

MINUTES
Regular Meeting
San Luis City Council
San Luis Council Chamber
1090 E. Union Street
February 11, 2015
7:00 p.m.

<p>APPROVED by Council Date: March 11, 2015 Clerk's Office: /s/ S. Cornelio</p>
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CALL TO ORDER Mayor G. Sanchez called the Regular City Council meeting to order at approximately 7:07 p.m.

ROLL CALL

PRESENT: Mayor Gerardo Sanchez
Vice Mayor Matias Rosales
Council Member Mario Buchanan Jr.
Council Member Africa Luna-Carrasco
Council Member Maria C. Ramos
Council Member Gloria Torres
Council Member Ruben Walshe

OTHERS PRESENT: Robert Eads, City Manager
Tadeo De La Hoya, Director of Operations
Sonia Cornelio, City Clerk
Chris Kasid, Parks & Recreation Director
Dereck Dueñas, I.T. Department
Eulogio Vera, Public Works Director
Geraldine Gutierrez, PIO/Asst. to the City Council
Glenn Gimbut, City Attorney
Hank Green, Fire Chief
James Neujahr, Chief of Police
Jenny Torres, Community Development Director
John Starkey, Building Safety Director
Juan Castillo, Utilities Department
Kay Macuil, Assistant City Attorney
Ketie St. Louis, Finance Director
Marco Santana, Police Sergeant
Maria Sabori, Human Resources Department
Yolanda Dueñas, Facilities Department
Francisca Guzman, Translator
David Lara, Resident
Gary Black, Comite De Bienestar
Guillermina Fuentes, Resident
Joel Serpas, Resident
Marco A. Pinzon, Resident
Pamela Green, Visitor
Tony Reyes Sr., Comite De Bienestar

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor M. Rosales

INVOCATION

The Invocation was made by Mr. Hank Green

PRESENTATION

• Presentation of retirement plaque to Mr. Ignacio Garcia

Mayor G. Sanchez presented the plaque to Mr. Ignacio Garcia and expressed his gratitude for the years he served to the City of San Luis. Mr. Garcia thanked the Mayor, City Council, staff and everyone present.

CONSENT AGENDA

MINUTES OF

- Regular Council meeting held January 14, 2015
- Work Session held January 21, 2015

-DISBURSEMENTS from January 19, 2015 to January 30, 2015

Total disbursements \$808,954.70

(Eight-Hundred, Eight-Thousand, Nine-Hundred, Fifty-Four Dollars and Seventy Cents)

1. Discussion and possible action on any and all matters regarding approval and acceptance for filing the Comprehensive Annual Financial Report for the City of San Luis, fiscal year ended June 30, 2014 and the Management Letter, fiscal year ended June 30, 2014 by Lumbard & Associates. (Katie St. Louis)

MOTION: Council Member G. Torres/Council Member M. Buchanan Jr. to approve the Consent Agenda as presented. Motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION ITEMS:

2. Discussion and possible action on any and all matters regarding purchases authorized under the Assistance to Firefighter Grant in the amount not to exceed \$293,250.00. (Hank Green)

Mr. Hank Green, Fire Chief, explained that this item is for the authorization to purchase the equipment under the Assistance to Firefighter Grant in the amount of the award of \$293,250.00 and added that there is a 10% match in that amount.

Formal bids were requested on the turnout gear and fire apparatus and only one responsive bid was received from FDC Rescue Products. The matching fund is a budgeted item for fiscal year 2014-2015 in the amount of \$28,750.00. Mr. Green

furthermore explained that the used equipment is of the City's to dispose of and has to be taken out of service. Once the new equipment arrives, he will present an item to the Mayor and City Council for a directive and/or authorization to donate the old equipment to an agency outside the United States.

MOTION: Council Member M. Buchanan Jr./Council Member M.C. Ramos to authorize the purchase of eligible items under the criteria of the assistance to Firefighter Grant, as presented. Motion passed unanimously.

3. Discussion and possible action on any and all matters regarding awarding bid and approving contract to Desert Excavating Inc. for the project for a new water main on County 25th from Avenue E to Avenue D. (Eulogio Vera)

Mr. Eulogio Vera, Public Works Director, explained that this item is for the new water line on County 25th Street between Avenues D and E; this needs to be done before Yuma County paves the road. Three (3) bids were received and Desert Excavating, Inc. was the lowest bidder in the amount of \$212,084.90. The money to be used for this project will be from impact fees.

Mr. Glenn Gimbut, City Attorney, added that in October or November of 2014 a transfer in the amount of \$275,000.00 from impact fees was done to pay for this.

MOTION: Vice Mayor M. Rosales/Council Member M.C. Ramos to award the bid for the project for a new water main on County 25 Street from Avenue E to Avenue D to Desert Excavating, Inc. in the amount of \$212,084.90 and approve and authorize a contract to Desert Excavating, Inc. in the form as contained in the bidding documents for said project in that amount. Motion passed unanimously.

4. Discussion and possible action on any and all matters regarding Resolution No. 1084. A resolution of the Mayor and City Council of the City of San Luis, Arizona, in support of the Senior Housing Development Project "Las Brisas Sunset Apartments" for the application of Low Income Housing Tax Credits (LIHTC) from the Arizona Department of Housing. (Jenny Torres)

Ms. Jenny Torres, Community Development Director, presented and explained a map that contained a 64 unit senior project of 3.26 acres located at Rio Seco Street and Marea Street. The applicant is looking to target 40%, 50% and 60% of medium income seniors. This project consists of a one (1) story, one (1) and two (2) bedrooms units. As part of the application, the applicant provided a market study and their statement is that this is a greatly needed project. The only senior project in the City is Las Quintas de Adobe and currently there is a two (2) year waiting list; Comite de Bienestar has a one (1) year waiting list on their existing properties; Yuma County has an average of 80-130 people waiting list under Section 8.

The City of San Luis has over 4,200 seniors 62+ years of age, therefore there is a senior population that could qualify for these units. The application is very competitive under the Low Income House Credit since the City of San Luis has not been able to tap into that fund since 2003. The developer has invested over \$100,000.00 on this application without knowing if they will qualify or not. Ms. Torres continued to explain the process of the application and added that the City would be waiving approximately \$150,000.00. in permit and impact fees and the City will still receive \$333,000.00 if the City Council adopts the resolution, however if the resolution is not passed, no permit fees nor impact fees will be waived and the City will not receive anything either.

Council Member R. Walshe asked if the two (2) year waiting list for Las Quintas de Adobe is for residents of the City of San Luis or for residents from the City of Somerton. Mr. Gary Black, Comite de Bienestar, responded that the City of Somerton is part of the market area for this project.

Council Member M. Buchanan Jr. asked if this project will be of single story units; did residents around the area receive a notice of the project and informed that there were going to be apartments around their residences. Mr. Black said that they are single story garden type homes with one parking area structures. Mr. Black added that this project has been in talks for three (3) years, therefore everyone is aware that there are available units as when the rezoning was done they did the residential (R-3) which splitted the lots; this is a rental project for elderly people. Mr. Black explained how Comite de Bienestar partnered with three (3) different developers in San Luis to have a trailer park in that area and the needs of the people of this kind.

Mr. Gimbut stated that under the Federal Low Income Housing Tax Credit program, there is no special notice to neighborhoods or properties; the only notice is the kind of uses such as a dense development of apartments.

Mr. John Starkey, Building Safety Director, explained that in an R-3 zoning does not allow mobile homes; the mobile homes that are there are part of the original zoning of that area which was a mobile home park and the developer sold the land to Comite de Bienestar and they subdivided for single family homes. That project did not develop very fast so they re-subdivided part of it to a town house project and rezoned that area to an R-3. These are basically the same thing as the town houses they are just smaller, they are building them on the same size lots, the property lines are still there, they have just decided to retain ownership of them and rent them. The town house project was approved five (5) years ago.

Vice Mayor M. Rosales asked if Comite de Bienestar was not applying for this grant, if this was not for senior housing would they have to come to the City Council for approval to build those 64 units. Mr. Black responded that this is a requirement by the Arizona

Department of Housing and the community is showing their support for this, Comite de Bienestar will be bringing approximately \$7 million worth of tax credits and if Comite de Bienestar was not asking for the 2% contribution waiver, they would not need approval from the City Council to build them.

Mr. David Lara, resident, stated that he is in favor of this project except for the waiver of the \$150,000.00; he added that there is a need for housing at all levels and that he spoke to Mr. Gimbut earlier today and the City Council has to be consistent and he thinks that if the City Council has to support one project then the others must be supported as well at all levels where people want to live at different price ranges. The City generates money through impact fees and the development that is in the limbo due to different issues should be reconsidered. Why would Comite de Bienestar need \$150,000.00 to be waived when it is an organization that has given the director \$200,000.00 per year in bonuses? Where in the past in the transfer of other

apartments, the City has waived a sales tax of \$30,000.00 or \$50,000.00, where also the body capacity on a subdivision that has failed. The City Council has to be fair and impartial and help everybody, but this has to end.

Council Member M. Buchanan Jr. stated that the reason he was asking about the residents in the area being notified is because if he has a resident in that area, he would be upset that he would have housing around his house when he has made the biggest investment of his life and suddenly the plans of living are changed. He does not know if the residents in the area were provided notice of the project and suggested continuing this item and for residents to be notified of this project.

Council Member R. Walshe asked when the deadline is for the submittal of the application. Mr. Black responded that the application is due on March 2, 2015 and stated that without the City's support, this project will not go through. It is not a requirement of the application, but he cannot make enough points to qualify the application for it to be awarded and every other city in Arizona supports these projects so that this will happen.

Mr. Gimbut stated that the way Low Income Housing program works is that the federal government awards a certain amount of tax credits to Arizona and the people bid for that and that is what Mr. Black's application is about and how they score the bids...the matrix is a little complicated but there are several points for different brackets.

Ms. Torres added that the application has a maximum number of points and it was competitive with other applications but since the commitment from the City came after the application's deadline, they were disqualified.

Council Member M.C. Ramos asked if this area is zoned low income since it is an R-3. Mayor G. Sanchez responded that R-3 does not mean low income; Ms. Torres said that the area is zoned R-3, meaning that it is zoned for apartments...it could be a market rate or low income housing. Mr. Black continued by explaining the application process and affordable housing.

Mr. Gimbut said that the form of resolution is missing some information and can be amended; and a motion can be made with an amendment as suggested by the City Attorney.

MOTION: Vice Mayor M. Rosales/Council Member A. Luna-Carrasco to adopt Resolution No. 1084 as suggested by the City Attorney with the amendments. Motion passed with five (5) ayes, one (1) nay by Council Member M. Buchanan Jr. and one (1) abstention by Council Member G. Torres for a possible conflict of interest.

Mr. Tony Reyes Sr., Comite De Bienestar, thanked the Mayor and City Council for their support and the purpose of this process is to try to get something to happen in the City of San Luis. Mr. Reyes elaborated on Council Member M. Buchanan's concerns.

5. Discussion and possible action to approve First Reading of Ordinance No. 333 by title only. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, enacting and adopting a supplement to the Code of Ordinances for the City of San Luis, Arizona; repealing any conflicting provisions; and providing for severability. (Sonia Cornelio)

Ms. Sonia Cornelio, City Clerk, explained that this is the introduction of the First Reading of Ordinance No. 333 to adopt the 1st Supplement done to the City Code which was adopted on October 10, 2010.

MOTION: Council Member R. Walshe/Council Member A. Luna-Carrasco to approve First Reading of Ordinance No. 333 by title only. Motion passed unanimously.

Ms. Sonia Cornelio, City Clerk, read Ordinance No. 333 by title only.

6. Discussion and possible action to approve First Reading of Ordinance No. 334 by title only. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending the official zoning map of the City of San Luis by changing the zoning classification of 1.77 acres located at 3676 E. County 24th Street from C-1 (Neighborhood Commercial) to C-2 (Community Commercial); repealing any conflicting provisions; and providing for severability. (John Starkey)

Mr. John Starkey, Zoning Administrator, explained that this item was presented to the Mayor and City Council on January 28, 2015; there was a multiple discussion then the Mayor and City Council decided to add conditions to the rezoning, which has been done

as Ordinance No. 334 has been re-written by Ms. Kay Macuil, Assistant City Attorney, and is ready for adoption of First Reading by title only, if the Mayor and City Council so desires, however he received an email from Mr. Gary Black, Comite De Bienestar, that they did not like the conditions on the rezoning and wanted this item continued. After discussing this with the City Attorneys' office, he is not sure that this can be done.

Mr. Glenn Gimbut, City Attorney, explained that the City Council made a decision at the last Council meeting and made an affirmative vote and under Arizona Law of referendum, the time the City Council made a legislative decision was their vote to rezone at the last meeting.

The only legal way the City Council can open this again is by a proper motion for re-consideration and a motion for re-consideration needs to be on the Council Agenda for that specific purpose and it needs to be at the very next Council meeting not another one, so that would have to be tonight. First there would have to be a motion to re-consider made by a member of the City Council who would vote in the majority and then if that passed then the City Council would go into re-considering and make whatever decision the City Council would make, but without that on the Council Agenda with a proper item under the open meeting law, the City Council cannot do that tonight and since this is the only night the City Council can do that, that option is no longer available. The ordinance presented tonight is considered an administrative act, the City Council does not have the power to vote no anymore, this is just clean up to the decision the City Council made at the last Council meeting. The only remedy to the owner is to do another rezoning application. His private conversation with Mr. Black was to suggest as follows...take this, it allows Comite de Bienestar to get the building plans, drawings and start construction and develop the convenience food store/gas station and office is they so desire and if they run into a problem file something, but in the meantime get going.

Council Member M.C. Ramos asked what was that Comite de Bienestar did not like. Mayor G. Sanchez responded that they did not want restrictions.

Mr. Starkey added that the way the ordinance is written, they are allowed to do any and all of C-1 uses and the only C-2 use is a convenience store or fuel sales.

Mayor G. Sanchez asked if they had any other plans with this parcel. Mr. Tony Reyes Sr., Comite de Bienestar, responded that they do not have any plans for anything else and they do not have any problems with the C-2 restrictions. Mr. Reyes stated that the difficult part for him to understand is that the property located in front of this property is zoned C-2 so he feels they are receiving different treatment.

MOTION: Vice Mayor M. Rosales/Council Member M.C. Ramos to approve First Reading of Ordinance No. 334 by title only. Motion passed six (6) ayes and one (1) abstention by Council Member G. Torres.

Ms. Sonia Cornelio, City Clerk, read Ordinance No. 334 by title only.

7. Discussion and possible action on any and all matters regarding First Reading of Ordinance No. 336 by title only. An ordinance of the Mayor and Council of the City of San Luis, Arizona, amending the San Luis City Code Title VII Traffic Code by adding Chapter 76 relating to prohibiting use of communication devices while driving motor vehicles and riding bicycles. (Jim Neujahr)

Mr. Jim Neujahr, Chief of Police, explained that the proposed ordinance is to prohibit the use of communication devices while operating a motor vehicle or bicycle. He added that this to educate the public how dangerous this really is.

Mr. Neujahr introduced Sergeant Marco Santana who elaborated on this ordinance by stating that the purpose of this ordinance is to prevent injuries and deaths due to distracted driving pertaining to texting and cell phone use while driving. Mr. Santana stated that the ordinance was amended to reflect a change regarding CV radios as this portion was taken out of the ordinance. The San Luis Police Department wants to promote health and safety in the community.

Mayor G. Sanchez said that he received positive comments on this ordinance and added that the City of Yuma is interested in adopting an ordinance as well. Mayor G. Sanchez thanked Mr. Neujahr and Mr. Santana for the information provided at the previous Work Session and their hard work.

Council Member A. Luna-Carrasco asked why the portion of the CV radios was taken out of the ordinance. Mr. Neujahr responded that the San Luis Police Department tried to be all inclusive in the ordinance and tried to cover every possibility of a distracted driver and there were some concerns raised about the two way CV radios without

having to look at and using a cell phone, texting and using the internet are things that require the driver to move his eyes off the road in order to manipulate the communication device.

Mr. Gimbut added that this is for hand held electronic devices and blue tooth/hands free are ok to use.

Mr. Neujahr said that cell phones can be used as long as the driver pulls over the safe side of the road way to do that.

MOTION: Council Member A. Luna-Carrasco/Council Member G. Torres to approve First Reading of Ordinance No. 336 by title only. Motion passed unanimously.

Ms. Sonia Cornelio, City Clerk, read Ordinance No. 336 by title only.

8. Summary of current events by Mayor, Council Members, City Manager, and/or City Staff pursuant to A.R.S. §38-431.02 (K).

Council Member M.C. Ramos reported that Vice Mayor M. Rosales, Council Member A. Luna-Carrasco and herself attended the PPEP Youth Build graduation ceremony and continues to encourage and support the Youth Build group as they strived to continue to work hard for their diploma. She also attended the Yuma County cadet's training hosted by the City of San Luis and mentioned that there are no female firefighters at the San Luis Fire Department.

Mayor G. Sanchez reported that the City Council was part of three (3) ribbon cutting ceremonies over the past week which included the final phase of Hidalgo Avenue, the solar project and Mr. Eddie Loo's development of 13 parcels for future economic development and thanked everyone involved.

CALL TO THE PUBLIC

Ms. Guillermina Fuentes, 1630 N. 9th Avenue, SLAZ, congratulated the City of San Luis for the step being taken in regards to the use of the cell phones while driving as it is dangerous but she emphasized that the ones promoting the ordinance are the first ones to be setting the example as there are many complaints regarding the police officers using their cell phones while they are driving, as a matter of fact there is one that hit a police car because he was texting his girlfriend. She also stated that Mayor G. Sanchez mentioned that a letter was going to be mailed to the residents being affected in the rezoning matter and as of today, no letter has been received.

9. Adjournment

MOTION: Council Member A. Luna-Carrasco/Council Member Mario Buchanan Jr. to adjourn the meeting at 8:12 p.m. Motion passed unanimously.



Certification of Council Minutes

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council meeting of the San Luis City Council held on February 11, 2015. I further certify the meeting was dully called and held and that the quorum was present and that the City Council approved these minutes at their Regular Council meeting held on March 11, 2015.

Dated this 12th day of March, 2015.

/s/ Sonia Cuello, City Clerk