

APPROVED by Council
Date: 10/13/2024
Clerks Office: [Signature]

MINUTES
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
San Luis, AZ 85349
September 25, 2024
6:00 p.m.

1. CALL TO ORDER/ROLL CALL

Mayor Nieves Riedel called the Regular City Council meeting to order at approximately 6:01 p.m.

PRESENT: Mayor Nieves Riedel
Council Member Luis E. Cabrera
Council Member Maria Cecilia Cruz
Council Member Tadeo Azael De La Hoya (arrived at approx. 6:01 p.m.; left the meeting at approximately 7:39 p.m.)
Council Member Matias Rosales (arrived at approx. 6:01 p.m.)
Council Member Javier Vargas

ABSENT: Vice Mayor Gloria Torres

OTHERS PRESENT: Jenny Torres, Acting City Manager
Kay Macuil, City Attorney
Sonia Cornelio, City Clerk
Adela Cortez, Director of Human Resources
Adrian Hemmer, Police Officer
Adriana Garcia Fernandez, Human Resources Manager
Alan Guevara, Police Lieutenant
Angelica Roldan, Director of Parks & Recreation
Antonio Maldonado, Multimedia Production & Operations Specialist
Cesar Gaitan, Police Sergeant
Domingo Sosa, Graphics and Media Specialist
Eulogio Vera, Director of Public Works
Francia Alonso, Public Information Officer
Jorge Perez, Assistant Director of Public Works
Jose A. Guzman, Director of Development Services
Jose Barragan, Fire Battalion Chief
Jossue Cerda, I.T. Support Supervisor
Lizette Varela, Assistant Director of Parks & Recreation
Maria Sabori, Risk Manager
Nayeli Soto, Police Officer
Nigel Reynoso, Chief of Police
Olivia Jenkins, Administrative Services Manager
Roula Encinas, Director of Finance

Adelaida Buchanan, Resident
Albert Leon, Resident
Alex Bejarano, Regional Center for Border Health
Blanca Reyes, Resident
Brian De La Hoya, Resident
Cesar Neyoy, Reporter
Columba Nuñez, Resident
Christian Cuevas, Translator
Elizabeth Carpenter, Developer
Esteban Rosales, Resident
Guillermina Fuentes, Resident
Helia Martinez, Pastor/Resident
James Allen Jr., Resident
Lilia Quiñonez, Resident
Luis Marquez, Resident
Manuel Rojas, Resident
Maria Gonzalez, Resident
Marcos Ramirez, Frontera Rotary Club
Maria Robles, Resident
Mark Concha, Resident
Nydia Mendenhall, Resident
Vianey Vega, Vega & Vega Engineering

2. PLEDGE OF ALLEGIANCE

Council Member Maria Cecilia Cruz led the Pledge of Allegiance.

3. INVOCATION

Ms. Helia Martinez – Pastor For Templo Cristiana Vino Nuevo led the invocation.

Mayor Nieves Riedel thanked everyone for being present adding that the City Council is trying to do their best for the city. She asked that the public please not interrupt the meeting while the City Council is working.

4. PROCLAMATIONS/PRESENTATIONS

- 4. A. Proclamation on Human Resources Professionals Day - September 26, 2024**
- 4. B. Proclamation on National Custodian Workers Recognition Day - October 2, 2024**
- 4. C. Proclamation on Breast Cancer Awareness Month - October 2024**
- 4. D. Proclamation on Bullying Prevention Month - October 2024**
- 4. E. Proclamation on Domestic Violence Awareness Month - October 2024**
- 4. F. Proclamation on National Community Planning Month - October 2024**
- 4. G. Proclamation on National Cyber Security Awareness Month - October 2024**

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

4. H. Presentation by Ayres Associates Inc. on the Brownfields Assessment Coalition Grant Closeout. (Craig Stoffel, Landscape Architect)

Mr. Craig Stoffel, Landscape Architect, presented on an area wide assessment grant that was given to a Coalition member from the U.S. Environmental Protection Agency (EPA). He added that it was a competitive bid process and the Coalition submitted a grant proposal and was awarded the grant in 2021. The EPA defines a brownfield as a real property that has potential complications to clean it up, to redevelop it into an active site based on presence or potential presence of hazardous substances and contaminants, so that potential presence is the key word where it might be contaminated. So the EPA will let communities look at it, do testing and find out what if any, levels of contamination are. He spoke about the tasks and timeline recap, project updates and next steps.

Mayor Nieves Riedel thanked Mr. Stoffel for the presentation.

4. I. Presentation of Lifesaving Awards to Sergeant Cesar Gaitan, Officer Adrian Hemmer, and Officer Nayeli Soto. (Nigel Reynoso, Chief of Police)

Mr. Nigel Reynoso, Chief of Police, recognized Officers Nayeli Soto, Adrian Hemmer and Sergeant Cesar Gaitan, for their performance while on duty on August 11, 2024, when they took a decisive action to render and protect a human life. Chief Reynoso stated that an individual in this case underwent several chest compressions and was administered with a nasal Narcan until the person regained consciousness and started breathing on its own. Officers Soto, Hammer, and Sergeant Gaitan contained the person who was disoriented and uncooperative until the San Luis Paramedics arrived, and the person was transported to receive a higher level of medical care. Officers Soto and Hammer's quick action, teamwork and life-saving measures are a testament of their willingness to save and protect lives; notably a skill they have obtained through training and experience, but more so evidence of their commitment to serve.

Mayor Nieves Riedel and City Council congratulated and thanked Police Officers Nayeli Soto, Adrian Hemmer and Sergeant Cesar Gaitan.

5. CONSENT AGENDA

5. A. MINUTES OF

- Special Council meeting held August 21, 2024

5. B. DISBURSEMENTS

From 9/5/2024 to 9/18/2024 Total \$1,311,396.33

(One Million, Three Hundred Eleven Thousand, Three Hundred Ninety-Six Dollars and Thirty-Three Cents)

MOTION: Council Member Javier Vargas/Council Member Tadeo Azael De La Hoya to approve the Consent Agenda as presented. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	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. DISCUSSION AND POSSIBLE ACTION ITEMS:

6. A. Discussion and possible action on any and all matters regarding authorization to contract JSA Company for full landscape maintenance of several assessment districts for Fiscal Year 2025. (Angelica Roldan, Director of Parks and Recreation).

Ms. Angelica Roldan, Director of Parks & Recreation, explained that in Fiscal Year 2024, the City Council approved a cumulative purchase for the Public Works Department that includes JSA, the company to assist with the landscape maintenance of several assessment districts. JSA Company had entered into a Cooperative Purchasing Agreement with the City of Yuma and the city piggybacked on the City of Yuma contract number (202) 000-0098, as allowed under San Luis Purchasing Code Section 3.0 5.0 9 0. This was a five (5)-year contract from July 1, 2020, through June 30, 2025. When this agreement was approved by City Council on July 26, 2023, it was only approved for Fiscal Year 2024. Last fiscal year, JSA Company did a great job in maintaining a total of eight (8) improvement districts on the east side of the city. This fiscal year, seven (7) improvement districts were added for a total of 15 areas that staff will need assistance in maintaining. This will be the second year that we will like to partner with JSA for the landscape maintenance of 17 improvement districts. JSA Company will be assisting with the weed control, tree trimming, plant maintenance, irrigation maintenance, mowing and edging, gravel maintenance and periodical raking, outfall maintenance tree, rising outfall spillway maintenance and concrete blowing of designated areas. For Fiscal Year 2025, the total estimated fiscal impact of this service is \$334,300.00.

Council Member Javier Vargas asked how much was the previous contract for?

Mayor Nieves Riedel stated that those fees are being paid by the assessment fees that every single one of these subdivisions pays and the city collects.

Council Member Luis E. Cabrera stated that some of the service areas, the prices range significantly; for example, Bienestar 9B is 8.73 acres for \$48,000.00, but then Los Mezquites 1 is 1.59 acres for \$31,000.00, it is more acres in Bienestar 9B.

MOTION: Council Member Javier Vargas/Council Member Tadeo Azael De La Hoya to approve the contract with JSA Company for landscape maintenance services in the amount of \$334,300.00, as presented. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	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. B. Discussion and possible action on any and all matters regarding Ordinance No. 455. An Ordinance of the Mayor and City Council of the City of San Luis, Arizona, requiring dog licenses, declaring the document titled "The 2024 Restatement and Amendment to the San Luis City Code-Animal Control," a public record and adopting it by reference; fixing an effective date; imposing penalties for violations; repealing conflicting provisions; and providing for severability. (Nigel Reynoso, Chief of Police)

Mr. Nigel Reynoso, Chief of Police, stated that this ordinance reinstates and amends the San Luis City Code Animal Control which provides provisions for penalties for any violations of animal control. In a previous ordinance, those provisions were repealed and this ordinance places the penalties back in place to enforce any violations of no licensing. The city will not be licensing the dogs, instead it will be Yuma County.

A. Action on Reading of Ordinance No. 455 by title only

MOTION: Council Member Luis E. Cabrera/Council Member Javier Vargas to approve the Reading of Ordinance No. 455 by title only. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	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

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 455 by title only.

B. Action on Ordinance No. 455

MOTION: Council Member Luis E. Cabrera/Council Member Javier Vargas to approve and adopt Ordinance No. 455. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	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. C. Discussion and possible action on any and all matters regarding a request by Grita, Canta, y Vota for an in-kind contribution to a civic engagement event. (Jenny Torres, Acting City Manager)

Ms. Jenny Torres, Acting City Manager, stated that the city was approached by a non-profit organization to conduct a civic engagement concert. She introduced Mr. Cesar Aguilar from Arizona Student Association and Mr. Esau Torres from Grita, Canta y Vota.

Mr. Aguilar indicated that they advocate for affordable and accessible higher education and provided some background about his organization. They do work across the State of Arizona at all the community colleges and the universities that are public and private. This year they started doing a lot of work at Arizona Western College and one of the events that they are hoping to bring to San Luis is this event with Mr. Torres who is with rocks live and works for Grita, Canta y Vota. But this will actually be hosted by the Arizona Students Association, and they are contracting his LLC to help them put this event together. They do non-partisan voter registration at the three (3) universities, University of Arizona (UofA), Arizona State University (ASU) and Northern Arizona University (NAU).

Mr. Torres explained that the event Vota con Botas is aimed at the youth and Latino young voters. He added that they have been doing an amazing work across the United States and a lot of the work has been done in Arizona. They would like to host this event at the Joe Orduño Park on October 3, 2024, from 5:00 p.m. to 12:00 a.m. This is a free event for the public, however, a ticket must be obtained online. The biggest goal is making sure people are registered to vote. They anticipate having approximately 5,000 attendees.

Ms. Torres indicated that as part of the request they have asked for in-kind services totaling approximately \$5,000.00, it would be having an ambulance and two (2) staff members, having some of the police officers man the traffic control, and she thinks public works will also provide some equipment. Parks & Recreation will provide the guidance during the event. Staff is putting an amount just because, staff is trying to figure out how many police officers are going to be needed, but it is more of in-kind services; there will be no actual check cut to the organization.

There were questions and answers amongst the City Council, Mr. Torres and Mr. Aguilar.

Council Member Matias Rosales asked about the events scheduled that day at Joe Orduño Park?

Ms. Angelica Roldan, Director of Parks & Recreations, responded that a solution would be to re-schedule all the events that day.

Council Member Tadeo Azael De La Hoya asked if all these types of requests will be presented to the City Council for approval from now on, since the city has denied local non-profits like Campesinos and the Special Olympics?

Ms. Torres replied that for Dia Del Campesino, they will be asking for funding and the city has given them \$5,000.00 sponsorship donation. The difference here is like Dia Del Campesino, focuses more on agricultural workers, that is their niche. When the Gadsden School District does a special event, it focuses more on a parade for bullying, focused on the kids. A civic engagement event is opened to the entire community and the city sees the possibility of providing the in-kind services, that is the reason it is being presented to the City Council. Not only because of the in-kind services, but because of the type of event and staff wanted to know that the City Council agrees to proceed.

Council Member Maria Cecilia Cruz stated that there is going to be a donation of \$5,000.00 for a civic engagement event for voting scheduled for October 3, 2024, there is an event for October 4, 2024, which was denied. She does not see which one gets approved and why another one would get denied. The one that was denied has been doing it for 12 years, which is Proverbs 31 Home - Walk A Mile Against Domestic Violence. She had to look for somebody to do the traffic control. So how does the city chose the organization that benefits the community the best? This is a tough one for her, because when she got the news that she was not going to be supported, with police officers blocking the roads, which only takes about 30 minutes and does not think there was going to be \$5,000.00 worth of in-kind services. She did not submit the application because she was already told that it was going to be denied. The event being presented is worth \$5,000.00 in in-kind services, however the city has been denying a lot of in-kind, because the city wants to save money. Staff did know about this event as she was conversating with them, but did not submit the application because they already said they were not going to be allowed to use the Police Department for traffic control.

Mayor Nieves Riedel stated she did not know about this and asked Council Member Maria Cecilia to give the City Council and staff the opportunity to look into it, as she never heard that the event she has been doing for 12 years was denied.

Council Member Luis E. Cabrera stated that there should be a system in place, he knows that Ms. Olivia Jenkins, Administrative Services Manager, shared at the budget retreat that staff was working on having something for any of these type of proposals or requests.

Council Member Maria Cecilia Cruz mentioned that she did not apply, or she did not submit a proposal, because word of mouth said that she would not have received the support from the city, but she thinks that there has been some people that have been denied the in-kind request, because the city already provided monetary support.

Ms. Olivia Jenkins, Administrative Services Manager, said that during the budget retreat, it was discussed the plan of not using city resources to provide the traffic control or the security for non-city events. The city has received and continues to receive applications and has let applicants know who can provide those in-kind services. All that has come in forward, there are other companies that sponsor and provide those services, not through the city. Staff is not turning them away, staff is asking and let applicants know that the city is not going to provide the assistance in traffic control, Police Officers or public works to do the barricading, but are providing other options.

Ms. Torres added that staff is trying to change some of the process and trying to get all the schools to use their own resources rather than the city's overtime. The city is trying to contribute to them in a different form, like Proverbs 31 Home, was granted a \$500.00 sponsorship, just like \$500.00 sponsorships to the Grupo Norteño and to the school band. The city is trying to find other ways to help, but are really trying to provide and reduce the in-kind services. This event, staff thought it was more of a civic engagement, as it was hitting different portions, and that is why is being presented before the City Council to make that final decision.

Council Member Tadeo Azael De La Hoya asked to have consistency in general; he is all for this proposal. He has been part of the National Association of Latino Elected Officials (NALEO), which its whole purpose is to promote the Latino population participation in the political process from citizenship to voting and professional development. He is not against the proposed event, but he likes consistency. He understands the Dia del Campesino, that is targeted to campesinos, but he cannot forget that campesinos built this city on their backs and sees them crossing. Same thing when the city denies a walk of three (3) blocks for Special Olympics. Who or how does the city know who needs those services, and who does not, when it comes to that for this request?

Mayor Nieves Riedel proposed a Work Session to further discuss this matter and for staff to guide the City Council.

MOTION: Council Member Tadeo Azael De La Hoya/Council Member Javier Vargas to approve the in-kind contribution not to exceed \$5,000.00 to the Grita, Canta y Vota civic engagement event, as presented. Motion passed with four (4) ayes, one (1) abstention by Council Member Matias Rosales and one (1) nay vote by Council Member Maria Cecilia Cruz.

The vote was as follows:

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

6. D. 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 sell alcohol at the Asado and Brew Festival - A Founders Day Celebration on Saturday, November 16, 2024. (Marcos Ramirez, San Luis Frontera Rotary Club)

A. Staff and/or Applicant presentation

Mr. Marcos Ramirez, San Luis Frontera Rotary Club, indicated that they are requesting the approval of the special event liquor license application for the upcoming Asado and Brew Festival.

B. Open Public Hearing

Mayor Nieves Riedel opened the Public Hearing.

C. Call to the Public

Mayor Nieves Riedel called upon the public on this item; there were no comments from the public.

D. Close the Public Hearing

Mayor Nieves Riedel closed the Public Hearing

E. 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 to the Arizona Department of Liquor Licenses and Control for the Special Event Liquor License application for the San Luis Frontera Rotary Club, as presented. Motion passed with five (5) ayes and one (1) nay vote by Council Member Maria Cecilia Cruz.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member 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 Javier Vargas	Aye

6. E. 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 sell alcohol at the Southwest Off Road Series event to be held October 18 & 19, 2024. (Marcos Ramirez, San Luis Frontera Rotary Club)

A. Staff presentation

Mr. Marcos Ramirez, San Luis Frontera Rotary Club, stated that they are requesting the approval of the special event liquor license application for the Southwest Off-Road Series event.

B. Open the Public Hearing

Mayor Nieves Riedel opened the Public Hearing.

C. Call to the Public

Mr. James Allen Jr., 1549 E. Babbitt Lane, San Luis, AZ, asked if the alcohol and the libations going to be controlled? Because at an off-road event, vehicles and big machines with lots of power and people being around are a bad mix. What happens at the events where people go over the line with alcohol? The problem is the things that can happen and accidents can be prevented. Will it be monitored closely? Will there be children around the areas where these things are going on?

D. Close the Public Hearing

Mayor Nieves Riedel closed the Public Hearing.

E. 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 to the Arizona Department of Liquor Licenses and Control for the Special Event Liquor License application for the San Luis Frontera Rotary Club, as presented. Motion passed with five (5) ayes and one (1) nay vote by Council Member Maria Cecilia Cruz.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member 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 Javier Vargas	Aye

6. F. Public Hearing followed by discussion and possible action on any and all matters regarding the recommendation of the Liquor License Application submitted to the Arizona Department of Liquor Licenses and Control by Elizabeth Carpenter on behalf of The Agave Bar @ Eddie's Food and Drink, located at 4492 E. County 24th ½ Street, San Luis, Arizona. (Sonia Cornelio, City Clerk)
A. Staff and/or Applicant presentation

Mrs. Sonia Cornelio, City Clerk, explained that her office received the application and was posted at the proposed premises for the number of days as required by law. Her office did not receive any comments in favor of or against the application.

B. Open Public Hearing

Mayor Nieves Riedel opened the Public Hearing.

C. Call to the public on this item

Mr. David Loo, Member of Desert Beverage Partners, LLC, stated that it is an application for the Agave Bar, but it is part of what they are calling Eddie's Food and Drink, which will be an outdoor food hall, which will include five (5) different restaurants, each serving a specific cuisine. They will have, in addition, a coffee bar that will serve muffins, sandwiches, and acai bowls for breakfast. There will be room for eight (8) to ten (10) different food trucks in the back. These are services that are needed in East San Luis. They have space for private and charity events. All of their food vendors are local to Yuma County. They are engaging with local artists to create a mural program, so they will have art on the walls. They hope to create between 30 to 40 new jobs for the San Luis community. They are the holder and owner of a valid license 6-bar license. The Arizona Department of Liquor Licenses has approved their transfer and since their application is consistent with Title 4, in the City Code, they respectfully requested that their application be approved. Some pictures of the ongoing construction were viewed during the meeting. The location is south of the Regional Center for Border Health. Mr. Loo described some of the pictures and added that they hope to be finished with construction in about 30 days.

D. Close Public Hearing

Mayor Nieves Riedel closed the Public Hearing.

E. Action on the recommendation of the Liquor License Application to the Arizona Department of Liquor Licenses and Control for The Agave Bar @ Eddie's Food and Drink

MOTION: Council Member Javier Vargas/Mayor Nieves Riedel to recommend approval of the liquor license application to the Arizona Department of Liquor Licenses and Control for the Agave Bar @ Eddie's Food and Drink. Motion passed with five (5) ayes and one (1) nay vote by Council Member Maria Cecilia Cruz.

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member 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 Javier Vargas	Aye

6. G. Public Hearing followed by discussion and possible action on any and all matters regarding Resolution No. 2333 and P&Z Case No. 2023-0002; a request by the City of San Luis to consider the adoption of the San Luis Parks, Paths, and Trails Master Plan. (Jose A. Guzman, Director of Development Services)

A. Staff Presentation

Mr. Jose Guzman, Director of Development Services, explained that this is a request for approval and adoption of the first City of San Luis Parks, Paths and Trails Master Plan. This plan will help guide future decisions regarding recreational facilities and also provide a plan for the implementation of projects, including potential funding opportunities. Staff held several public meetings to get feedback from the community. The Planning and Zoning Commission also held a public hearing and they recommended approval of this plan. This plan was also previously presented to the City Council and has included the City Council's suggestions, including the addition of a dog park, exercise equipment and requirements for land dedication for parks of future residential developments. Regarding the last point, staff is working to establish a standard for a retention basin within residential developments that will include recreational amenities. The idea is to have a set standard for future subdivisions to implement and require amenities such as playgrounds, ramadas with barbecue grills, lighting, walking pads and other amenities. This standard will be part of the subdivision regulations update that staff plans to complete by the end of the year.

Council Member Matias Rosales asked so with the approval on this and those new requirements that Mr. Guzman is talking about, the city is not figuring out the collection of who is going to pay for that?

Mr. Guzman replied that it will be part of the subdivision regulations, this item only establishes the future plan.

B. Open Public Hearing

Mayor Nieves Riedel opened the Public Hearing.

C. Call to the public on this item

Ms. Maria Robles, 1195 California Street, San Luis, AZ, stated that she applauds this project being presented and asked for the City Council to consider and include exercise equipment for seniors.

D. Close Public Hearing

Mayor Nieves Riedel closed the Public Hearing.

E. Action on Resolution No. 2333

MOTION: Council Member Javier Vargas/Council Member Tadeo Azael De La Hoya to approve and adopt Resolution No. 2333. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel	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. H. Discussion and possible action on any and all matters regarding Subdivision Case No. 2024-0315F, a request by Core Engineering Group PLLC., on behalf of Border Sam L.L.P., for the final plat approval of Belleza del Desierto Unit III Subdivision, located at the northeast corner of 20th Avenue and County 24 1/2 Street in San Luis, Arizona. (Jose A. Guzman, Director of Development Services)

Mr. Jose Guzman, Director of Development Services, stated that this is a request by Core Engineering for the final plat approval of Belleza 3. It will be 20 acres that will be divided into 85 residential lots. The property was rezoned with conditions, including the road connection along 20th Avenue to Belleza del Desierto 2. They are providing the road connection and they will be subject to a payback agreement. Staff recommends approval of the final plat with the condition that the applicant has to address the comment letter dated September 17, 2024, and the development must comply with the conditions of the rezoning and the traffic study must be provided. They have already submitted a traffic study and they are working on addressing the comment letter. He continued to add that the condition is that they have to address the comment letter dated September 17, and that includes the submittal of the landscaping plans.

They have agreed to comply with all the landscaping requirements, in addition they have to submit the Arizona Department of Environmental Quality (ADEQ) permits. The other condition is that they have to comply with the conditions of the rezoning set by Ordinance No. 426. These conditions include the road connection, traffic study, or traffic contribution for the traffic light and submittal of the complete plans for the preliminary path, which they have. The last condition is the submission of the traffic study including any improvements required. They are providing a walking path to connect the sidewalk to make a walking path along the retention and the city will be requiring lights as per the lighting plan with Arizona Public Service (APS), though the city will be providing those lamps. Mr. Guzman added that at the moment staff does not have set amenities on the subdivisions as part of the requirements, therefore there are no conditions on amenities.

Mayor Nieves Riedel mentioned that residents complain about being dark, no walking paths and no amenities. It is time that the city starts thinking about the children in the community as they cannot enjoy the so-called parks, a walking path, or a set of swings. The parents are moving into these subdivisions to put their monies together and put in some type of amenities. She added that she has been here for two (2) years and has been hearing the same thing. This is nothing personal against any developer, but she has developed in Somerton, Foothills, Yuma and the county and they do not let anyone get away from this. The City of San Luis is not servicing the children of the community. The City of San Luis makes the rules and developers follow the rules.

Council Member Tadeo Azael De La Hoya stated that he has been saying what Mayor Nieves Riedel said since he was the Assistant City Manager.

Council Member Matias Rosales stated that it is a double-sided sword because developers follow the rules and sometimes they do not like the rules the city implements and they come back and complain about the rules. He asked what is an amenity, there is no definition within the City Code. Can the city legally add something where they have already begun the process?

Ms. Kay Macuil, City Attorney, responded that the city could add more requirements, it should be specific so that it is fair to the developer exactly what they need to do in this particular case and also districts in addition to maintaining amenities, can install them as well.

Mr. Guzman stated that staff is working on establishing a standard for retention and amenities based on lots or acreage. Staff has to determine something that will be equal to all developers and will be part of the subdivision regulations update. For these two (2) subdivisions, the City Council can add conditions as mentioned by Ms. Macuil or give direction to staff.

Council Member Luis E. Cabrera asked when will the subdivision regulations update be done?

Mr. Guzman replied by the end of the year, maybe staff can work on just the standards for the retention basins and have those sooner and adopt those as a resolution and then just make it part of the subdivision regulation.

Mayor Nieves Riedel stated that they do not want to delay any projects, time is of the essence, but she would love to see some amenities if they are already paying for the walking path and lights.

There was further discussion amongst the City Council.

Mr. Jonathan Klein, Core Engineering, said that they are committed to providing a high-quality development that follows all of the City Code and does recognize the need for some of the amenities. They applaud the growth the city has made in the areas of lighting the streets and providing large basins where some of those amenities could be provided. Currently, there is a landscaping ordinance that has to be followed and which they are following. The best place to put the amenities would be the retention basin and they are willing to put in a soccer goal if that is what would be required. However, he is not sure their landscaping plan calls for grass in the area based on the ordinance. They are willing to do what makes sense for the community and are also interested in how the maintenance of those would be funded.

Mayor Nieves Riedel stated that the amenities will be paid for by the developers and the maintenance will be paid with the money the city collects in every subdivision.

Ms. Macuil added that that is the way it has been done, but the improvement districts also allow and could pay for the initial installation as well as maintenance of the amenity.

Ms. Jenny Torres, Acting City Manager, asked if the City Council could approve the subdivision and condition it upon inclusion of amenities that are approved through the subdivision regulations, knowing that is coming in the next two (2) months?

Ms. Macuil stated that to be fair to the developer, it should be something specific, she does not know if the plans are specific enough now to put them on any kind of notice as to what is coming. It needs to be more formed before making that a condition.

Mr. Guzman indicated that for a standard playground, the cost is between \$26,000.00 - \$30,000.00, a swing set is \$5,000.00 - \$6,000.00, the soccer goals are \$1,400.00 - \$3,500.00, a shade structure, barbecue grill and bench are \$25,000.00 and the solar lights are \$5,500.00 per light and regular are \$2,200.00. The annual maintenance for everything is \$8,200.00, but a retention basin will not require all those amenities. The quote obtained did not list item by item, but with the installation, the total is approximately \$230,000.00 - \$250,000.00.

Mayor Nieves Riedel asked what if the amenities are not to exceed \$25,000.00 per acre?

Ms. Elizabeth Carpenter and Mr. David Loo, Developers for Belleza 3, stated they did not have any discussion on this with Planning & Zoning for this project, so it was never a condition that was brought forward to them. This came up when they were at the Planning & Zoning for another project. Ms. Carpenter added that at the Planning & Zoning meeting, they had a deep discussion about it and they do not have a problem providing the amenities. They understand that there is a need in the community and they are happy to contribute what they can to help. However, there are no standards, the subdivision regulations have not been written and have not been passed by the City Council, and there are no regulations put in place on how the city is going to maintain it. She is concerned about the maintenance as the trees planted in Belleza 1 and 2 are dead. In this case, something that is supposed to be a retention basin that is supposed to take water, the water will destroy it. What type of materials have to be provided for these amenities, there are a lot of unanswered questions.

Council Member Matias Rosales asked if it would make more sense to have a motion that these amenities do not exceed an amount that they are trying to do, but for these amenities to be part of the districts' installation and maintenance?

Ms. Macuil responded that it was a reasonable motion.

There was some discussion amongst the City Council on Council Member Matias Rosales' question.

Mayor Nieves Riedel stated that there is another option and that is to continue the item and hold a special meeting, give Mr. Guzman enough time to come up with the real numbers and take it from there, but this needs clarification. If it takes Mr. Guzman five (5) days, they will be there.

Mr. Loo asked if this is being done subdivision by subdivision or are these standards going to be applied to all future subdivisions, will these be ready in five (5) days?

Mr. Guzman responded that staff has a ballpark number but probably what the City Council can do is require the playground, which is the highest cost of the amenities and then the rest of the amenities can be placed through the improvement districts. But if the City Council holds a special council meeting next week, probably staff can have real numbers.

Council Member Luis E. Cabrera asked if once the regulations are approved can Mr. Loo and Ms. Carpenter give their word that they will come back and provide the amenities that the Planning & Zoning Department comes up with because staff is being placed in a situation where it is unknown if they are going to be ready in five (5) days.

Mr. Loo stated that what is hard to understand is how everybody else is going to be treated. If they say they are willing to put up \$20,000.00, and they can work with Mr. Guzman and staff to come up with some package for that number, \$1,000.00 an acre, seems like it is a fair number, they have a smaller subdivision than everybody else.

He mentioned that they would like to see the next subdivision treated in the same way and the Mayor said everyone is going to be treated equally. At the end of the day, it is going to be reflected in their prices for the lot, so they are going to pass that cost through, anyway, because that is just the way that it works. The Mayor will do the same thing so will Comite. So if it makes it easier, they are willing to say \$20,000.00 as a budget. They will do that, pass it, and then they will work with staff to come up with some sort of amenity package.

Ms. Torres expressed that maybe to make it a little bit more fair, if staff is not going to have the time to go through the entire process, maybe the City Council can do it per lot.

Mr. Vianey Vega, Vega & Vega Engineering, stated that as it has been heard, developers do not have a problem contributing towards the amenities if there is an established criteria where it can be seen what the developer is going to put. At the moment it is something that staff wants implemented that is not on paper. The developers do not have a problem with the amenities as long as there is a plan established. Projects should not be delayed because the city does not have a standard ready. The improvement districts right now cannot maintain amenities, they already looked into this with the City Council and the legal department on their last project of the townhomes as they wanted to have the improvement districts and was not possible, so they created a Homeowners' Association and that took care of the problem.

There was some discussion between the City Council and Mr. Vega.

MOTION: Council Member Matias Rosales/Council Member Maria Cecilia Cruz to approve Subdivision Case No. 2024-0315F with conditions as presented by staff. Motion passed with four (4) ayes and one (1) nay vote by Mayor Nieves Riedel.

Council Member Luis E. Cabrera explained his vote as he wants to be clear with the community, he added that it is not the fault of the developers and he does not want the city to be seemed as not business-friendly for future developments. If staff is not ready with new regulations, and because staff already required more than what is in the regulations and the developers agreed, he is voting Aye.

The vote was as follows:

Mayor Nieves Riedel	Nay
Council Member Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	---- left the meeting at approx. 7:39 p.m.
Council Member Matias Rosales	Aye
Council Member Javier Vargas	Aye

6. I. Discussion and possible action on any and all matters regarding Subdivision Case No. 2024-0461F; a request by Vega and Vega Engineering PLC, on behalf of Comite de Bienestar Inc., for the final plat approval of Bienestar Estates 12 Phase 2 subdivision, located at the southeast corner of 19th Avenue and San Fernando Street intersection in San Luis, Arizona. (Jose A. Guzman, Director of Development Services)

Mr. Jose Guzman, Director of Development Services, stated that this is a request by Vega and Vega Engineering for the final plat approval of Bienestar Estates 12, Phase 2 subdivision located on the southeast corner of 19th Avenue and San Fernando Street, which is 39.21 acres that will be divided into 173 residential lots. Staff recommends approval of the final plat with a condition that the applicant addresses the comment letter dated September 19, 2024; the applicant agrees with the condition.

MOTION: Council Member Luis E. Cabrera/Council Member Maria Cecilia Cruz to approve Subdivision Case No. 2024-0461F with conditions as presented by staff. Motion passed with four (4) ayes and one (1) nay vote by Mayor Nieves Riedel. The vote was as follows:

Mayor Nieves Riedel	Nay
Council Member Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	---- left the meeting at approx. 7:39 p.m.
Council Member Matias Rosales	Aye
Council Member Javier Vargas	Aye

7. SUMMARY OF CURRENT EVENTS

Council Member Maria Cecilia Cruz reported that she attended the Gran Noche Mexicana and she had the opportunity to read the Proclamation on Hispanic Heritage Month.

Council Member Luis E. Cabrera reported he could not attend the Gran Noche Mexicana because he was at the Community Forum with Police Chief Nigel Reynoso and Acting City Manager Jenny Torres. There were different organizations involved regarding the incidents that have been going on with the school threats. There was good participation from the parents in attendance. Parents are concerned about the safety of their children and the City of San Luis Police Department was thanked numerous times for their quick response to the cause and their support to the school districts.

Mayor Nieves Riedel thanked the people who worked against Proposition No. 422, the people who are being punished are the people from the City of San Luis including the children. Sometimes it is forgotten to do the right thing and instead of finding solutions where everyone wins, it is always the residents of some businesses that lose. Those people saved her over \$150,000.00 in the next subdivision.

8. EXECUTIVE SESSION

Vote to hold an Executive Session pursuant to A.R.S. § 38-431.03(A) (3) (4) and (7)

Discussion and possible action to hold an Executive Session pursuant to A.R.S. §3 8-431.03(A) (3) (4) and (7) for legal advice with the City Attorney and/or for consultation with the City Attorney in order to consider the city's position and instruct its attorneys regarding the City Council's position regarding a proposed contract that is the subject of negotiations or potential litigation regarding the Regional Center for Border Health's hospital project. (Kay Marion Macuil, City Attorney and Outside Counsel Bill Sims)

MOTION: Mayor Nieves Riedel/Council Member Luis E. Cabrera to go into executive session at approximately 8:16 p.m. Motion passed unanimously

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	---- left the meeting at approx. 7:39 p.m.
Council Member Matias Rosales	Aye
Council Member Javier Vargas	Aye

9. 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 8:35 p.m. Motion passed unanimously

The vote was as follows:

Mayor Nieves Riedel	Aye
Council Member Luis E. Cabrera	Aye
Council Member Maria Cecilia Cruz	Aye
Council Member Tadeo Azael De La Hoya	---- left the meeting at approx. 7:39 p.m.
Council Member Matias Rosales	Aye
Council Member Javier Vargas	Aye

10. ADJOURNMENT

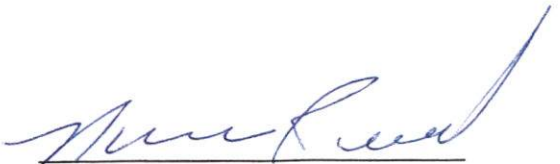
MOTION: Council Member Luis Cabrera/Mayor Nieves Riedel to adjourn the Regular Council meeting at approximately 8:35 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Nieves Riedel
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

Aye
Aye
Aye
---- left the meeting at approx. 7:39 p.m.
Aye
Aye

APPROVED:



Nieves Riedel, Mayor

ATTEST:



Sonia Cornelio, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular City Council meeting of the City Council of the City of San Luis, Arizona, held on September 25, 2024. I further certify that the meeting was duly called and held and that a quorum was present.



Sonia Cornelio, City Clerk