

MINUTES
Regular Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
San Luis, AZ 85349
January 13, 2016
7:00 P.M.

APPROVED by Council Date: February 24, 2016 Clerk's Office: /s/ S. Cornelio
--

1. CALL TO ORDER Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 7:02 p.m.

ROLL CALL

PRESENT: Mayor Gerardo Sanchez
Vice-Mayor Matias Rosales (arrived at approximately 7:59 p.m.)
Council Member Mario Buchanan Jr.
Council Member Africa Luna-Carrasco
Council Member Maria Cecilia Ramos
Council Member Ruben Walshe

ABSENT: Council Member Gloria Torres

OTHERS PRESENT: Tadeo De La Hoya, Interim City Manager
Ralph Velez, City Consultant
Sonia Cornelio, City Clerk
Alfredo Campa, Police Department
Angelica Cifuentes, Procurement and Budget Compliance Officer
Aracely De La Hoya, Senior Center Director
Chris Kasid, Parks and Recreation Director
Domingo Sosa, I.T. Technician
Eulogio Vera, Public Works Director
Hank Green, Fire Chief
Isaac Gutierrez, G.I.S. Technician
Janet Taylor, Administrative Assistant
Jenny Torres, Community Development Director
Joel Saucedo, Police Department
John Starkey, Building and Safety Director/Zoning Administrator
Jonathan Dumadag, I.T. Technician
Jose Guzman, Assistant Planner
Kay Macuil, City Attorney
Ketie St. Louis, Finance Director
Lizeth Chavez, Recreation Coordinator
Marco Santana, Police Department
Maria Sabori, Human Resources Senior Analyst
Nigel Reynoso, Police Department

Omar Heredia, Human Resources Training and Program Coordinator
Rick Bauermann, Fire Department
Victor Figueroa, Acting Chief of Police
Yolanda Dueñas, Fleet/Facilities Director
Esthela Luna, San Luis Post Office
Francisca Guzman, Translator
Cesar Neyoy, Reporter
Lucy Lopez, Reporter

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mario Buchanan Jr.

3. INVOCATION

The invocation was made by Mr. Hank Green, Fire Chief.

4. PRESENTATIONS

4. A. Presentation and donation of art pieces by the U.S. Post Office in San Luis, Arizona to the San Luis Cesar Chavez Cultural Center. (Christopher Kasid/ Lizeth Chavez, Parks and Recreation Department)

Mr. Christopher Kasid, Parks and Recreation Director, presented Ms. Esthela Luna, San Luis Post Office, who will be donating the art pieces to the San Luis Cesar Chavez Cultural Center.

Ms. Esthela Luna, San Luis Post Office, stated that the paintings were displayed at the San Luis Post Office from 2006. She commented that the paintings represent the lives of residents in San Luis, Arizona. Ms. Luna added that the San Luis Post Office wished to donate the paintings to the San Luis Cesar Chavez Cultural Center.

4. B. Presentation and recognition of employees by the Employee Recognition and Awards Program for their outstanding work with the City of San Luis. (Isaac Gutierrez, ERAP Chair/G.I.S. Technician)

Mr. Isaac Gutierrez, ERAP Chair/G.I.S. Technician, presented Mr. Omar Heredia, Human Resources Department, with the 2015 Rookie of the Year and Mr. Domingo Sosa, Information Technology Department, with the 2015 Employee of the Year.

Mayor Gerardo Sanchez thanked and recognized each winner for their hard work and dedication.

4. C. Presentation of plaque to former Police Officer, Joe Johnson, in recognition of his years of service to the City of San Luis. (Maria Sabori, Senior HR Analyst/Victor Figueroa, Acting Chief of Police)

Mr. Victor Figueroa, Acting Chief of Police, presented Officer Joe Johnson with a plaque and stated that Officer Joe Johnson had a large impact on the community.

Mayor Gerardo Sanchez stated that Officer Joe Johnson will be hard to replace because of his impact on the City of San Luis and thanked him for his hard work and dedication.

Mr. Joe Johnson, San Luis Police Department, thanked everyone for their kind words and everything they have done for him.

5. CONSENT AGENDA

5. A. MINUTES OF

- Work Session held November 18, 2015
- Special Council meeting held November 24, 2015
- Regular Council meeting held December 9, 2015
- Special Council meeting held December 16, 2015

5. B. DISBURSEMENTS FROM NOVEMBER 30, 2015 THROUGH DECEMBER 31, 2015

Total Disbursements \$1,956,239.99

(One Million, Nine Hundred Fifty-Six Thousand, Two-Hundred Thirty-Nine Dollars and Ninety-Nine Cents)

5. C. Discussion and possible action on any and all matters regarding the Beach Street Improvements Project and additional engineering costs. (Eulogio Vera, Public Works Director)

MOTION: Council Member Mario Buchanan Jr./ Council Member Maria Cecilia Ramos to approve Consent Agenda as presented. Motion passed unanimously.

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

6. A. Public Hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2015-0435, a request by Michelle Lamoureux, Pinnacle Consulting, applicant representative of Sun State Towers, on behalf of Bienestar Apartments Phase II, LLC, owner, for a Conditional Use Permit to install a telecommunications monopole at 690 N. 10th Avenue in San Luis, AZ. (John Starkey, Building and Safety Director/Zoning Administrator)

A. Open Public Hearing

MOTION: Council Member Africa Luna-Carrasco/ Council Member Mario Buchanan Jr. to open Public Hearing. Motion passed unanimously.

Mr. John Starkey, Building and Safety Director/Zoning Administrator, stated that the Conditional Use Permit is to install a telecommunications monopole at the Bienestar Apartments that will be owned by Sun State Towers. Mr. Starkey added that the tower

is within the property and does not need a variance or any readjustments. He added that notices to the residents in the surrounding area have been sent out and added that there were no comments.

Council Member Mario Buchanan Jr. commented that he sees the tower as a safety issue.

Ms. Michelle Lamoureux, Pinnacle Consulting, stated that they had looked at different properties in the area but only the location chosen would be in the zoning code. Ms. Lamoureux added that the location will help residents, the Police Department and the Fire Department with voice and data services.

B. Close Public Hearing

MOTION: Council Member Africa Luna-Carrasco/ Council Member Mario Buchanan Jr. to close Public Hearing. Motion passed unanimously.

C. Action on Conditional Use Permit Case No. 2015-0435

MOTION: Council Member Africa Luna-Carrasco/ Council Member Maria Cecilia Ramos to approve the Conditional Use Permit as presented. Motion passed with four (4) aye votes and one (1) nay vote from Council Member M. Buchanan Jr.

6. B. Public Hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2015-0420, a request by Mario D. Buchanan, owner, for a Conditional Use Permit to allow a medical marijuana dispensary on a Community Commercial (C-2) zoned property located at 702 N. Mesa Street, San Luis, AZ. (John Starkey, Building and Safety Director/Zoning Administrator)

A. Open Public Hearing

MOTION: Council Member Mario Buchanan Jr./ Council Member Africa Luna-Carrasco to open Public Hearing. Motion passed unanimously.

Council Member Mario Buchanan Jr. declared a conflict of interest on this item.

Mr. John Starkey, Building and Safety Director/Zoning Administrator, stated that the Conditional Use Permit is to allow a medical marijuana dispensary at 702 N. Mesa Street that will be managed by Sun City Capital. Mr. Starkey added that it would be the second dispensary in San Luis, Arizona.

Mayor Gerardo Sanchez asked why was it denied by the Planning Commission.

Mr. Starkey replied that the request was denied by the Planning Commission because a detail sitemap was not provided to show that Mr. Buchanan met all regulations. Mr. Starkey added that the state will still need to approve the medical marijuana dispensary, as there would be two in the same area and one would be denied.

Mr. Michael Guida, 3200 E. Camelback Road, Phoenix, Arizona 85012, stated that in representation of Sun City Capital Consulting the Arizona Department of Health Services (AZDHS) will have stricter requirements than the ones placed at the City of San Luis, Arizona. Mr. Guida added that the goal is to create a medical marijuana dispensary that will generate tax revenue, be part of the community and to fulfill requirements of the AZDHS. He added that Sun City is only looking for an opportunity to submit the application.

B. Close Public Hearing

MOTION: Council Member Africa Luna-Carrasco/ Council Member Maria Cecilia Ramos to close Public Hearing. Motion passed unanimously.

C. Action on Conditional Use Permit Case No. 2015-0420

MOTION: Council Member Africa Luna-Carrasco/ Council Member Ruben Walshe to approve Conditional Use Permit Case No. 2015-0420 with the staff conditions. Motion passed with four (4) aye votes and one (1) nay vote from Council Member Maria Cecilia Ramos.

6. C. Public Hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2015-0493, a request by Mark Maydahl, Ozvest, Inc., owner, for a Conditional Use Permit to allow a medical marijuana dispensary on a General Industrial (H-1) zoned property located at 2801 N. Main Street, San Luis, AZ. (John Starkey, Building and Safety Director/Zoning Administrator)

A. Open Public Hearing

MOTION: Council Member Africa Luna-Carrasco/ Council Member Ruben Walshe to open Public Hearing. Motion passed unanimously.

Mr. John Starkey, Building and Safety Director/ Zoning Administrator, stated that the Conditional Use Permit is to allow a medical marijuana dispensary at 2801 N. Main

Street. Mr. Starkey added that the dispensary is in the Somerton Community Health Analysis Area (CHAA) and would not be competing with the dispensaries in town. Ms. Sarah Presler, Choice Cannabis, in representation of Mr. Curtis Devine, stated that the company currently operates three (3) medical marijuana dispensaries, one (1) cultivation site, one (1) infusion kitchen for edibles, and one (1) extraction lab that are all licensed by the State of Arizona. Ms. Presler commented that the green cross can be changed if City Council and residents would like.

Mayor Gerardo Sanchez asked Ms. Presler if they need to go through the same process with the City of Somerton, as they are in the Somerton CHAA area.

Ms. Presler replied that the CHAA covers the area, and the Community Health Analysis Area is within the City of San Luis. She added they will follow the San Luis regulatory scheme.

B. Close Public Hearing

MOTION: Council Member Mario Buchanan Jr./ Vice-Mayor Matias Rosales to Close Public Hearing. Motion passed unanimously.

C. Action on Conditional Use Permit Case No. 2015-0493

MOTION: Vice-Mayor Matias Rosales/Council Member Mario Buchanan Jr. to approve Conditional Use Permit Case No. 2015-0493 with the conditions recommended by staff. Motion passed with five (5) aye votes and one (1) nay vote from Council Member Maria Cecilia Ramos.

6. D. Public Hearing followed by discussion and possible action on any and all matters regarding recommendation of the Liquor License Application submitted to the Arizona Department of Liquor Licenses and Control by Ruben Alberto Walshe on behalf of La Bodega located at 1950 E. Juan Sanchez Boulevard, Suite L, San Luis, Arizona. (Sonia Cornelio, City Clerk)

A. Open Public Hearing

MOTION: Council Member Mario Buchanan Jr./ Vice-Mayor Matias Rosales to open Public Hearing. Motion passed unanimously.

Council Member Ruben Walshe declared a conflict of interest on this item.

Mr. Ruben Walshe stated that La Bodega is to be open in two (2) months. Mr. Walshe added that the facility is a full service restaurant serving four (4) entries that will occasionally provide live music.

Council Member Africa Luna-Carrasco commented that she is happy to see new business coming to the City of San Luis.

Ms. Sonia Cornelio, City Clerk, stated that the notice was posted at the propose premises for at least twenty (20) days and that the Office of the City Clerk did not receive any comments in favor of or against the application.

B. Close Public Hearing

MOTION: Council Member Mario Buchanan Jr./ Council Member Africa Luna-Carrasco to close Public Hearing. Motion passed unanimously.

C. Action on recommendation of the Liquor Licenses Application to the Arizona Department of Liquor Licenses and Control for La Bodega.

MOTION: Council Member Mario Buchanan Jr./ Council Member Africa Luna-Carrasco to recommend approval of the Liquor License Application to the Arizona Department of Liquor Licenses and Control for La Bodega as presented. Motion passed with four (4) aye votes and one (1) nay vote from Council Member Maria Cecilia Ramos.

6. E. Discussion and possible action on any and all matters regarding adoption of Resolution No. 1125. A resolution of the Mayor and City Council of San Luis, Arizona to receive funding for the replacement of police radios by approving an Intergovernmental Agreement and authorizing execution of the Subgrantee Agreement-Reallocation between the State of Arizona through the Arizona Department of Homeland Security and the City of San Luis, Arizona through the San Luis Police Department. (Victor Figueroa, Acting Chief of Police)

Mr. Victor Figueroa, Acting Chief of Police, stated that this grant will allow the Police Department to purchase five (5) more radios.

MOTION: Council Member Mario Buchanan Jr./ Council Member Maria Cecilia Ramos to approve and adopt Resolution No. 1125.

6. F. Discussion and possible action on any and all matters regarding First Reading of Ordinance No. 344. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, pertaining to the Planning and Zoning Commissioner's requirement as to the number of votes to pass a motion by amending the San

Luis City Code §152.026(G)(3) from four (4) votes to a majority of a quorum; repealing any conflicting provisions; and providing for severability. (John Starkey, Building and Safety Director/Zoning Administrator)

A. Open Public Hearing

MOTION: Council Member Africa Luna-Carrasco/ Council Member Mario Buchanan Jr. to open Public Hearing. Motion passed unanimously.

Mr. John Starkey, Building and Safety Director/Zoning Administrator, stated that the original Zoning Regulations in the City Code required four (4) votes either for or against to pass a motion. Mr. Starkey wants to amend it to require only a majority of the quorum to pass a motion. This change will allow three (3) votes to pass a motion with four (4) or five (5) members present.

Mayor Gerardo Sanchez commented that the City of San Luis is going to make things simpler. Mayor Gerardo Sanchez added that the item will still go to the City Council for approval.

B. Close Public Hearing

MOTION: Council Member Mario Buchanan Jr./ Council Member Africa Luna-Carrasco to close Public Hearing. Motion passed unanimously.

C. Approval of First Reading of Ordinance No. 344 by title only

MOTION: Vice-Mayor Matias Rosales/ Council Member Mario Buchanan Jr. to approve the First Reading of Ordinance No. 344 by title only. Motion passed unanimously.

Ms. Sonia Cornelio, City Clerk, read Ordinance No. 344 by title only.

6. G. Discussion and possible action on any and all matters regarding the Second Reading of Ordinance No. 345. An ordinance of the Mayor and Council of the City of San Luis, Arizona, amending Section 34.05(E) of the City Code relating to Municipal Court Probation Fees; repealing any conflicting provisions; and providing for severability. (Rosendo Morales, Jr., Court Magistrate)

Mr. Rosendo Morales, Court Magistrate, stated that the ordinance was designated to reflect current trends in probation practices. Mr. Morales stated that it will be a \$65.00 charge and will be lowered according to the person's financial situation. He also stated that Compliance Officers will ensure that probationers will comply with their conditions of probations as imposed by the Court.

A. Approval of Second Reading of Ordinance No. 345 by title only

MOTION: Council Member Mario Buchanan Jr./ Council Member Ruben Walshe to approve the Second Reading of Ordinance No. 345 by title only. Motion passed unanimously.

Ms. Sonia Cornelio read Ordinance No. 345 by title only.

B. Approval and adoption of Ordinance No. 345

MOTION: Vice-Mayor Matias Rosales/ Council Member Mario Buchanan Jr. to adopt and approve Ordinance No. 345. Motion passed unanimously.

6. H. Public Hearing followed by discussion and possible action on any and all matters regarding First Reading of Ordinance No. 347. An ordinance of the Mayor and Council of the City of San Luis, Arizona, amending the San Luis City Code, Chapter 152 Zoning Regulations, §152.061, §152.075, §152.078, §152.091, §152.092 relating to minimum lot size for residential lots; repealing any conflicting provisions; and providing for severability. (John Starkey, Building and Safety Director/Zoning Administrator)

A. Open Public Hearing

MOTION: Council Member Mario Buchanan Jr./Vice-Mayor Matias Rosales to open Public Hearing. Motion passed unanimously.

Mr. John Starkey, Building and Safety Director/Zoning Administrator, stated that the Planning and Zoning Commission recommended approval as written with four (4) aye votes and one (1) nay vote. Mr. Starkey explained that the ordinance will increase the minimum lot size to 6,000 square feet.

Mayor Gerardo Sanchez commented that the ordinance will not prevent builders to build small homes in a larger lot. In contrast it will provide residents with more options.

B. Close Public Hearing

MOTION: Council Member Ruben Walshe/Council Member Mario Buchanan Jr. to close Public Hearing. Motion passed unanimously.

C. Approval of First Reading of Ordinance No. 347 by title only

MOTION: Council Member Ruben Walshe/ Council Member Mario Buchanan Jr. to approve First Reading of Ordinance No. 347 by title only.

Ms. Sonia Cornelio, City Clerk, read Ordinance No. 347 by title only.

7. BOARD OF ADJUSTMENT

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

MOTION: Council Member Mario Buchanan Jr./ Council Member Africa Luna-Carrasco to adjourn as City Council and Convene as Board of Adjustment. Motion passed unanimously.

7. A. Public Hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2015-0599. A request by Thomas N. Smith, AIA, on behalf of Michael Zaczek, owner, for a variance to reduce the required parking spaces from 55 to 31 in a Community Commercial (C-2) zoned property located at 722 N. San Luis Plaza Drive, San Luis, AZ. (John Starkey, Building and Safety Director/Zoning Administrator)

A. Open Public Hearing

MOTION: Council Member Mario Buchanan Jr./ Council Member Africa Luna-Carrasco to open Public Hearing. Motion passed unanimously.

Mr. Jose Guzman, Assistant Planner, stated that the property was previously used as a retail store and only needed thirty (30) parking spots. Mr. Guzman explained that the property is currently used by CSL Plasma and requires thirty-one (31) parking spaces.

B. Close Public Hearing

MOTION: Vice-Mayor Matias Rosales/Council Member Africa Luna-Carrasco to close Public Hearing.

C. Action on Variance Case No. 2015-0599

MOTION: Vice-Mayor Matias Rosales/Council Member Mario Buchanan Jr. to find the criteria for variance are met following the analysis of staff and to grant Variance Case No. 2015-0599. Motion passed unanimously.

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

MOTION: Council Member Mario Buchanan Jr./ Council Member Ruben Walshe to adjourn as Board of Adjustment and reconvene as City Council. Motion passed unanimously.

9. SUMMARY OF CURRENT EVENTS

Council Member Maria Cecilia Ramos stated that the 17th Annual Transportation Summit started on January 12, 2016 and is having a good turnout.

Mr. Rosendo Morales Jr., Court Magistrate, stated that the San Luis Municipal Court along with others submitted a proposal to the Arizona Supreme Court with Program title Financial Relief Program. Mr. Morales added that the program was designed to help defendants in any civil matter in getting their driver license when they pay 50% of the fees.

Vice-Mayor Matias Rosales stated that Mr. Ralph Velez, City Consultant, Ms. Jenny Torres, Community Development Director, and he attended the Border Trade Alliance Board Directors Meeting on January 8, 2016.

Council Member Ruben Walshe stated that he accompanied the Gadsden School District Marching Band to Spain and had great feedback from the Spaniards.

10. CALL TO THE PUBLIC

Mr. Tray Umphress from Amberly's Place, 1110 S. Mustang Ave, Yuma AZ, 85364, stated that Amberly's Place will be having their grand opening on January 22, 2016 and invited Council and residents to join.

11. ADJOURNMENT

MOTION: Council Member Mario Buchanan Jr./ Council Member Africa Luna-Carrasco to adjourn the Regular Council Meeting at approximately 9:01 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 January 13, 2016. I further certify the meeting was duly called and held and that the quorum was present and that the City Council approved these minutes at their Regular Council meeting held on February 24, 2016.

Dated this 25th day of February 2016.

/s/ Sonia Cornelio, City Clerk