

MINUTES
Regular Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
August 26, 2015
7:00 p.m.

1. **CALL TO ORDER** Mayor G. Sanchez called the Regular City Council meeting to order at approximately 7:03 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 A. De La Hoya, Assistant to the City Manager
Angelica Cifuentes, Budget & Procurement
Chris Kasid, Parks & Recreation Director
Daniel Paz, I.T. Director
Derek Dueñas, I.T. Technician
Eulogio Vera, Public Works Director
Glenn Gimbut, City Attorney
Hank Green, Fire Chief
Jennifer Cisneros, Asst. Parks and Recreation Director
John Starkey, Building Safety Director
Jose Guzman, Assistant Planner
Kay Macuil, Assistant City Attorney
Katie St. Louis, Finance Director
Maria Sabori, Human Resources
Rosendo Morales, Court Magistrate
Victor Figueroa, Acting Chief of Police
Yolanda Dueñas, Fleet Services/Facilities Department
Francisca Guzman, Meeting Translator
Rick Bauermann, Fire Department
Marco Santana, Police Department
Cesar Neyoy, Reporter
Lucy Lopez, Reporter
Guillermina Fuentes, Resident
Pamela Green, Visitor

Diane Umphress, Amberly's Place
David Lara, Resident

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member G. Torres.

3. INVOCATION

The invocation was made by Hank Green.

4. Presentations

4. A. Proclamation - Library Card Sign-up Month 2015

Mr. Tadeo De La Hoya, Assistant to the City Manager, read the Proclamation in it's entirety.

4. B. Recognition of 29 years of services by Fire Captain Edgardo (Galo) Silva. (Hank Green, Fire Chief)

Chief Green presented Cpt. Silva with an award and plaque for his years of service. Mr. Silva's family were also presented with a small token of appreciation from the San Luis Fire Department.

5. CONSENT AGENDA

Minutes of:

- Work Session/San Luis Economic Development Summit, June 4, 2015
- Work Session, July 1, 2015
- Regular Council Meeting, July 8, 2015

DISBURSEMENTS from August 3, 2015 through August 14, 2015

Total disbursements \$590,966.24

(Five-Hundred, Ninety-Thousand, Nine-Hundred, Sixty-Six Dollars and Twenty-Four 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. A. Discussion and possible action on any and all matters regarding the purchase of a Scorpion Automated Sider Loader, REFURBISH option for Solid Waste Division and that the procurement procedures be permitted as per Section 36.09 of the San Luis City Code. (Eulogio Vera, Public Works Director)

Mr. Eulogio Vera, Public Works Director, presented the item and the benefits of it. He explained that this was a budgeted item.

MOTION: Council Member M. Buchanan Jr. / Council Member A. Luna-Carrasco to approve the purchase of a refurbished Scorpion Automated Side Loader as authorized under the San Luis City Code Section 36.09 in an amount not to exceed \$103,310.00. Motion passed unanimously.

6.B. Discussion and possible action on any and all matters regarding Resolution No. 1103. A resolution of the Mayor and City Council of the City of San Luis, Arizona, amending the Occupational License Tax Fee Schedule of the City of San Luis to provide for license fees for medical marijuana dispensaries and medical marijuana dispensary off-site cultivation location. (Kay Marion Macuil, Assistant City Attorney)

Ms. Kay Macuil, Assistant City Attorney, explained that this resolution was to recommend the license fee from \$10,000.00 up to \$100,000.00 for cultivation locations. A fixed amount is preferable because it is prohibited to do a tax.

MOTION: Council Member G. Torres/ M. Buchanan Jr. moved to adopt Resolution No. 1103. Motion passed unanimously.

6. C. Discussion and possible action on any and all matters regarding Resolution No. 1106. 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 and the Superior Court in Yuma County for the purpose of a field trainer to provide training and uniformity of automation systems and business practices with the Courts in Yuma County and the San Luis Municipal Court. (Rosendo Morales, Court Magistrate)

Mr. Rosendo Morales, Court Magistrate, explained that the IGA with the Superior Court in Yuma County was to secure a field trainer. He further stated that the trainer provides training in new practices for the courts. This ensures conformity with the courts in the county for computerized systems and business practices. It was recommended to ratify the continuation of this agreement that had expired on June 30, 2015. This agreement is renewable each year for a period of five (5) years.

MOTION: Council Member A. Luna-Carrasco/ Council Member M. Ramos to move to approve and adopt resolution 1106. Motion passed unanimously.

MOTION: Council Member R. Walshe/ Council Member A. Luna-Carrasco to ratify the effective date of the contract to July 1, 2015. Motion passed unanimously.

6. D. Discussion and possible action on any and all matters regarding Second Reading of Ordinance No. 339. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, Amending Ordinance No. 229 to allow the imposition of a business license fee for medical marijuana businesses; repealing any conflicting provisions; and providing for severability. (Kay Macuil)

Ms. Kay Macuil, Assistant City Attorney, explained that this ordinance was related to Resolution No. 1103. The State of Arizona requires marijuana businesses to be a nonprofit A.R.S. § 36-2804.06, therefore, there is a need to impose a city license fee.

A. Approval of Ordinance No. 339 by title only

MOTION: Council Member M. Buchanan Jr./ Council Member A. Luna-Carrasco moved to allow the second reading by title only. Motion passed unanimously.

Mr. Tadeo De La Hoya, Assistant to the City Manager, read Ordinance No. 339 by title only.

B. Approval and adoption of Ordinance No. 339

MOTION: Council Member M. Buchanan Jr. / Council Member A. Luna-Carrasco to approve and adopt Ordinance 339 amending Ordinance 229 to allow imposition of a business license fee for medical marijuana businesses, repealing any conflicting provisions; and providing for severability. Motion passed unanimously.

6.E. Public hearing followed by discussion on any and all matters regarding Rezoning Case No. 2015-0218 and possible action to approve Second Reading of Ordinance No. 340. An ordinance of the Mayor and 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 lots 1 thru 10 (approximately 26.32 acres of real property) located at San Luis Plaza Subdivision from Neighborhood Commercial (C-1) to Community Commercial (C-2); repealing any conflicting provisions; and providing for severability. (John Starkey, Zoning Administrator)

A. Open of public hearing

MOTION: Council Member A. Luna-Carrasco/ Council Member G. Torres to open the public hearing. Motion passed unanimously.

Mr. John Starkey, Zoning Administrator, explained that this ordinance was to change the zoning classifications of lots 1 through 10 (approximately 26.32 acres of real property) located at the San Luis Plaza Subdivision from Neighborhood Commercial (C-1) to Community Commercial (C-2). These lots are generally located along the west side of San Luis Plaza Drive south of Juan Sanchez Boulevard.

B. Close Public Hearing

MOTION: Council Member Torres/ Council Member A. Luna-Carrasco to close the public hearing. Motion passed unanimously.

Approval of Second Reading of Ordinance No. 340 by title only

MOTION: Council Member G. Torres/ Council Member M.C. Ramos Council Member to approve the Second Reading of Ordinance No. 340 by title only. Motion passed unanimously.

Mr. Tadeo De La Hoya, Assistant to the City Manager, read Ordinance No. 340 by title only.

Approval and adoption of Ordinance No. 340

MOTION: Council Member A. Luna-Carrasco/Council Member M.C. Ramos to approve and adopt Ordinance No. 340. Motion passed unanimously.

6. F. Discussion and possible action on any and all matters regarding First Reading of Ordinance No. 341. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending Title IX, General Regulations, Chapter 94, Parks, of the Code of Ordinances by adding a new Section 94.20, designated areas for use of tobacco products at City parks and new Subsection 94.99 (C) providing a penalty for unlawful use of tobacco products at City parks; and providing for severability. (Glenn Gimbut, City Attorney)

Mr. Glenn Gimbut, City Attorney, stated that Cities throughout Arizona have resolutions or ordinances addressing the use of tobacco products at parks. Mr. Gimbut stated that the ordinance should be easy to apply and easy to give flexibility by the City Manager and the Parks and Recreation Director.

Mayor G. Sanchez clarified that there would be a designated area for smoking and a non-designated area for smoking. Mayor G. Sanchez also thanked the youth group for all their hard work and for giving back to the City of San Luis.

A. Approval of First Reading of Ordinance No. 341 by title only

Motion: Council Member R. Walshe/ Council Member G. Torres to approve the First Reading of Ordinance No. 341 by title only. Motion passed unanimously.

Mr. Tadeo De La Hoya, Assistant to the City Manager, read Ordinance No. 341 by title only.

7. SUMMARY OF CURRENT EVENTS:

Vice-Mayor M. Rosales stated that Council Member M.C. Ramos and City staff attended the League of Arizona Cities and Town Annual Conference in Tucson. Vice-Mayor M. Rosales added that he was very proud of Mr. Eads, City Manager, and Mr. Tadeo De La Hoya, Assistant to the City Manager, for the booth they provided at the conference.

Council Member M.C. Ramos stated that Vice Mayor M. Rosales, Mr. Glenn Gimbut, City Attorney, and herself attended a conference for the future of Arizona Western College in San Luis, Arizona and stated that the other attendees were impressed by how much the City of San Luis has grown.

Mayor G. Sanchez asked about the high school incentive.

Vice-Mayor M. Rosales responded that it was brought up and added that the project they are planning on building is similar to the Yuma location.

Council Member M.C. Ramos added that during the Festival of Arizona Cities and Towns, Mr. Tadeo De La Hoya, Assistant to the City Manager, and Ms. Geraldine Gutierrez, Assistant to Council, had a great turn out at the event and that people were lining up to participate.

8. CALL TO THE PUBLIC

Mr. David Lara, 1032 6th Drive San Luis, Arizona, stated that he was there regarding a complaint he had filed in May. He stated he did not like the matter the investigation was conducted. Mr. Lara also provided various forms of evidence and stated the City should have done their research.

Ms. Guillermina Fuentes, 1630 N. 9th Avenue, San Luis, Arizona stated that it is unpleasant to be present at a public meeting and have to be listening to people complaining about everything. The City Council should consider giving the position of Chief of Police to Mr. David Lara so that he can be quiet.

9. EXECUTIVE SESSION

Vote to hold Executive Sessions pursuant to A.R.S. §§38-431.03. (A)(1) and A.R.S. §§38-431.01 (A)(3)

MOTION: Council Member A. Luna-Carrasco/Vice Mayor M. Rosales to go to Executive Session at approximately 7:57 p.m. Motion passed unanimously.

9.A. Discussion and possible action to hold executive session pursuant to A.R.S. §§38-431.03. (A)(1) and A.R.S. §§38-431.01 (A)(3) to discuss the employment of Glenn J. Gimbut as City Attorney, possible extension of contract, and possible contract as part-time employee. (Justin Pierce)

9.B. Discussion and possible action to hold executive session pursuant to A.R.S. §§38-431.03. (A)(1) and A.R.S. §§38-431.01 (A)(3) on any and all matters relating to the position of City Attorney and to discuss the recruitment, employment, assignment, appointment, and/or salaries of that position from and after October 15, 2015. (Justin Pierce)

10. MOTION TO GO BACK TO REGULAR SESSION

MOTION: Council Member M. Buchanan Jr./ Council Member A. Luna-Carrasco to go back to Regular Session at approximately 9:18 p.m. Motion passed unanimously.

11. Discussion and possible action for extension of contract with City Attorney and approval of contract for part-time employment following the extension. (Justin Pierce)

MOTION: Vice-Mayor M. Rosales/Council Member M. Buchanan Jr. to approve the contract extension agreement for the City Attorney until October 15, 2015 and the agreement for Glenn Gimbut to continue as a part time Assistant City Attorney from and after October 15, 2015 in the forms presented. Motion passed with four (4) aye votes and three (3) nay votes from Council Members A. Luna-Carrasco, M.C. Ramos and G. Torres

12. Discussion and possible action on any and all matters relating to the position of City Attorney. (Glenn Gimbut)

Mayor G. Sanchez explained that he had given a directive to start negotiations with new City Attorney.

13. Adjournment

MOTION: Council Member A. Luna-Carrasco/Council Member R. Walshe to adjourn the meeting at 9:20 p.m. motion passed unanimously.