

APPROVED by Council
Date: 5/8/2024
Clerks Office: 8

MINUTES
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
April 10, 2024
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 Gloria Torres
Council Member Luis E. Cabrera
Council Member Maria Cecilia Cruz
Council Member Tadeo Azael De La Hoya
Council Member Matias Rosales
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
Angel Ramirez, Fire Chief
Antonio Maldonado, Video Production Specialist
Armando Esparza, Director of Economic Development
Edgar Esparza, Billing & Collections Manager
Edgar Juarez, Facilities Project Coordinator
Eulogio Vera, Director of Public Works
Francia Alonso, Public Information Officer
Joel Armendariz, I.T. Help Desk Technician
Jorge Perez, Assistant Director of Public Works
Jose Guzman, Director of Development Services
Juan Tejeda, Associate Planner
Lizette Varela, Assistant Director of Parks & Recreation
Maria Sabori, Risk Manager
Marco Santana, Police Lieutenant
Miguel Ramirez, Finance Accounting Manager
Olivia Jenkins, Operations Coordinator
Roula Encinas, Acting Director of Finance
Yolanda Duerias, Facilities Supervisor
Antonio Alvarez, Resident
Cesar Neyoy, Reporter
Emmanuel Reyes, Resident
Esteban Rosales, Resident
Gary Black, Comite De Bienestar

Gabriel Garcia, Resident
Lucy Lopez, Reporter
Mark Concha, Resident
Vianey Vega, Vega & Vega Engineering
Victor Guzman, Principal Architect Innov-R
Yolanda Urias, Pastor – Centro Misionero Yireh

2. PLEDGE OF ALLEGIANCE

Council Member Matias Rosales led the Pledge of Allegiance.

3. INVOCATION

Pastor Yolanda Urias– Centro Misionero Yireh led the invocation.

4. CALL TO THE PUBLIC

Mr. James Allen Jr., 1549 E. Babbitt Lane, San Luis, AZ, stated that he knows that in the City of San Luis there is a fixed tax, which is considered a luxury tax as 11% is levied at most of the city's stores and establishments. This city is the only one in Arizona with the highest luxury tax. He noticed there are signs about Proposition 422, which is to establish a property tax. He asked if this proposition is approved by voters, what will happen with the 11% luxury tax? He would like to find out and maybe this can also encourage a lot of the residents to want to vote for the proposition. The signs posted are very vague and there are English speakers only in the city as well.

5. PROCLAMATIONS

- 5. A. Proclamation - National Public Safety Telecommunicators Week April 14-20, 2024**
- 5. B. Proclamation - Power Talk 21 Day April 21, 2024**
- 5. C. Proclamation - Administrative Professionals Day April 24, 2024 and Week April 21-27, 2024**
- 5. D. Proclamation - Denim Day April 24, 2024**

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

6. CONSENT AGENDA

6. A. MINUTES OF

- Regular Council meeting held March 13, 2024

6. B. DISBURSEMENTS FROM MARCH 20, 2024 TO APRIL 3, 2024

Total \$1,290,607.27

(One Million, Two Hundred Ninety Thousand, Six Hundred Seven Dollars and Twenty-Seven Cents)

MOTION: Vice Mayor 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
Vice Mayor Gloria Torres	Aye
Council Member 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:

7. A. Discussion and possible action on any and all matters regarding the appointment of poll workers for the Special Election scheduled for May 21, 2024. (Sonia Cornelio, City Clerk)

Mrs. Sonia Cornelio, City Clerk, explained that currently the city has a contract with Yuma County for the provision of election services. When a Primary or General Election is ordered, the Board of Supervisors shall appoint the poll workers as deemed necessary. However, if a Special Election is ordered by the city, then the local governing body holding the election shall appoint the poll workers. Yuma County Election Services has provided a list of poll workers used in previous city elections for the City Council's review and appointment. Staff is recommending the appointment, approval and authorization for substitutions and additions as may be necessary by the Election Services Director for the May 21, 2024, Special Election.

MOTION: Council Member Javier Vargas/Council Member Tadeo Azael De La Hoya to approve and appoint the poll workers as presented and to authorize substitutions and additions as may be necessary by the Election Services Director for the Special Election on May 21, 2024. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Gloria Torres	Aye
Council Member 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. B. Discussion and possible action on any and all matters regarding the acceptance and award of a construction contract to DWD Construction for the Finance Wing Reconfiguration Project at City Hall. (Edgar Juarez, Facilities Project Coordinator)

Ms. Roula Encinas, Acting Director of Finance, stated this item is to seek the City Council's approval to accept and award a construction contract to DWD Construction for the Finance Wing Reconfiguration Project at City Hall. DWD Construction was the only company to bid.

Mr. Edgar Juarez, Facilities Project Coordinator, mentioned that the project includes general construction, plumbing, heating ventilation, air conditioning and electrical. He added that staff has been working on this project since mid November 2023. The project is composed of three (3) sections; Section 1 is the addition of three (3) offices, Section 2 is an expansion of a conference room and Section 3 is the addition of a restroom and storage room. The total amount for this project is \$100,082.02 as permitted under the city's Procurement Code Section 3.05.030-Bidding.

MOTION: Vice Mayor Gloria Torres/Council Member Luis E. Cabrera to award the contract to DWD Construction in an amount not to exceed \$100.882.02. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Gloria Torres	Aye
Council Member 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 the acceptance and award of a construction contract to Yuma Valley Contractors, Inc. for the construction of a new concrete two million gallon water storage tank at well site seven. (Jorge Perez, Assistant Director of Public Works)

Mr. Eulogio Vera, Director of Public Works, indicated staff is seeking approval to award a contract to Yuma Valley Contractors, Inc., to build a concrete tank. Bids were received and in the bid for design it was included a concrete or steel tank. The concrete tank came in \$55,000.00 above the steel tank; the city has not built nor has a concrete tank, therefore staff reached out to other water districts and municipalities. The comments received are that they are pleased with the concrete tanks as they require very little maintenance.

MOTION: Council Member Javier Vargas/Council Member Tadeo Azael De La Hoya to accept and awarded the successful bid to Yuma Valley Contractors, Inc., for the concrete two million gallon water storage tank construction project at Well Site #7 not to exceed \$4,145,983.78 and direct staff to finalize the contract. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Gloria Torres	Aye
Council Member 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. Public Hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2024-0039 - Colibri Self Storage; a request by Riedel Holdings LLC, owner, for a Conditional Use Permit from Section 18.35.030 (C)(10) of the City of San Luis Zoning Ordinance to allow a mini storage, located at 4834 E County 24th Street in San Luis, Arizona. (Jose A. Guzman, Director of Development Services)

Mayor Nieves Riedel declared a conflict of interest on this item and will abstain from participating on this item. She asked Vice Mayor Gloria Torres to take over the item.

A. Open Public Hearing

MOTION: Council Member Luis E. Cabrera/Council Member Javier Vargas to open the Public Hearing. Motion passed with six (6) ayes and one (1) abstention by Mayor Nieves Riedel.

The vote was as follows:

Mayor Nieves Riedel	Abstained
Vice Mayor Gloria Torres	Aye
Council Member 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. Presentation by staff and/or applicant

Mr. Jose Guzman, Director of Development Services, stated that this request is for a self storage unit project consisting of 83 units, which will be located at Plaza Colibri Commercial Subdivision, zoned as C-2 and requires a conditional use permit for the proposed use.

Additionally, he added that this item was presented to the Planning & Zoning Commission and they recommended approval with the conditions presented by staff. Staff is recommending approval with the conditions that they comply with all the applicable city regulations and the trip generation memo that is required.

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 Luis E. Cabrera/Council Member Javier Vargas to close the Public Hearing. Motion passed with six (6) ayes and one (1) abstention by Mayor Nieves Riedel.

The vote was as follows:

Mayor Nieves Riedel	Abstained
Vice Mayor Gloria Torres	Aye
Council Member 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 Conditional Use Permit Case No. 2024-0039

MOTION: Council Member Luis E. Cabrera/Council Member Javier Vargas to approve Conditional Use Permit Case No. 2024-0039 subject to the conditions of approval as presented by staff. Motion passed with six (6) ayes and one (1) abstention by Mayor Nieves Riedel.

The vote was as follows:

Mayor Nieves Riedel	Abstained
Vice Mayor Gloria Torres	Aye
Council Member 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. Public Hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2024-0040 - Rio Colorado Fueling Systems Fuel Station; a request by Core Engineering Group, on behalf of RL Jones Properties LLC, for a Conditional Use Permit from Section 18.40.20 (C)(1) and (10) of the City of San Luis Zoning Ordinance to allow a truck stop with a gas station and convenience store, located on the southwest corner of Vaughan Street and Port Authority Avenue in San Luis, Arizona. (Jose A. Guzman, Director of Development Services)

A. Open Public Hearing

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Luis E. Cabrera to open the Public Hearing. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Gloria Torres	Aye
Council Member 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. Presentation by staff and/or applicant

Mr. Jose Guzman, Director of Development Services, explained that this is a request for a truck stop and a convenience store on a property zoned light industrial, located in the Magrino Subdivision. This item was presented to the Planning & Zoning Commission and recommended approval with the conditions that staff presented, which is the same conditions as in the previous item. A conditional use permit is valid for one (1) year; this applicant has applied previously for this use and the conditional use expired. The applicant is requesting for this permit to be valid for three (3) years, as they are working on the project in phases. They will be working on Phase 1 this year and want to continue with the next phases within the next three (3) years. For consistency purposes, staff has provided the motion for the one (1) required on the zoning regulations. If the City Council does not approve the three (3) year permit, then the applicant will have to reapply for the conditional use permit as any other project.

2. Call to the Public on this item

Mr. James Allen Jr., 1549 E. Babbitt Lane, San Luis, AZ, asked with the building like a fueling station and things of that nature, are these tanks above or below ground and what is the risk in that area should there ever be a major spill affecting the residential area adjacent to there?

Mr. Jonathan Klein, Core Engineering Group, 200 E. 16th Street, Yuma, AZ, responded that these tanks are planned to be below ground. They have an on-site capture system in case there is a spill, so that it would be held in a containment tank that could then be pumped out to a facility that would handle hazardous waste as required.

Mr. Allen Jr. made some inaudible comments.

Council Member Tadeo Azael De La Hoya asked what were the conditions in the previous permit that expired?

Mr. Guzman replied they were similar conditions including the one for the traffic study.

Council Member Tadeo Azael De La Hoya asked why is it different now from a traffic study to a trip generation memo?

Mr. Guzman explained that the trip generation memo is if the use does not generate more than 100 trips per day. A traffic study is a full blown study of the impact of the whole area, if the use is going to be more than 100 trips per day. If it does not trigger that number of trips per day, then they will just prepare a memo and that will suffice the condition.

Council Member Tadeo Azael De La Hoya asked if construction does not start until that memo is completed or what happens if a neighboring property does something similar and it does trigger more than 100 trips, who will be responsible for any necessary improvements?

Mr. Guzman responded that each development is responsible for the impact based on the use they are proposing.

Mayor Nieves Riedel commented and asked that they are asking for a permit of three (3) years, but staff is recommending one (1) year?

Mr. Guzman answered that the regulations give one (1) year time frame for them to establish the use or get the permit. The previous conditional use expired and are now requesting a three (3) year time frame to complete the two (2) phased project.

Mayor Nieves Riedel asked if a traffic study will be good three (3) years from now should a three (3) year permit be approved?

Mr. Klein explained that this development is intended to serve the industrial park and the trucks that naturally pass, so it is phased in two (2) phases so that right now it can serve the commercial vehicles that require fueling in the industrial park. They are not attracting commercial vehicles that are not naturally passing. Phase 2 is going to be for passenger vehicle fueling and a convenience store to serve the employees in the park. Currently, they do not believe there are enough employees in the park or enough development of the park to merit building for that use, hence the three (3) year request. After two (2) years of enough development has occurred, then all of that traffic would already be in the subdivision and would be willing to provide another trip generation memo or traffic study upon application for the permit, if that is a condition that could be added.

Council Member Tadeo Azael De La Hoya asked if staff is agreeing to the three (3) year conditional use?

Mr. Guzman indicated that the item is for one (1) year. He added that staff understands the request, however based on the time that staff spends on the conditional use and the fees proposed to be charged, any changes to a conditional use triggers the entire application and process, therefore, they would rather have them apply in Phase 2 to prevent going through the entire process. Staff wants to keep consistency and stay in the one (1) year approval, staff does not agree with the three (3) year request.

Council Member Matias Rosales shared how it is done in Yuma County.

B. Close Public Hearing

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Luis E. Cabrera to close the Public Hearing. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Gloria Torres	Aye
Council Member 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 Conditional Use Permit Case No. 2024-0040

MOTION: Council Member Luis E. Cabrera/Council Member Matias Rosales to approve Conditional Use Permit Case No. 2024-0040 with the condition of an additional trip generation memo to be done in the future for three (3) years, subject to the conditions as approval as presented by staff as well. Motion passed with four (4) aye votes and three (3) nay votes by Mayor Nieves Riedel, Council Member Tadeo Azael De La Hoya and Council Member Javier Vargas.

The vote was as follows:

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

7. F. Discussion and possible action on any and all matters regarding Subdivision Case No. 2024-0047F - Bienestar Estates 10 Townhomes; a request by Vega & Vega, on behalf of Comité de Bienestar, Inc., for the approval of the final plat for Bienestar Estates 10 Townhome Subdivision, located at the southeast corner of Avenue F and County 24th Street in San Luis, Arizona. (Jose A. Guzman, Director of Development Services)

Mr. Jose Guzman, Director of Development Services, stated that this request is by Vega & Vega Engineering, for the final plat of Bienestar Estates 10 Townhomes of 3.47 acres that will be divided into 31 residential lots. This property was rezoned from commercial to high medium high density residential R-2. Any high density residential requires for the development to provide amenities for the residents and these amenities requirements for maintenance are due to a Homeowners Association (HOA), this is similar to Los Mezquites Townhomes. Staff is recommending this route to be consistent with previous developments. The applicant is requesting to go a different route with improvement districts, but staff is recommending approval that they follow the common letter dated March 8, 2024. The improvement districts will mean that the city will maintain and take care of those amenities and improvements.

Mayor Nieves Riedel stated she has a problem with that, it is totally different as a Homeowners Association is what is done for a subdivision. When this is done for a subdivision, the city takes care of the streets, sidewalks, lights, parks and maintenance after two (2) years. This is a housing unit and things happen to houses, there will be cracks and issues like wear and tear. It does not matter how much money it will be collected, it will not be enough to maintain apartments. She does not believe the city is in the business to take over those responsibilities, because it will have to be done for everybody.

Mr. Guzman added that the Mezquites Townhomes does not have a private street neither does Bienestar Estates 10 Townhomes, but they require to have amenities per the zoning regulations. Examples of amenities in landscape are barbecue grills, ramada, a pool and picnic tables.

Council Member Matias Rosales stated that, that is what HOA is for, because it maintains the amenities. He added that in real estate, some of the associations just cover the maintenance of the yards and nothing to do with the building. Some other associations, especially if they are condos, those would be different. But something like this, is like a single family per sae kind of subdivision, not a gated community.

Council Member Luis E. Cabrera asked if they are required to provide the amenities, is the city legally responsible to maintain those amenities or can the city remove them with the cost of replacement or anything like that be more than what the improvement district collects?

Mr. Guzman responded that the improvement districts can be implemented only for landscape and the retention basin but not for the actual structures or amenities.

Council Member Luis E. Cabrera commented that then the city would be paying for and would prefer not to pay for it; he asked if the city can remove the amenities and not replace them if they were to be damaged or is the city obligated to legally keep them?

Mr. Guzman indicated that it would be a city's decision, but it would not be compliant with the zoning regulations. If it was another regular subdivision, then the improvement districts could be done for the retention basin and the landscape, but since it is a higher density project, then the amenities are required.

Council Member Luis E. Cabrera asked who paid for the Alegria Park playground?

Mayor Nieves Riedel responded that fees are collected through the improvement districts, which pay for the maintenance of streets, sidewalks, lights, parks and everything else and an HOA takes care of that particular project. She added that in her view, if the rules change, it will have bad consequences in the future.

Council Member Luis E. Cabrera commented that the difference is that this is through Comite De Bienestar and is for affordable housing, where Los Mezquites is through a private entity for lucrative purposes. Affordable housing is a crisis throughout the nation and understands the high need of affordable housing, especially in this community, he will be ok with the community district.

Mr. Guzman specified this project is being done through a funding project and is for affordable housing.

Council Member Matias Rosales asked if in La Esperanza, didn't the City Council do something where the option was to keep the development, the street and the other part to be transferred over to the city?

Mr. Guzman replied it was a gated community and is different, as they will have a homeowners association that will take care of all the maintenance of the streets, the retention basin and everything.

Mayor Nieves Riedel clarified that the reason San Luis is number one in affordable housing is not just because of the non-profits, but for the contractors like them that have dedicated their life to providing affordable safe housing for everybody. They are for profit, but they do exactly the same thing. Therefore, if the city is going to start giving free things as a city, then it should be given to everybody, because they are all meeting a need and although Comite De Bienestar is a non-profit and she is for profit, at the end of the day it is affordable housing. This is not about Comite de Bienestar, but what is going to come next, what will the city tell the next ones that want to do the same thing? The city should not be held responsible for these types of projects.

Discussion took place regarding the cost by homeowners paying for the districts, issues with the water and replacing water, problems with the sewer inside the property and HOA amongst the Mayor and City Council.

Mr. Gary Black, Comite De Bienestar, explained that they met with Ms. Kay Macuil, City Attorney, and staff and discussed charging the residents through an improvement district instead of an HOA. They find that HOAs are so unmanageable, that the district would take it through taxes and that would pay for the upkeep of maintenance. They will set up an HOA either way, but wanted to bring that idea to the City Council, because it is a better way to maintain. The idea is to get the HOAs into the hands of something more responsible like the city. Amenities can be benches or a picnic table, but it does have grass and the idea is to maintain it through the district and not through the HOA. This is affordable housing and once an HOA fee of \$25.00, \$30.00, \$40.00 or \$50.00 is added, it kicks some people out of the market. In this particular project, they will be selling 60%, equivalent to 18 homes to people that make 80% or below area median income (AMI).

More discussion was held amongst the Mayor and Council Members regarding the HOA.

Mr. Gary Black mentioned that this should be standard for all these townhouse projects as it is a better way to go than an HOA.

Mr. Vianey Vega, Vega & Vega Engineering, explained that an improvement district is required in any subdivision created in the City of San Luis and takes care of different categories such as the retention basins and landscaping maintenance.

He added that the money is assessed from the property owner and paid through the homeowners property tax that is then applied to the improvement districts. Because it is affordable housing, they are trying to avoid for the homeowner to have to make two (2) payments, which are the HOA and the improvement districts. The improvement districts are going to be created no matter what, as the landscaping and the retention basins need to be maintained. This will make prospect owners eligible for the program by only paying one (1) fee. Therefore, they are trying to combine them both into an improvement district that will take care of the landscaping, retention basin and the amenities. The amenities are in the retention basins that will include shades, picnic tables and grills that are required for this project. HOA takes care only of the common areas, from the property line in, is the responsibility of the homeowner. The common areas are the retention basins only, the streets are dedicated streets, water and sewer are provided through the city and will not be covered by the HOA.

Mayor Nieves Riedel commented that currently there are 46 units, there are pre-sold and for people to qualify gets harder if there is an HOA fee. They started with \$90.00 and worked the numbers to make people eligible to afford it by lowering it to \$50.00. But in reality it takes more than \$50.00 for maintenance.

Council Member Matias Rosales mentioned that the idea or concept is great, but the issue is the zoning and for townhomes classification of what an amenity is required. Maybe the zoning regulations need to be amended to specify that if there are going to be projects with no cost amenities, as it will just be landscaping and maybe the district improvements.

Council Member Tadeo Azáel De La Hoya asked if the paragraph on the comment letter was a Public Works paragraph, a Planning & Zoning paragraph or a Legal paragraph?

Mr. Guzman responded it is a standard Planning & Zoning language they add to a comment letter. That paragraph is in case staff missed something during the second review.

Council Member Tadeo Azael De La Hoya asked if this gives the city leniency to go either way or revoke the permit?

Mr. Guzman replied that with the motion that is being proposed, staff will follow the standard procedure unless the City Council wants to make a different motion.

MOTION: Council Member Matias Rosales/Council Member Maria Cecilia Cruz to approve Subdivision Case No. 2024-0047F with conditions as presented by staff. Vice Mayor Gloria Torres abstained due to a possible conflict of interest. Motion passed with four (4) aye votes, one (1) nay vote by Council Member Tadeo Azael De La Hoya and two (2) abstentions by Vice Mayor Gloria Torres and Council Member Luis E. Cabrera.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Gloria Torres	Abstained
Council Member Luis E. Cabrera	Abstained
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	Nay
Council Member Matias Rosales	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 Tadeo Azael De La Hoya/Council Member Luis E. Cabrera to adjourn as City Council and convene as Board of Adjustment. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Gloria Torres	Aye
Council Member 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. A. Public Hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2024-0086 - First Days Care; a request by Innov-R, on behalf of GPG Estates and Associates, for a variance from the City of San Luis Zoning Ordinance Section 18.75.040 - Table No. 15 to reduce the parking required from 4 to 2 and a variance from the City of San Luis Zoning Ordinance Section 18.35.040 - Table No. 7 to reduce the minimum setback from 15 feet to 10 feet in a Neighborhood Commercial (C-1), located at 648 N 4th Avenue in San Luis, Arizona. (Jose A. Guzman, Director of Development Services)

A. Open Public Hearing

MOTION: Council Member Luis E. Cabrera/Vice Mayor Gloria Torres to open the Public Hearing. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Gloria Torres	Aye
Council Member 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. Presentation by staff and/or applicant

Mr. Jose Guzman, Director of Development Services, stated that this is a request for a variance for the property located at 648 N. 4th Avenue. The minimum commercial lot size is 8,000 square feet and the proposed lot is approximately 3,000 square feet, this lot was divided multiple times long before the city was incorporated and no records were located of when it was divided. Staff completed an analysis and based on it, the request does not comply with the criteria requirements for a variance approval. Although, the lot is small in size, they can still build a 600 square feet building and add two (2) parking spaces and that would comply with the zoning regulations, but based on the proposed use, they will need four (4) parking spaces, therefore that is the reason why they are requesting a variance from four (4) to two (2) parking spaces.

Council Member Tadeo Azael De La Hoya asked if the city has approved similar variances alike to this for other type of businesses around the same exact area in the past?

Mr. Guzman responded that for the reduction of parking, there was one (1) for a restaurant and does not know the exact criteria as it was done before his time with the city.

There was discussion amongst the City Council and Mr. Guzman regarding the neighboring businesses, their use, conditional use permits and approvals.

Mr. Guzman added that staff is working on the redevelopment and making it more flexible for development to happen in that area. Staff is on the final stage of an overlay for the mix use.

Ms. Jenny Torres, Acting City Manager, stated that staff is following regulations and there are plans and a circulation study was done. The problem is that there are residents in the area complaining about restaurants and commercial taking over their parking. There is a plan for the city to do a residential parking program, there are some parking facilities that are close to finishing design and looking for funding.

2. Call to the Public on this item

Mr. Victor Guzman, Principal Architect Innov-R, 1247 E. California Street, San Luis, AZ, presented what they are trying to do and asked to reconsider the recommendation from staff. There is much needed use for daycare in the city; he added that in the particular property purchased by his clients they are very limited in space and are working with every single inch possible. There is a big requirement from the state for any daycare, 25 square feet or 35 square feet per child and indoor space as well as 75 square feet per child outdoor space.

Mr. Gabriel Garcia, 1350 E. Monreal Lane, San Luis, AZ, owner, explained that they met with every single resident adjacent to the their property and are 100% supportive.

Ms. Paola Garcia, 1350 E. Monreal Lane, San Luis, AZ, owner, stated that she met with the neighbors and they support their project; she obtained signatures from them who support their plan. She added that her neighbors commented the problem are not the businesses, but the people that come from Mexico and leave their cars parked up to three (3) days. There is a need for daycares in the city and she has the support from her neighbors.

Council Member Tadeo Azael De La Hoya asked if there is an occupancy limit for childcare?

Mayor Nieves Riedel responded there is and is enforced by the state.

Mr. Angel Ramirez, Fire Chief, added that it depends on the kids that they are going to serve, there is an amount of teachers that they need to have per child.

Mr. Garcia indicated that the two (2) parking spaces would be for the teachers and the kids will be dropped off on the curb and the parent would sign-off without going inside the building.

Council Member Luis E. Cabrera asked if one (1) of the parking spaces can be designated as a drop-off/pick-up location, as it is a safety issue to have children dropped off at the curb, some discussion took place on who would enforce it.

Mayor Nieves Riedel commented that before anyone buys anything and start planning, they should come to the city to obtain more information before signing and paying for any piece of land that will not work for their project.

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 Gloria Torres	Aye
Council Member 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

Council Member Luis E. Cabrera asked if the variance case was to be approved, they could move forward with their two (2) parking spaces instead of the four (4) and continue with their plans? The city cannot require them to designate one (1) parking space for pick-up/drop-off?

Mr. Guzman responded it is correct for the first question and on the second question, he replied he was not sure if it could be added to the motion, but it would become an enforcement issue.

C. Action on Variance Case No. 2024-0086

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Matias Rosales to approve Variance Case No. 2024-0086. Motion passed with four (4) ayes and three (3) nay votes by Council Members Luis E. Cabrera, Maria Cecilia Cruz and Javier Vargas.

The vote was as follows:

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

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

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Luis E. Cabrera to adjourn as Board of Adjustment and reconvene as City Council. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Gloria Torres	Aye
Council Member 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

10. SUMMARY OF CURRENT EVENTS

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

Council Member Matias Rosales reported the city had the General Services Administration (GSA) update for the new port of entry. They are working ahead, they have poured the concrete pads on the first four (4) buildings. They are planning to have everything done before 2026. It would be the first energy zero emission and zero power fully sustainable Port of Entry in the United States. He added that the city welcomed the new Port Director Chris Leon who will replace Mr. Schwam.

Mayor Nieves Riedel announced that the city's Budget Retreat will take place on April 26 and 27, 2024, and invited the public to attend this retreat so they can understand the city's finances.

11. Discussion and possible action to hold an Executive Session pursuant to A.R.S. §§ 38-431.03(A)(3), (4), and (7) on any and all matters regarding the lawsuit Gethsemani Food Ministry v. City of San Luis for consultation for legal advice with the city attorneys including but not limited to possible directions including contract negotiations (under subsection (4)) or land lease (under subsection (7)) allowed in executive sessions. (Kay Marion Macuil, City Attorney, Outside Counsel Cameron Artigue and Manjula Vaz or Gammage and Burnham)

MOTION: Council Member Luis E. Cabrera/Council Member Maria Cecilia Cruz to go into Executive Session at approximately 7:37 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Gloria Torres	Aye
Council Member 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

12. MOTION TO GO BACK INTO REGULAR SESSION

MOTION: Council Member Luis E. Cabrera/Council Member Javier Vargas to go back into Regular Session at approximately 8:27 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Gloria Torres	Aye
Council Member 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

13. DISCUSSION AND POSSIBLE ACTION ITEM:

Discussion and possible action on any and all matters regarding the approval and ratification to engage outside counsel for the lawsuit U.S. District Court for Arizona, Civil Case No. 2:24-cv-00534-ESW. (City Council and Kay Marion Macuil, City Attorney)

MOTION: Council Member Luis E. Cabrera/Council Member Gloria Torres to ratify and approve the engagement and retainer of Gammage and Brunham in the amount of \$50,000.00 under the terms of the attached March 22, 2024, engagement letter to represent and defend the City of San Luis, its officials and employees (including, without limitation, Mayor Nieves Riedel, Acting City Manager Jenny Torres, and Code Enforcer Alexis Gomez) in any and all matters in the U.S. Federal Court, Arizona, District Case No. 2:24-cv-00534-ESW. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	Aye
Vice Mayor Gloria Torres	Aye
Council Member 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

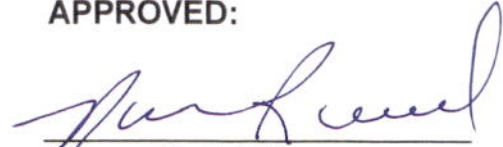
14. ADJOURNMENT

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Luis E. Cabrera to adjourn the Regular Council meeting at approximately 8:28 p.m. Motion passed unanimously.

The vote was as follows:

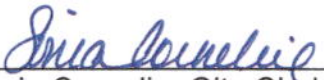
Mayor Nieves Riedel	Aye
Vice Mayor Gloria Torres	Aye
Council Member Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	Aye
Council Member Matias Rosales	Aye
Council Member Javier Vargas	Aye

APPROVED:



Nieves Riedel, Mayor

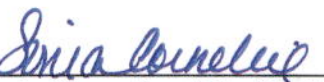
ATTEST:



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 April 10, 2024. I further certify that the meeting was duly called and held and that a quorum was present.



Sonia Cornelio, City Clerk