

MINUTES
Regular Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
July 08, 2015
7:00 p.m.

1. **CALL TO ORDER** Mayor G. Sanchez called the Regular City Council meeting to order at approximately 6:57 p.m.

ROLL CALL

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

OTHERS PRESENT: Robert Eads, City Manager
Tadeo De La Hoya, Assistant to the City Manager
Sonia Cornelio, City Clerk
Aracely De La Hoya, Senior Services Director
Chris Kasid, Parks & Recreation Director
Eulogio Vera, Public Works Director
Geraldine Gutierrez, Asst. to Council/PIO
Glenn Gimbut, City Attorney
Hank Green, Fire Chief
Jennifer Cisneros, Asst. Director Parks and Recreation
Jenny Torres, Community Development Director
John Starkey, Building Safety Director
Manuel Rojas, Assistant Public Works Director
Maria Sabori, Human Resources Specialist
Omar Heredia, Human Resources Training Programs Coordinator
Jose Guzman, Assistant Planner
Kay Macuil, Assistant City Attorney
Katie St. Louis, Finance Director
Olivia Jenkins, Utilities Director
Victor Figueroa, Acting Chief of Police
Yolanda Dueñas, Fleet Services/Facilities Department
Francisca Guzman, Meeting Translator
Miguel Alvarez, Police Corporal
Jonathan Dumadag, I.T. Technician
Angel Ramirez, Fire Department

Ernesto Prieto, San Luis Police Detective
Lucy Lopez, Reporter
Luis Cabrera, Resident
Gerardo Torres, Resident
Guillermina Fuentes, Resident
Cesar Neyoy, Reporter
Dania Castillo, Economic Development Department
Alfredo Campa, San Luis Police Sergeant
Victor Olivares, San Luis Animal Control Officer

2. PLEDGE OF ALLEGIANCE

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

3. INVOCATION

The invocation was made by Hank Green.

4. Presentations

4.1. Recognition of Newly Appointed Member Tadeo A. De La Hoya to the National Association of Latino Elected and Appointed Officials (NALEO). (Robert A. Eads)

Mr. Robert Eads, City Manager, wanted to formally recognize Tadeo De La Hoya as an elected member for the next three (3) years to the National Association of Latino Elected and Appointed Officials.

4.2. Recognition of recently graduated Certified Public Managers: Sonia Cornelio, City Clerk; Enrique Lopez, Fire Captain and Angel Ramirez, Fire Captain. (Robert A. Eads)

Mr. R. Eads also recognized the City employees who graduated June 2nd, 2015 from the Certified Public Managers course. Those employees being Ms. Sonia Cornelio, City Clerk; Mr. Enrique Lopez, Fire Captain and Mr. Angel Ramirez, Fire Captain.

4.3 Presentation by the San Luis Police Department to San Luis Police Athletic League boxers Jose Cordero and Anthony Clark for their participation at the USA Boxing Junior Olympic and Prep National Championships held from June 8 through June 13, 2015 in Charleston, West Virginia. (Ernesto Prieto)

Mr. Ernesto Prieto, San Luis Police Detective, thanked the City of San Luis, the City of San Luis Police Officers, and the community. He presented Mr. Jose Cordero and Mr. Anthony Clark Certificates of Recognition for their outstanding achievements at the USA Boxing Junior Olympic.

5. CONSENT AGENDA

Minutes of:

- Regular Council meeting held May 13, 2015
- Special Council meeting held May 26, 2015
- Regular Council Meeting held May 27, 2015

DISBURSEMENTS from June 15, 2015 to June 26, 2015

Total disbursements \$887,839.92

(Eight Hundred, Eighty-Seven Thousand, Eight Hundred, Thirty-Nine Dollars and Ninety-Two Cents)

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

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

6.1. Discussion and possible action to authorize payment to Sun City Development, Inc., doing business as New Star Electric and/or SC Development, Juan Barajas Evangelista, qualifying party, for construction work performed at the Municipal Court. (Glenn Gimbut)

Mr. Glenn Gimbut, City Attorney, stated that the new amount would be \$11,000.00 and the payment would be a settlement of all claims against the City. Mr. Gimbut stated that there will be no more charges from Sun City Development, Inc.

MOTION: Council Member M. Buchanan Jr. / Council Member A. Luna-Carrasco to approve payment to Sun City Development, Inc. doing business as New Star Electric and or S.C. Development for work performed at the Municipal Court in the amount of \$11,000.00 for the reason that the work has been performed, and on the condition that it be in full accord and satisfaction for any and all claims, of whatsoever kind or nature, known or unknown, as payment in full or any and all works, services, materials, equipment, fixtures, appliances, supplies, appurtenances, or other personality performed for or delivered to the City of San Luis and/or the San Luis Municipal Court as of July 8, 2015, and the contractor or contractors execute an appropriate settlement agreement and release of claims in a form approved by the Office of City Attorney. Motion passed unanimously.

6.2. Discussion and possible action on any and all matters regarding the ratification of purchase of 2 power assist gurneys by the City of San Luis Fire Department through the vendor STRYKER rather than as previously authorized through FERNO due to a recall through FERNO. (Hank Green)

Mr. Hank Green, Fire Chief, stated that on May 13, 2015 City Council had authorized the purchase of two (2) power assist gurneys through FERNO. Days later the San Luis Fire Department received notice that stated there were problems with the products and it was placed under a stop shipment.

Mr. Green stated that on June 29, 2015 he made contact with STRYKER and they were willing to deliver two (2) power assistant gurneys by the end of the Fiscal Year. The price the gurneys were sold to the fire department is within the amount authorized by Council, which was \$8,000.00.

MOTION: Vice Mayor M. Rosales/ Council Member M. Buchanan Jr. to ratify the purchase from the vendor STRYKER of two (2) power-assistant gurneys effective as of June 30, 2015 as presented by staff. Because this expenditure is within \$100.00 of what has been previously approved, and the beneficial impact to public safety services to the residents of San Luis, the formal purchasing procedures of the City Code are hereby waived pursuant to §36.01.H of the City Code. Motion passed unanimously.

6.3. Discussion and possible action on any and all matters regarding approval of the use of executive recruitment services through Waters & Company for the Chief of Police position. (Maria Sabori)

Ms. Maria Sabori, Human Resources Specialist, stated that Waters & Company is their first choice for seeking recruitment for the Chief of Police position.

Mr. Chuck Ward, Waters & Company Senior Vice President, stated that Waters & Company have specialized exclusively on executive improvements for Cities and Counties. Mr. Ward stated they want to minimize turnovers for the City and find someone who can fulfill the requirements for the Chief of Police position. He added that the fix cost for the recruitment services is \$24,500.00 which includes the additional element; the only other cost would be the travel expenses for the candidates.

Mayor G. Sanchez stated that it was an excellent proposal but he suggested holding an Executive Session for next scheduled meeting.

Mr. Robert Eads, City Manager, suggested that the City take the opportunity to get the position filled and maintain it filled.

MOTION: Council Member G. Torres/ Council Member M. Buchanan Jr., to continue item for an Executive Session for July 22, 2015. Motion passed unanimously.

6.4 Public Hearing followed by discussion and possible action to approve Permit Case No. 2015-0153 a request by A and F Home Builders LLC, owner, for a Conditional Use Permit to allow a medical marijuana dispensary at 708 N. Archibald Street, San Luis, AZ. (John Starkey)

A. Open Public Hearing

MOTION: Council Member A. Luna-Carrasco/ Council Member M. Buchanan Jr. to open the public hearing. Motion passed unanimously.

Mr. John Starkey, Building Safety Director, stated that the proposed medical marijuana dispensary would be located on 708 N. Archibald Street. When it was going through the Planning and Zoning commission meeting questions regarding parking arose. Mr. Starkey clarified that there will be parking on Archibald Street and on the paved alley behind the location. He stated that because there will now be a medical marijuana dispensary in the City, residents can no longer grow marijuana in their own homes, which would make it easier on the Police Department to enforce those laws.

Mayor G. Sanchez asked in regards to when the Planning and Zoning Commission denied, if there was other alternatives or locations.

Mr. Starkey answered that it was more the parking that caused the board to say no, since then they have agreed to four (4) parking spots in the front and the whole paved alley way behind.

Mr. Glenn Gimbut, City Attorney, stated that the City does not have the power to prohibit medical marijuana in San Luis but is only limited to where the City wants to locate it. The distance around the location would be limiting the location of the dispensary. While Council could vote no, there are chances of problems.

Mr. Jose Luis Arrandilla, 1484 Arizona Street, stated that he is there to represent a group of citizens that are against the medical marijuana dispensary. The idea of the City being plagued by drugs and marijuana is something they no longer want. He stated a medical marijuana dispensary is not needed in the City.

Mayor G. Sanchez stated that it was not the City's choice but rather the State's choice, since voters had voted yes on medical marijuana and the law has to be enforced.

Mr. Alberto Cardenas, 1582 San Pedro Street, stated that he is in favor of the dispensary for the people who may need it. He stated that what is important is the location and security of the location for the community.

Ms. Beatriz Zousa, resident, stated that she is in favor of the dispensary because it could help people. She explained that her son has encephalitis and was prescribed several medications and at the moment he is prescribed to medical marijuana. For the past three (3) months her son has been calmed, less suicidal, and has been having less anxiety.

Mr. Dave Paterson, in representation of the owner of Choice Cannabis, stated that the property chosen will work, since it is in Downtown and follows all Planning and Zoning regulations.

Mr. Curtis Devine, Choice Cannabis owner, stated that patients are only allowed to purchase two (2) and half ounces of medical marijuana every fifteen (15) days which totals to five (5) ounces a month. If there is a person without a clearance license the product will not be sold. In addition, each card that is issued by the State of Arizona has

an identification number that is proceed by the State's system that would inform them the amount of cannabis they purchased in the last fifteen (15) days. If they purchased the two (2) and a half ounces and have already ran out in the fifteen (15) days they are not allowed in the purchasing area.

Ms. Elia Martinez, 1150 Washington Lane, stated that she was against the dispensary and wants to keep the City one of the safest in Arizona.

Mr. Juan Molina, 288 Los Oros Street, stated that bringing a medical marijuana dispensary would provide the City problems.

Mr. Javier Barraza, Chairman of Planning and Zoning Commission for the City of San Luis, stated that the planning and zoning ordinance states there should be eight (8) parking spaces.

B. Close Public Hearing

MOTION: Council Member A. Luna-Carrasco/ Council Member M. Buchanan Jr. to close public hearing. Motion passed unanimously.

Action on Conditional Use Permit Case No. 2015-0153

MOTION: Council Member G. Torres/ Council Member M. Buchanan Jr. to approve Conditional Use Permit Case No. 2015-0153 with the conditions recommended by staff. Motion passed with five (5) aye votes and two (2) nay votes from Council Member R. Walshe and Council Member M.C. Ramos.

6.5. Public Hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2015-0156, a request by Mark Maydahl, Ozvest, Inc., owner, for a Conditional Use Permit to allow a medical marijuana dispensary offsite cultivation location on a General Industrial (H-1) zoned property located at 2801 N. Main Street, San Luis, AZ.

A. Open Public Hearing

MOTION: Council Member M. Buchanan Jr. / Council Member A. Luna-Carrasco to open public hearing. Motion passed unanimously.

Mr. John Starkey, Building Safety Director, stated that the Conditional Use Permit will be used to build a medical marijuana growing facility on the edge of town. The facility will start at 20,000 square feet and will grow to 100,000 square feet.

Mr. Devine, stated that in regards to security, it is required by the State of Arizona to have cameras in every grow room and exterior cameras. There should be a security monitor station where they will provide a live feed to show the night shift as well as security guard.

Mayor G. Sanchez asked about the relationship between the Police Officers.

Mr. Devine responded that they had the local law enforcement and fire department walk through the facility and so that they know what they are doing there. While there is no day security, there is someone constantly monitoring the live stream. In addition the risk of robbery from a cultivation center is minimal.

Mayor G. Sanchez, said he would feel more comfortable if there was a security officer during the day.

Council Member A. Luna-Carrasco asked about the letter that was submitted by the Yuma County Water Users Association.

Mr. Starkey explained that they were under the assumption that they were going to be planting outside. He assured the City Council and Mayor that the water will be provided by a well and will not be using water from the Yuma County Water Users Association.

Mr. Glenn Gimbut, City Attorney added that the water from the Yuma County Water Users Association has been assigned to the city.

Mr. Cobar, 1935 Georgina Street, stated that he is worried about security at the dispensary. He is asking how many plants will be grown in the area and how will the building be secured.

Mr. Glenn Gimbut, City Attorney, stated that there is a strict counting on the plants and the records need to be maintained. The marijuana that is produced here can be distributed to different dispensaries.

Mr. Devine stated that there are currently two (2) shifts of security guards at their current location and are not against having a security guard twenty-four (24) hours, seven (7) days a week.

Ms. Guillermina Fuentes, 1630 N. 9th Avenue, stated that she finds unfair that citizens are going against Mayor and Council when it is not the City but the State's decision.

Mr. Osvaldo Garza, resident, asked if the dispensary needed to be in a main area or just within City limits. Mr. Garza asked if the dispensary could be located on the outskirts of the City.

Mr. Gimbut clarified that the dispensary needs to be within City limits.

B. Close Public Hearing

MOTION: Council Member M. Buchanan Jr. /Vice Mayor M. Rosales to close public hearing. Motion passed unanimously.

Action on Conditional Use Permit Case No. 2015-0156

MOTION: Council Member M. Buchanan Jr. / Vice Mayor M. Rosales to approve Conditional Use Permit Case No. 2015-0156 with the conditions recommended by staff and to add more security if needed. Motion passed with five (5) aye votes and two (2) nay votes from Council Member R. Walshe and Council Member M.C. Ramos.

6.6. Continuation of Public Hearing followed by discussion on any and all matters regarding Conditional Use Permit Case No. 2015-0126, a request by Michelle Lamourex, on behalf of Verizon Wireless Communication, for a Conditional Use Permit to install a telecommunications monopole at 1063 E. Main Street in San Luis, AZ. (Item continued from June 24, 2015) (John Starkey)

A. Continuation of public hearing

Mr. John Starkey, Building Safety Director, stated that this item was continued because there was an issue of legal access on the property. He stated that the Bureau of Reclamation has jurisdiction of the land and not Bureau of Land Management. He stated that if the City decides to approve the Conditional Use Permit it would require Verizon Wireless to submit an application for legal access of the property within sixty (60) days. If the City gives Verizon the Conditional Use and the variance, then they can build the tower and the City can put conditions on the right of way.

Ms. Michelle Lamourex, Verizon Wireless, stated that if the residents are concerned about the health issues, there are third party companies providing the information through Verizon. She stated that if the City has more towers it will not only make the service better but also strengthen the overall system where the signal from Mexico will not interrupt.

Mr. Dan Trejo, 2627 B Land Blvd, Redondo Beach California, and Ms. Abby Torres Poe, 33611 Avenue E, Micafe California, stated that they have several concerns. Ms. Poe stated that one of the concerns was if there was going to be an easement going through their property. In addition, she would like to know how the cell phone tower would affect the power on the property.

Mr. Trejo stated he wanted to know what the safe distance from the tower was. He also stated he was concerned about the wires that transfer the energy being under the property.

Mr. J. Starkey stated that APS does their work as careful as ADOT when it comes to utilizing other people's property.

B. Close Public Hearing

MOTION: Vice Mayor M. Rosales/ Council Member M. Buchanan Jr. to close public hearing. Motion passed unanimously.

Action on Conditional Use Permit No. 2015-0126

MOTION: Vice Mayor M. Rosales/ Council Member M. Buchanan Jr. to approve area space number 2015-0130. Motion passed with six (6) aye votes and one (1) nay vote from Council Member M.C. Ramos.

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

MOTION: Council Member A. Luna-Carrasco/ Council Member M. Buchanan Jr. to adjourn as City Council and convene as Board of Adjustment. Motion passed unanimously.

BOARD OF ADJUSTMENT ITEM:

6.8 Continuation of Public Hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2015-0130, a request by Michelle Lamoureux on behalf of Verizon Wireless Communications. The property is owned by Javier DeSantiago. The request for a variance is to reduce the setbacks from the property lines on property located at 1063 E. Main Street, San Luis AZ. (Item continued from June 24, 2015) (John Starkey)

A. Continuation of public hearing

MOTION: Vice Mayor M. Rosales/ Council Member A. Luna-Carrasco to go into public hearing. Motion passed unanimously.

Mr. John Starkey, Building Safety Director, stated that the approximately one-hundred (100) foot tower should fall on home site, due to the nature of the site it was requested to be moved not to close to the surrounding property lines. He stated that because the tower is not one-hundred (100) feet the City of San Luis and the San Luis Zoning Ordinance requires that it be one-hundred (100) feet from all property lines. Since that is not possible the variance will be used on the East the West and the North property lines.

B. Close Public Hearing

MOTION: Vice Mayor M. Rosales/ Council Member A. Luna-Carrasco to close public hearing. Motion passed unanimously.

Action on Variance Case No. 2015-0130

MOTION: Vice Mayor M. Rosales/ Council Member M. Buchanan Jr. to approve Condition Use Permit with conditions recommended by staff. Motion passed with six (6) aye votes and one (1) nay vote from Council Member M.C. Ramos.

7. MOTION TO ADJOURN AS BOARD OF ADJUSTMENT AND RECONVENE AS CITY COUNCIL

MOTION: Vice Mayor M. Rosales/ Council Member M.C. Ramos to adjourn as Board of Adjustment and reconvene as City Council. Motion passed unanimously.

8. SUMMARY OF CURRENT EVENTS:

Mayor G. Sanchez stated that he attended the ribbon cutting of Main Street and thanked everyone who was involved. He added that the amount of people who showed up was impressive.

Council Member A. Luna-Carrasco thanked staff for the Fourth of July fireworks.

Mayor G. Sanchez thanked the Police Department for their incorporation on the Fourth of July event. He also thanked Parks and Recreation stating they should start the incentive for a bigger park.

Ms. Jenny Torres, Community Development Director, stated that during a meeting with ADOT they were presenting the project to the business owners. She stated a couple of business owners for the Agriculture Company and buses wanted to talk to the City Council regarding the possible issues they could have.

Council Member G. Torres stated she wanted to thank everyone who was present and the workers who did an awesome job at the Main Street ribbon cutting event.

Mr. John Starkey, Building Safety Director, stated he wanted to thank Ms. Jenny Torres, Community Development Director, and Ms. Dania Castillo, Community Development, for helping him and talking to all the people on Main Street to remove boxes from the sidewalks.

Council Member R. Walshe stated if signs for truck drivers could be posted on Main Street or if the City could notify them.

Mayor G. Sanchez added they should add restrictions on truck drivers on Main Street. He also stated he would like a report from the Police Department regarding the citations for jay walking.

Mr. Victor Figueroa, Acting Chief of Police, stated that in one day alone there were thirty-eight (38) people cited for jay walking. Mr. Figueroa stated the main problem is First Avenue at the DS Building and there are more Officers patrolling that area.

Mr. Robert Eads, City Manager, stated that the Business Incubator open house was the next day from 10 am to 2 pm.

9. CALL TO THE PUBLIC

There were no comments from the public.

10. EXECUTIVE SESSION

Vote to hold Executive Sessions pursuant to A.R.S. §§38-431.03.A.1., 38-431.03.A.3 and 38-431.03.A.4

MOTION: Vice Mayor M. Rosales/ Council Member M. Buchanan Jr. to go to executive session. Motion passed unanimously.

10.1. Discussion and possible action to hold an Executive Session pursuant to A.R.S. §38-431.03(A)(3), 38-431.03(A)(4), and 38-431.03(a)(7) for legal advice and to consider the City's position and instruct its attorney with respect to the potential purchase of land, financing, and potential lease, management contract, and construction manager at risk contract for the possible development and operation of a landfill. (Glenn Gimbut)

10.2. MOTION TO GO BACK TO REGULAR SESSION

MOTION: Vice Mayor M. Rosales/ Council Member M.C. Ramos to go back to Regular Session at approximately 11:10 p.m.

11. Discussion and possible action on any and all matters regarding approval of an earnest money contract for the potential purchase of land for the intended purpose of a landfill. (Glenn Gimbut)

No action was taken by the City Council on this item.

9. Adjournment

MOTION: Vice Mayor M. Rosales/ Council Member M.C. Ramos to adjourn the meeting at approximately 11:10 p.m. Motion passed unanimously.