

MINUTES

REGULAR MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
MAY 9, 2017
7:00 PM

1. CALL TO THE ORDER /ROLL CALL: The meeting was called to order at approximately 7:06 PM., by Chairman Bill Cordova.

2. PLEDGE OF ALLEGIANCE: Pledge of Allegiance was led by Chairman Bill Cordova.

PRESENT:

Chairman Bill Cordova
Vice Chairman Javier Barraza
Commission Member Daniel Bazua
Commission Member Hugo Garcia
Commission Member Guillermina Fuentes
Commission Member Marco A. Pinzon
Commission Member Jose A. Ponce

ABSENT:

OTHER PRESENT: Jose A. Guzman, Acting Planning and Zoning Director
Roman Pacheco, Planning Technician
Tadeo A. De La Hoya, City Manager
Kay Macuil, City Attorney
Ray Urias, Attorney
Richard Bauermann, Firefighter/EMPT

3. CONSENT AGENDA:

3. A. MINUTES OF

- [Special Planning & Zoning Commission Meeting held November 29, 2016](#)
- [Regular Planning & Zoning Commission Meeting held April 11, 2017](#)

MOTION: **Javier Barraza / Hugo Garcia** to APPROVE the Consent Agenda as presented. Motion passed unanimously (7-0).

4. PUBLIC HEARINGS

4. A. Public hearing followed by discussion and possible action on any and all matters regarding Minor General Plan Amendment Case No. 2017-0260. A request by R&G Associated LLC to amend the 2020 General Plan by changing the Land Use Designation of 3 acres of land, located on the northeast corner of County 24th Street and Avenue F, from Neighborhood to Activity Center.

[A. Open Public Hearing](#)

MOTION: **Marco A. Pinzon / Jose Ponce** to open public hearing. Motion passed unanimously (7-0).

Jose A. Guzman, Acting Planning and Zoning Director, summarized staff report recommending APPROVAL of Minor General Plan Case No. 2017-0260.

Questions for Staff

Commission Member Guillermina Fuentes asked what it that they are putting is. What type of business? **Mr. Guzman** responded as mentioned in the staff report, is for the construction of a convenient store with a gas station and commercial spaces. **Fuentes** responded and does it have a restriction on the kind of business they are putting? **Guzman** responded yes the rezoning will be conditioned that they will have to do a traffic study before any building permit is issued. **Chairman Bill Cordova** stated but there are no plans exactly as to what types of businesses, just that we are rezoning right now to allow for commercial business?

Guzman responded that what they mentioned is that they are doing a convenient store with a gas station and some office spaces, like a kind of Circle K and small commercial mall. **Fuentes** furthermore asked when the traffic study is conducted then it will get back to the commission? **Guzman** responded no that will be a building permit process. However, the developer will need to do any improvements that the traffic study specify.

B. Close Public Hearing

MOTION: **Jose Ponce / Marco A. Pinzon** to close public hearing. Motion passed unanimously (7-0).

C. Action

MOTION: **Jose Barraza / Hugo Garcia** to APPROVE Minor General Plan Amendment Case No. 2017-0260. Motion passed unanimously with 7-0 votes.

5. INFORMATION AND DISCUSSION ITEMS

5. A. Discussion and possible action on recommendation to City Council regarding enforcement of attendance of the Planning and Zoning Commission.

Jose A. Guzman, Acting Planning and Zoning Director, stated that at the last meeting it was mentioned to staff to see the attendance report and the last two years there's been only two meetings that we have not have a quorum present. A commission member with three (3) successive unexcused or unexplained absences shall be grounds for termination at the will and pleasure of the City Council. Staff will take this report to City Council for action at the desire of Planning Commission. **Fuentes** asked how we enforce this ordinance. **Guzman** responded that staff keep records of absences but from my understanding we have not taken this to Council before but if this is your directive given to staff we will take this to Council for action. **Barraza** asked without mentioning any names do you have anybody that have the three unexcused. **Guzman** responded that he has a report and would have to double check to see which one are unexcused but I can give you an exact number base on that. **Pinzon** mentioned that the big question here is that the concern was to enforce the

rules of three unexcused absences, so the question is do we enforce it as members or do you staff, or who responsibility is it to report to Council? **Tadeo A. De La Hoya, City Manager** stated you have ordinance No. 62 which pass and adopted back in 1987. So it allows for enforcement of three (3) successive unexcused absences. As it was mentioned by staff I do not know if that has been enforce or not. We would have to look into it but definitely will be something that our legal department would enforce and at the end City Council would have to do the removal and appointment of someone new that has been absent with three (3) successive unexcused absences. So City Council will be the one enforcing the ordinance. **Barraza** asked is this going to be retroactive if they checked the report? **Ray Urias, Attorney** responded this was brought up at the last meeting for discussion, you are now discussing it. You are free as the commission to make up some kind of motion or statement that you want to forward to Council. Obviously, staff will be talking to Council about this. My recommendation will be not to go retroactive because that raises a whole lot of other legal issues. If you going to start enforcing a rule you normally give a warning, "July 1st, we are going to start enforcing this rule strictly" and then people are in know of that. But if you do not give that notice especially going retractably nobody knew you were going to do that. And then there is some due process procedure or do process failure in the law people can bring up. So, I would recommend avoiding that. Furthermore Mr. Guzman stated for the record, that I have with me, for the last two (2) years we have not had a commission member be unexcused absent for three consecutive days. We have one case were we had one new member in the commission but he never showed up for one, second and third time and then we took this to City Council for action and they appointed someone else.

MOTION: **Bill Cordova / Javier Barraza** to direct staff to enforce the ordinance. Motion passed unanimously (7-0).

7. CALL TO THE PUBLIC

There were no public comments

8. ADJOURNMENT

MOTION: **Marco A. Pinzon / Jose Ponce** to adjourn the Regular Planning & Zoning Meeting at approximately 7:31 p.m. Motion passed unanimously.