states another \$35,000.00 severance if he leaves or is terminated with or without a 30-day notice. This would be Mr. Gimbut's third severance payment from the city and he does not remember on this being agreed to nor payment of the \$8,000.00 Arizona State Retirement Penalty. He added that these were his comments and knows Mr. Gimbut has the votes but wanted it on the record.

Ms. Macuil stated that it was not a penalty, Mr. Gimbut worked the hours necessary for a year to avoid any penalties to the city. A statute was passed where the city must continue to contribute to the retirement system but the retired employees do not receive any benefit.

Council Member Tadeo Azael De La Hoya stated that the city pays \$1,000.00 for having a retired employees, so it is a penalty. He added he has been through this before and knows Mr. Gimbut will continue because it is Glenn and he understands that.

Council Member Matias Rosales said there are some items that he does not recall in regards to the term and some issues on Sections C and D and some typographical errors. If this is the corrected version, there are some clerical errors and would not feel comfortable as he did not have enough time to review and come to City Hall to ask the questions, since the contract was posted on Monday and the final one provided today. Not until he obtains answers to the questions he has, he will feel comfortable.

MOTION: Council Member Matias Rosales/Council Member Maria Cecilia Cruz to continue this item to a future date to give more time to review and clarify the questions that were not addressed from their last meeting.

Vice Mayor Luis E. Cabrera commented he would like to know what the questions are; he saw the contract, can't the questions be asked now.

Council Member Matias Rosales added that his biggest concern is that the City Council had originally talked about and does not know what they are allowed to talk about since this was discussed during an Executive Session. This is the reason he is asking to continue this item as he does not want to speak in public for something that was spoken in an Executive Session.

Vice Mayor Luis E. Cabrera asked if a motion should be made to go into Executive Session and continue discussing this item privately.

Motion did not pass with three (3) ayes and four (4) nay votes by Mayor Nieves Riedel, Vice Mayor Luis E. Cabrera, Council Members Gloria Torres and Javier Vargas.

The vote was as follows:

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

MOTION: Vice Mayor Luis E. Cabrera/Council Member Javier Vargas to go into Executive Session to discuss the presented item.

Council Member Matias Rosales asked if an Executive Session can be held without notifying Mr. Gimbut.

Ms. Macuil responded Mr. Gimbut has not had the 24-hour notice; he can be asked if he would like to waive it.

Mayor Nieves Riedel asked Mr. Gimbut if he would like to go into Executive Session and waive the notice.

Mr. Gimbut stated that for the record he had no problem waving the notice, but he has in the past heard at least one (1) lawyer saying "you can't waive the notice", but if it is possible to wave, he hereby wave it.

Council Member Matias Rosales mentioned that from serving in other boards, is the same consensus that he has heard from Mr. Gimbut, who is the attorney, that one is not allowed to wave it.

Motion passed with four (4) ayes and one (1) nay vote by Council Member Tadeo Azael De La Hoya.

Vice Mayor Luis E. Cabrera indicated he would like to withdraw his previous motion to go into executive session and commented that he reviewed the contract for Mr. Gimbut, if he is ok with it adding that he believes that is being fair what is being presented to the Mayor and City Council.

MOTION: Vice Mayor Luis E. Cabrera/Council Member Gloria Torres to approve the contract with Glenn Gimbut as presented. Motion passed with four (4) ayes and three (3) nay votes by Council Members Maria Cecilia Cruz, Tadeo Azael De La Hoya and Matias Rosales.

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	Nay
Council Member Matias Rosales	Nay
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

7. D. Public Hearing followed by discussion and possible action on any and all matters regarding the recommendation of an Application for Extension of Premises/Patio Permit to the Arizona Department of Liquor Licenses and Control to authorize La Bodega Kitchen and Bar to sell alcohol on October 20, 2023, and October 27, 2023, during the Dread Mar I Concert. (Ruben Walshe, La Bodega Kitchen and Bar)

Mayor Nieves Riedel declared a conflict of interest and asked Vice Mayor Luis E. Cabreta to take over the item.

A. Open Public Hearing

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Javier Vargas 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. Staff / Applicant Presentation

Ms. Mercedes Pinzon, La Bodega Kitchen and Bar, 1599 Iran Avenue, San Luis, AZ, asked for permission of extension of premises due to two (2) main events they will host for the community which brings work for them, fun and a family environment. They have held this type of events where they have follow all regulations such as insurance, safe and calm place, security and public restrooms.

She added that there has never been any problems at their events and they strive to have safe events. The first event will be held on October 20, 2023, for their Dread Mar1 concert and on October 27, 2023, for their Halloween Festival.

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 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 Application For Extension of Premises/Patio Permit to the Arizona Department of Liquor Licenses & Control

MOTION: Council Member Javier Vargas Council Member Tadeo Azael De La Hoya to recommend approval to the Arizona Department of Liquor Licenses and Control the application for extension of premises/patio permit of La Bodega, LLC, as presented. Motion passed with five (5) ayes, one (1) nay vote by Council Member Maria Cecilia Cruz 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	Nay
Council Member Tadeo Azael De La Hoya	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye
Council Member Javier Vargas	Aye

8. SUMMARY OF CURRENT EVENTS

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

Council Member Maria Cecilia Cruz reported she, Council Member Matias Rosales and County Supervisor Tony Reyes attended the the Annual Walk a Mile Against Domestic Violence last Friday.

She added that multiple organizations supported the event by wearing the purple T-Shirts standing for victims of violence. She thanked the City of San Luis Police Department for always participating and protecting the city.

Mayor Nieves Riedel reminded everyone that on November 4, 2023, the Founder's Day Parade will take place and the applications are ready.

Vice Mayor Luis E. Cabrera invited everyone to attend the 7th Annual Mayors' International Bike Ride on October 21, 2023, at 7:00 a.m. It begins at the City of Yuma at the Civic Center and travel in bicycles to San Luis Rio Colorado, Sonora.

Council Member Maria Cecilia added that Yuma Metropolitan Organization (YMPO) will be hosting the Rural Transportation Summit on October 18 and 19, 2023. Council Members can attend as it is a great opportunity for elected officials to express their concerns and learn about the transportation issues, legislators will be present.

Council Member Matias Rosales commented and reminded everyone about the community clean-up taking place this month.

9. ITEM NO. 9 EXECUTIVE SESSSION

Vote to hold an Executive Session pursuant to A.R.S. § 38-431.03 (A) subsections (1) and (3).

Discussion and possible action on any and all matters regarding action to hold an executive session under A.R.S. § 38-431.03(A) subsection (1) for appointment of an Acting Police Chief, subsection (3) for discussion or consultation for legal advice with the City Attorney regarding the same. (Kay Marion Macuil, City Attorney)

MOTION: Vice Mayor Luis E. Cabrera/Council Member Javier Vargas to go into Executive Eession at approximately 6:31 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 Gloria Torres	Aye
Council Member Javier Vargas	Aye

10. MOTION TO GO BACK INTO REGULAR SESSION

MOTION: Vice Mayor Luis E. Cabrera/Council Member Javier Vargas to go back into Regular Session at approximately 7:07 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 Gloria Torres	Aye
Council Member Javier Vargas	Aye

11. DISCUSSION AND POSSIBLE ACTION ITEM:

Discussion and possible action regarding any and all matters concerning Order No. 2023-10. An Order of the Mayor and City Council of the City of San Luis, Arizona, to appoint an Acting Chief of Police. (Jenny Torres, Acting City Manager and Adela Cortez, Director of Human Resources)

Ms. Jenny Torres, Acting City Manager, explained that after the discussion in the Executive Session, there are two (2) orders; one (1) would appoint Lieutenant Nigel Reynoso and the other one would be Detective Javier Nuño.

MOTION: Council Member Matias Rosales/Council Member Gloria Torres to appoint Nigel Reynoso as Acting Chief of Police under the conditions ordered in Order No. 2023-10. 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

12. ADJOURNMENT

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Maria Cecilia Cruz to adjourn the Regular Council meeting at approximately 7:09 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 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 11, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Sonia Cornelio, City Clerk