

MINUTES
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
July 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
Alejandra Peru, Court Administrator
Angelica Roldan, Director of Parks & Recreation
Antonio Maldonado, Video Production Specialist
Armando Esparza, Director of Economic Development
Danae Figueroa, Magistrate
Domingo Sosa, Graphics and Media Specialist
Emmanuel Botello, Police Lieutenant
Eulogio Vera, Director of Public Works
Francia Alonso, Public Information Officer
Joel Arizmendi, I.T. Help Desk Technician
Jose A. Guzman, Director of Development Services
Juan Tejeda, Associate Planner
Maria Sabori, Risk Manager
Melissa Lopez, Deputy City Clerk
Miguel Ramirez, Finance Accounting Manager
Roula Encinas, Acting Director of Finance
Albert Leon, Resident
Christian Cuevas, Translator
Mark Concha, Resident
Nydia Mendenhall, Resident
Vianey Vega, Vega & Vega Engineering
Yolanda Urias, Resident

2. PLEDGE OF ALLEGIANCE

Council Member Matias Rosales led the Pledge of Allegiance.

3. INVOCATION

Ms. Yolanda Urias – Pastor for Centro Misionero Yireh led the invocation.

4. CONSENT AGENDA

4. A. MINUTES OF

- Regular Council meeting held June 12, 2024

4. B. DISBURSEMENTS From June 20, 2024 to July 2, 2024

Total \$3,339,973.12

(Three Million, Three Hundred Thirty-Nine Thousand, Nine Hundred Seventy-Three Dollars and Twelve Cents)

4. C. Discussion and possible action on any and all matters regarding Resolution No. 2327. A resolution of the Mayor and City Council of the City of San Luis, Arizona, approving the annual contribution under the Intergovernmental Agreement with the Yuma County Intergovernmental Public Transportation Authority for the Yuma County Area Transit (YCAT), the regional public transportation services for the fiscal year 2024-2025; repealing conflicting provisions; and providing for severability. (Jenny Torres, Assistant City Manager)

MOTION: Council Member Luis E. Cabrera/Vice Mayor Gloria Torres to approve the Consent Agenda as presented. The 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

5. DISCUSSION AND POSSIBLE ACTION ITEMS:

5. A. Discussion and possible action on any and all matters regarding Resolution No. 2321. A resolution by the Mayor and City Council authorizing the submission and the approval local match of the commitment for the San Luis Active Paths Project Grant Application to the U.S. Department of Transportation (USDOT). (Armando Esparza, Director of Economic Development)

Mr. Armando Esparza, Director of Economic Development, explained that his department identified a grant opportunity, the active transportation infrastructure investment program by USDOT, to build active trails and paths that will connect destinations within the community. The General Plan and the Parks Path and Trail Master Plan have identified some paths that would qualify for this grant application. The application is proposing the construction of two (2) paths and the city already has the right-of-way agreement with the Yuma County Water Users Association including a letter of support for the grant as well. Staff is also proposing a trail that will connect the Port of Entry I to the new development that is happening on the east side of town. This is the grant focused on transportation and connecting these destinations. Staff asked James Davey and Associates for an estimate of the costs to build these two (2) grants and the cost is approximately \$15.7 million. The department is seeking a full no match award which the grant offers, but the Notice of Funding Opportunity (NOFO) states that each applicant should still commit a 20% match. For this application staff is requesting \$12.6 million for the construction of these two (2) grants with the local match of \$3.1 million. Additionally, due to the community's significant economic challenges, staff requestes the council to urge consideration for a no-match award from the U.S. Department of Transportation. Although, the city does not meet the 40% poverty rate requirement for 100% federal funding, the poverty rate in Census Tracts 116.01 and 114.07 is notably high, with 38.2% and 35.6%, respectively. The median household income is \$35,257, with an unemployment rate of 45 by Federal Highway Administration (FHWA), and a request is made to provide the 20% non-federal share as a backup. Moreover, 21.1% of the population lacks healthcare coverage. These statistics underscore the need for federal assistance to support this infrastructure project without requiring a local match. The FHWA will decide if a project qualifies for 100% federal funding. One of the requirements is that each applicant should expect to get a no match award and that is the reason staff is asking for the commitment. At the end of the selection process, the the committee is going to make the final decision on what communities, what projects get the no match award and what communities get the 80/20 award.

MOTION: Council Member Maria Cecilia Cruz/Council Member Tadeo Azael De La Hoya to approve and adopt Resolution No. 2321 and ratify the submission of the Active Transportation Infrastructure Investment Program Application. The 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

5. B. Discussion and possible action on any and all matters regarding Resolution No. 2323. A resolution of the Mayor and Council of the City of San Luis, Arizona approving an Intergovernmental Agreement (IGA) between the City of San Luis, Arizona and Yuma County for the purpose of providing a Court Interpreter Position and Services. (Danae T. Figueroa, Magistrate)

Ms. Danae T. Figueroa, Magistrate, indicated that as previously mentioned in the Budget retreat presentation by the Court, the Intergovernmental Agreements (IGA's) with the Superior Court of Yuma County are for the Court Interpreter and services, Court Security and services and for the Field Trainer Services. Each IGA is essential to the court and explained the necessity of each of them. Effective in 2017, all courts shall comply with the court security standards as adopted. The Yuma County Superior Court has a fully developed court security program and is the entity in the best position to administer the functions. The San Luis Municipal Court will not be able to recruit viable candidates at the current rate and is not in the position to best manage those services. The City of San Luis would have to agree to pay the county rates for these two (2) positions and also agree to fund any subsequent year increases that may be granted. As previously discussed with the Finance Department, the position salaries have already been set for Fiscal Year 2024 and 2025. There is an overriding value to the Superior Court providing the court interpreter and court security services to the San Luis Municipal Court. This includes selection, supervision, training and evaluation by subject matter experts, managers who will ensure the required credentialing is met and the required courses are taken. The court will be insured benefits from professional and competent services that are consistent with other Yuma County courts, and will be abiding by the Arizona Supreme Court rules. The court has heavy foot traffic; in the last fiscal year, there were 13,930 patrons who visited the courthouse. 387 law enforcement checked in and 223 events where contraband was found. Contraband includes weapons and knives. The court is the third highest court in the county that is visited. Additionally, stats from July 2023 through March 2024 show that 22% of the cases being filed are noted as citation requiring Spanish interpretation. However, a greater number of patrons require Spanish interpretation. The percentage is closer to 25 to 40%, or it could be higher. If approved, the IGA's would be in effect for ten (10) years ensuring that the court will have court interpreter and court security services for the citizens of San Luis for an extended period of time.

MOTION: Council Member Javier Vargas/Council Member Tadeo Azael De La Hoya to approve and adopt Resolution No. 2323, as presented. The 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

5. C. Discussion and possible action on any and all matters regarding Resolution No. 2324. A resolution of the Mayor and Council of the City of San Luis, Arizona, approving the Intergovernmental Agreement (IGA) between the City of San Luis, Arizona, and Yuma County for the purpose of providing a Court Security Position and Services. (Danae T. Figueroa, Magistrate)

Ms. Danae T. Figueroa, Magistrate, explained this item in Item No. 5.B.

Council Member Luis E. Cabrera asked if the city would not do any recruitment for these positions, within the next 10 years?

Judge Figueroa responded that was correct. IGA's are in effect for ten (10) years therefore, staff wants to max it out that way they are not continually returning. Yuma County would actually be the one to recruit for that position and to produce that position or that person for the court. A benefit that there is, is that if the court security or court interpreter is out for the day, that would be on Superior Court to provide backup. The clerk positions do not require classes nor trainings. A lot of her cases require Spanish interpretation, even though the 22% might seem low, that is just because that is what police officers mark off on citations of people requiring interpretation. But that does not account for witnesses who might come in and for orders of protection that come in daily or even people who come into court who might have been a little concerned to actually put that they need an interpretation, but ultimately they do. Currently, the Superior Court has been providing with a court interpreter, but sometimes they do not have them. So they have to use what is called language line, which is pretty difficult. She knows the courtroom, one can have the defendant and then have an interpreter over the phone, and it is just more difficult.

MOTION: Council Member Luis E. Cabrera/Vice Mayor Gloria Torres to approve and adopt Resolution No. 2324, as presented. The 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

5. D. Discussion and possible action on any and all matters regarding Resolution No. 2325. A resolution of the Mayor and Council of the City of San Luis, Arizona, approving the Intergovernmental Agreement (IGA) between the City of San Luis, Arizona, and Yuma County for the purpose of providing Field Trainer Services. (Danae T. Figueroa, Magistrate)

Ms. Danae T. Figueroa, Magistrate, explained that there has been a long standing agreement between the Superior Court of Yuma County and the San Luis Municipal Court regarding providing court services and training to the staff of the Municipal Court through a field trainer. The Superior Court has one (1) position dedicated to automation and systems training and supported related to court case management, processing and other related topics. All counties in the state have the same agreement with a field trainer in the Superior Court and the limited jurisdiction courts participating and supporting the funding of the same with the nominal contribution. The nominal participation amount is \$1,000.00. It provides the court with automation training opportunities and support. Typically, this IGA is requested for approval on a yearly basis, however, as the IGA reads, it would be in effect for ten (10) years, ensuring that the court will receive the necessary services from the field trainer for an extended period of time.

MOTION: Vice Mayor Gloria Torres/Council Member Luis E. Cabrera to approve and adopt Resolution No. 2325, as presented. The 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

5. E. Discussion and possible action on any and all matters regarding Resolution No. 2326. A resolution of the Mayor and City Council of the City of San Luis, Arizona, that deems the grant of a gas franchise to Southwest Gas Corporation beneficial to the City of San Luis, Arizona, and submits it to the voters for the November 5, 2024, election; repealing conflicting provisions; and providing for severability. (Kay Marion Macuil, City Attorney)

(The franchise will not be in effect until after it is approved in an election by the voters residing within San Luis, Arizona)

Ms. Kay Macuil, City Attorney, stated that this is a 25 year agreement, which is allowed by the Arizona Constitution. The purpose of this resolution is for the City Council to consider it and if it finds so, find it beneficial to the residents and the city. It will allow continued service of gas lines in the city as well as expansion of gas service. For the city, it provides 2% of gross revenue from the sale of the service in the city. In addition to this 2% of gross revenue, they do have to pay all their business taxes. The right they get to exchange, they get to use the city's right-of-ways for their gas lines. If the city needs them to move their gas lines, it will be at Southwest Gas expense. If a private entity needs them to move their gas lines, it would be a private entity expense. If the City Council finds that it is beneficial, the resolution allows that finding and then it will go to the voters at the November 5th General Election.

MOTION: Council Member Javier Vargas/Council Member Tadeo Azael De La Hoya to approve Resolution No. 2326, as presented. The 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

6. BOARD OF ADJUSTMENT

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

MOTION: Council Member Luis E. Cabrera/Council Member Javier Vargas to adjourn as City Council and convene as Board of Adjustment. The 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

6. A. Public hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2024-0258 - Juventina Garcia Variance. A request by Vega & Vega Engineering, on behalf of Juventina Garcia, owner, for a variance from the City of San Luis Zoning Ordinance Section 18.35.040 - Table No. 7 to reduce the minimum lot size and the minimum lot width on property located at 687 North 2nd Avenue in San Luis, Arizona. (Jose A. Guzman, Director of Development Services)

1. Staff Presentation

Mr. Jose Guzman, Director of Development Services, explained that the request is based on the proposed lot split-lot tie of two (2) properties. Mr. Guzman explained a scheme attached to the Agenda Item indicating that Parcel A, who is the owner trying to sell part of the lot to the owner of Parcels B & C; the plan is to combine all the parcels and create two (2). The variance request is for a reduction of Parcel A to 7,040 square feet; the minimum lot size for commercial is 8,000. There are four (4) criteria that has to be met for the approval of a variance. There has to be special circumstances or conditions that do not apply to other properties in the same zoning industry; the circumstances or conditions cannot be self-imposed and the variance has to be necessary for the substantial property rights and the variance cannot be materially detrimental to the vicinity or adjacent property owners. As mentioned in the report, the current size of the parcel meets the minimum lot size. What triggered the request is that the owner wants to sell the portion of that property to the owner of the south. Therefore, there are no special circumstances or conditions on the request and it is self-imposed by the owner. Regarding the substantial property rights, the variance is not necessary because the owner can continue to use the property as a residence with the non-conforming legal status or they can use the property for commercial in the future. The approval of this variance will probably not be detrimental to the vicinity or the public's welfare, however it will limit the square footage of the building in case the building ever wants to change the use to commercial, it would limit the size of any proposed use. Staff is recommending denial of the application because it does not meet the criteria.

2. Open Public Hearing

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Javier Vargas to open the Public Hearing. The 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

3. Call to the Public on this item

Council Member Tadeo Azael De La Hoya asked if this variance is approved, it will make Panchita's Restaurant legal non-conforming and is the owner aware that if Parcel A wants to be converted to commercial, they will be limited to the square footage of the use?

Mr. Vianey Vega, Vega & Vega Engineering, representative for both owners of Parcel A and Parcel B, responded that Ms. Garcia is aware she is reducing the property size and in the future if this was to be developed as commercial, the limitations are the size of the parcel and Ms. Garcia does not have a problem with that. He added that by approving the variance, they are bringing Parcel B into compliance. Mr. Vega explained how the lots would be split/tied.

Myor Nieves Riedel disclosed that she is a Garcia and is not related to Ms. Juventina Garcia. She commented that to bring Parcel B into compliance, it means that it would create a problem with Parcel A, because it is going to reduced to 7,040 square feet from 8,000, and asked if this will create a precedent?

Mr. Vega responded that was correct, the lot will be less than the allowable. Even though they are creating this non-conforming parcel, the Planning & Zoning Department is working on an overlay for this downtown area that is going to allow smaller lots, smaller setbacks to allow buildings like these to be in compliance. Because there are a lot of properties that are non-conforming and have been split illegally through a deed and they are trying to avoid that, therefore a precedent has already been set.

Mayor Nieves Riedel asked Mr. Guzman when the 8,000 square footage was approved and a time frame on lowering the size from 8,000 square feet to less?

Mr. Guzman replied that this area is part of the redevelopment plan for the downtown and one (1) of the steps is doing the overlay, making it more flexible and bringing it to compliance the lots that have been split through out the years illegally and make it easier for development to happen in the area considering the reduction of the lot sizes. Currently staff is working on the overlay and it is expected to be completed by the end of this year, it will go through the Planning & Zoning Commission and the public hearings process.

Council Member Matias Rosales commented that he understands staff's recommendation to deny the application based on the current requirements. This is one

of those parcels that the city has been through in the past couple of years, that is a victim of staff not being able to finish because of the budget and unfortunately do not have the help. The city has been working on this overlay already for three (3) or four (4) years, and does not think it is fair to punish owners of a property because the city had not been able to finish that.

4. Close Public Hearing

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

5. Action on Variance Case No. 2024-0258

MOTION: Council Member Tadeo Azael De La Hoya/Mayor Nieves Riedel to approve Variance Case No. 2024-0258. The 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. MOTION TO ADJOURN AS BOARD OF ADJUSTMENT AND RECONVENE AS CITY COUNCIL

MOTION: Council Member Luis E. Cabrera/Council Member Javier Vargas to adjourn as Board of Adjustment and reconvene as City Council. The 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. SUMMARY OF CURRENT EVENTS

Mayor Nieves Riedel reported that the 4th of July Festivities was a total success. She thanked staff for the organization of the event. There were no incidents reported, it was brought to her attention that it was over crowded, but the city works with what it has.

9. CALL TO THE PUBLIC

Ms. Maria Cecilia Cruz, 1255 Ruiz Avenue, San Luis, AZ, stated she is speaking on behalf of Proverbs 31 Home as president of a non-profit. She mentioned that Proverbs 31 Home has been awarded \$500,000.00 to construct a safe house in San Luis, AZ; the Yuma Board of Supervisors approved that amount. She is so happy because they have been advocating for domestic violence victims for years. She thanked all those that have supported their t-shirt sales, annual walks and other events.

10. ADJOURNMENT

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Javier Vargas to adjourn the Regular Council meeting at approximately 6:52 p.m. The 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 July 10, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Sonia Cornelio, City Clerk

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