

"HUB OF THE SOUTHWEST"

465 1st Avenue
P.O. Box 970
Holbrook, AZ 86025

OUR MISSION

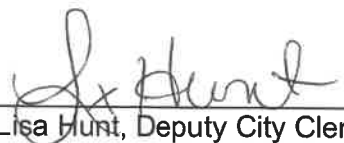
City of Holbrook Government exists to provide ethical and responsible local government.

AGENDA

Regular City Council Meeting
6:00 p.m. April 22, 2021

1. CALL TO ORDER:
2. ROLL CALL:
3. PLEDGE OF ALLEGIANCE/INVOCATION:
4. CONSENT AGENDA:
 - a. April 8, 2021 meeting minutes. Tab 1
5. CALL TO THE PUBLIC FOR AGENDA ITEMS:
*A five-minute time limit per individual is available at this time for Agenda items.
6. NEW BUSINESS:
 - a. Ordinance 21-02 - 2nd reading: An Ordinance regarding business licenses. Tab 2
 - b. Ordinance 21-03 - 2nd reading: An Ordinance regarding consolidated elections. Tab 3
 - c. Ordinance 21-04 - 2nd reading: An Ordinance regarding recreational marijuana. Tab 4
 - d. Ordinance 21-05 - 2nd reading: An Ordinance regarding the sale of real property. Tab 5
7. CALL TO THE PUBLIC FOR NON-AGENDA ITEMS:
*A three-minute time limit per individual is available at this time for non-agenda items.
8. SUMMARY OF CURRENT EVENTS:
Mayor:
Council Members:
City Manager:
9. SUBMISSION OF WRITTEN PETITION FOR ITEMS NOT ON THE AGENDA:
**Requests to have an item discussed on the Agenda.
10. ADJOURNMENT

Posted the 19th day of April 2021.


Lisa Hunt, Deputy City Clerk

*Individuals must submit a "Request to Address City Council" form to the City Clerk prior to the start of the meeting.

Anyone may address the City Council on any issue within the jurisdiction of the Council. City Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01 (H), action taken as a result of public comment will be limited to directing City staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date. Items on the agenda will not be heard or discussed in Call to the Public. Video or audio tapes or other overhead visual aids are not allowed during these public appearances. All speakers should begin their remarks by stating their name and address for the record.

**Requests to have an item discussed on a future agenda should be presented on the "Request and Petition of citizens to City of Holbrook Council" form during the Submission of Written Petition for Items Not on the Agenda to the Council at a regular meeting. Once this form is submitted, the Council will consider the petition and a response will be given within 31 days per the Holbrook City Charter Article II, Section 2.18.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the meeting. Individual members of the public may respond to criticism made by those who have addressed the public body.

Pursuant to ARS 38-431.02, notice is hereby given to the Holbrook City Council, and to the General public that a meeting, which is open to the public, will be held on above-mentioned date, in the City Council Chambers, at 465 First Avenue, Holbrook, Arizona. Members of the City Council may choose to participate in this meeting telephonically. The City Council may adjourn into executive session, which will not be open to the public, to discuss certain matters in accordance with ARS 38-431.03. Electronic versions of this agenda can be found at www.ci.holbrook.az.us.

MINUTES OF THE REGULAR MEETING
OF THE HOLBROOK CITY COUNCIL HELD ON
April 8, 2021

CALL TO ORDER: Vice Mayor Payne called the meeting to order at 6:00 p.m.

ROLL CALL: Vice Mayor Francie Payne, Councilmembers Tim Dixon, Earl Kester, Adam Marsh, Mike Nilsson, and Kip Woolford appeared in Council Chambers. Mayor Merrill Young was excused.

CITY STAFF: City Manager Ted Soltis and Deputy City Clerk Lisa Hunt.

PLEDGE OF ALLEGIANCE/INVOCATION: The Pledge of Allegiance was led by Councilmember Marsh. The Invocation was given by Gloria Montoya from Day Star.

CONSENT AGENDA:

March 25, 2021 meeting minutes

MOTION: Councilmember Dixon

SECONDED: Councilmember Nilsson

MOTION CARRIED

CALL TO THE AUDIENCE FOR ITEMS ON THE AGENDA: David Smith spoke in opposition to Ordinance 21-02, an Ordinance regarding business licenses.

NEW BUSINESS:

- a. Ordinance 21-02 – 1st reading: An Ordinance regarding business licenses. Vice Mayor Payne read the Ordinance by heading.
- b. Ordinance 21-03 – 1st reading: An Ordinance regarding consolidated elections. Vice Mayor Payne read the Ordinance by heading.
- c. Ordinance 21-04 – 1st reading: An Ordinance regarding recreational marijuana. Vice Mayor Payne read the Ordinance by heading.
- d. Ordinance 21-05 – 1st reading: An Ordinance regarding the sale of real property. Vice Mayor Payne read the Ordinance by heading.
- e. Proclamation: Fair Housing Month. The Proclamation was read by Deputy City Clerk, Lisa Hunt.

CALL TO THE PUBLIC FOR NON-AGENDA ITEMS: None

SUMMARY OF CURRENT EVENTS-COUNCILMEMBERS:

*Councilmember Kester said Happy Easter to everyone.

*Councilmember Marsh praised the success of the Holbrook Cleanup. He shared that he appreciates everyone that helped including the Chamber of Commerce and City Staff. He stated that it is amazing how one morning made such a big difference.

*Councilmember Woolford apologized for being late. He said that there was great participation in the Holbrook Cleanup. He also thanked Mr. Smith for speaking and encouraged other citizens and businesses to reach out to Councilmembers.

*Vice Mayor Payne also thanked the volunteers doing the Holbrook Cleanup. She said that the Chamber of Commerce did a great job of organizing it and that the City pitched in.

SUMMARY OF CURRENT EVENTS-CITY MANAGER:

*City Manager Soltis and Vice Mayor Payne met with representatives of the Consulate General of Mexico in Phoenix. They discussed Arizona's recent acceptance of the Consular Identification card for identification in Arizona. The card will provide quick and accurate information on the identity of individuals. The police department has been provided with details on the identification cards.

*The Fitness Center is now open 24 – 7. With the use of FOBs there is no need to lock and unlock the facility.

*The City is in the process of preparing facilities to open Memorial Day weekend.

-Cleaning up the parks.

-Recarpeting the minigolf course.

-Finishing concrete repairs on the splash pad.

-Installing a new tankless hot water system at the pool. The new system will be energy efficient.

SUBMISSION OF WRITTEN PETITION FOR ITEMS NOT ON THE AGENDA: None

ADJOURNMENT:

MOTION: Councilmember Dixon

SECONDED: Councilmember Kester

MOTION CARRIED

Meeting adjourned at 6:21 pm

I hereby certify that the forgoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Holbrook City Council held on April 8, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Lisa Hunt, Deputy Clerk

PASSED, APPROVED AND ADOPTED this 22nd day of April 2021.

J. Merrill Young, Mayor

**City of Holbrook
Council Action Form**

Meeting Date: April 22, 2021

Tab: _____

To: Mayor and City Council

From: Ted Soltis, City Manager

Subject: Ordinance 21-03 - Regarding consolidated elections

Discussion: The City of Holbrook’s election cycle is in conflict with the State of Arizona’s consolidated election cycle. Per charter this conflict must be eliminated.

The Holbrook City Charter states the following:

“Section 9.10 Time of Holding Primary Elections. Primary elections shall be held on dates that conform to State and Federal law.”

“Section 9.11 Time of Holding General Elections. General elections shall be held on dates that conform to State and Federal law.”

Fiscal Impact: Reduced costs due to cooperative agreement with the County.

Recommendation: Approve Ordinance 21-03 as presented.

Submitted by: 

Ted Soltis, City Manager

Exhibit "A"

1-2-7 Elections

- A. Term of Mayor: The Mayor shall be elected for a term of four years.
- B. Terms of Council Members: Council Members shall be elected for terms of four years each, and three shall be elected every two years.
- C. Consolidated Elections: The next election, per the State of Arizona consolidated election cycle, will be held in August 2022 with a run-off election, in November 2022, if necessary.
- D. Terms Extended: To comply with the State mandated consolidated election cycle, terms will be extended as follows: Council Member terms ending in May 2021 will be extended to December 2022; Council Member terms ending in May 2023 will be extended to December 2024; and the Mayor's term ending in May 2023 will be extended to December 2024.

**City of Holbrook
Council Action Form**

Meeting Date: April 22, 2021

Tab: _____

To: Mayor and City Council

From: Ted Soltis

Subject: Business License


Discussion: The business license was modified at the request of a Council member responding to requests from business owners.

Presently the Holbrook City Code requires business licenses only of those engaging in a temporary business.

This ordinance will equally apply the City's current business license to both temporary and permanent businesses. Minor changes were made to modify the current business license.

Fiscal Impact: Approximately \$2,000 in revenue the 1st year and \$1,000 the 2nd year.

Recommendation: Approve Ordinance 21-02 regarding business licenses.

Submitted by:  _____
Ted Soltis, City Manager

ORDINANCE 21-02

AN ORDINANCE OF THE CITY OF HOLBROOK, ARIZONA, REGARDING BUSINESS LICENSES

WHEREAS, businesses operate within the City of Holbrook; and

WHEREAS, the City has no mechanism for ensuring that they are operating in accordance with applicable laws; and

WHEREAS, it is the desire of the Mayor and City Council to protect the health, safety, and welfare of the residents of the City of Holbrook.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HOLBROOK:

SECTION 1: Holbrook City Code Article 2-1 Transient Merchants is repealed in its entirety and replaced with attached Exhibit "A".

SECTION 2: The first-year application fee will be \$24.00 with an annual fee thereafter of \$12.00. Future fee adjustments will be set by resolution.

SECTION 3: The City Manager is authorized to carry out the terms of this Ordinance including, but not limited to, developing appropriate application forms.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HOLBROOK, ARIZONA, this 22nd day of April 2021.

APPROVED/EXECUTED:

APPROVED AS TO FORM:

J. Merrill Young, Mayor

Bradley A. Burns, City Attorney

ATTEST:

Lisa Hunt, Deputy City Clerk

Exhibit "A"

ARTICLE 2-1 BUSINESS LICENSE

- 2-1-1 Definition
- 2-1-2 License Required
- 2-1-3 License Fee
- 2-1-4 Exemptions

2-1-1 Definition

"Business" means any person, firm, corporation or other entity, whether as owner, agent, consignee or employee, or whether a resident of the City of Holbrook, Arizona, that engages in a business selling or delivering goods, wares, or services, or who conducts meetings open to the general public where franchises, distributorships, or contacts or business opportunities are offered to participants.

2-1-2 License Required

It is unlawful for any person or other entity or for any agent, servant, or employee of any person or other entity to engage in, carry on or conduct business without first obtaining from the City of Holbrook a license to do so. It is unlawful for any person or other entity owning property on which a merchant conducts business to allow the conduct of a business without requiring the merchant to provide a copy of a current license.

2-1-3 License Fee

City Council shall set the license fee by resolution for engaging in, carrying on, or conducting business within the City of Holbrook.

2-1-4 Exemptions

A business shall not include a person who sells his own property at a yard sale, which property was not acquired for resale, barter or exchange, and who does not conduct such sales or act as a participant by furnishing goods for such sales more than twice during a calendar year.

**City of Holbrook
Business License Application**

Business Name: _____

Physical Address: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Business Phone: _____ Email: _____

Owner/Operator: _____

Address: _____

City: _____ State: _____ Zip: _____

Owner Phone: _____ Email: _____

Arizona Transaction Privilege Tax Number: _____

Other Required License Number: _____

Federal Employer Identification Number: _____

Business Type: (Corporation, Partnership, Sole Proprietor, etc.): _____

Description of Business: _____

Note: Any Home Occupation Business must comply with the Holbrook City Code.

Official Use Only

Fee Paid: _____ Date: _____

Building Department Approval: _____ Date: _____

Planning and Zoning Approval: _____ Date: _____

Finance Department Approval: _____ Date: _____

Notes: _____

Notice of Intent

Business License

On April 8, 2021 at 6:00 p.m. in City Hall, Holbrook City Council will be considering a proposed Business License with an annual fee of \$24.00. On April 22, 2021 at 6:00 p.m. City Council will vote on the proposed Business License. This report provides an explanation for the license fee.

1. Verification of proper zoning for the proposed business. Submittal of a business license application allows staff to verify that the proposed business is in compliance with the underlying zoning requirements for the location prior to opening.
2. Verification of building and fire code compliance. A review of the address allows staff to verify that there are no outstanding building or fire code violations that need to be addressed prior to the business opening.
3. Verification of proper licensing, such as a contractor's license, prior to issuance of a permit.
4. Verification of sales tax information both initially and annually to ensure information is kept up-to-date.
5. Verification of owner contact information initially and annually. Business permit information is used to contact the business owner in the event of an emergency, such as a break in or a water leak.
6. Open-Source check. An open-source check will be used to verify that there are no legal issues with granting the business license.

Posted per A.R.S. § 9-499.15

**City of Holbrook
Council Action Form**

Meeting Date: April 22, 2021

Tab: _____

To: Mayor and City Council

From: Ted Soltis, City Manager

Subject: Ordinance 21-04: Regulating Recreational Marijuana

Discussion: On November 3, 2020 voters approved Proposition 207 relating to the retail sale, cultivation, or processing of marijuana. It is now codified in the Arizona Revised Statute and is regulated by the Arizona Department of Health Services.

A number of individuals have enquired about the retail sale, cultivation, and processing of marijuana in the City of Holbrook.

Ordinance 21-04 is based on the model ordinance provided by General Council at the League of Arizona Cities and Towns. The final version, reviewed by the City's attorney, was modified to meet the formatting requirements of the Holbrook City Code.

Fiscal Impact: No negative fiscal impact

Recommendation: Approve Ordinance 21-04.

Submitted by: _____


Ted Soltis, City Manager

ORDINANCE 21-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOLBROOK, ARIZONA, REGULATING RECREATIONAL MARIJUANA

WHEREAS, marijuana contains tetrahydrocannabinol (“THC”), which remains on Schedule I of the Controlled Substances Act pursuant to 21 U.S.C. § 811 et al. and any possession and use is a violation of federal law pursuant to 21 U.S.C. § 841 et. al.; and

WHEREAS, the Arizona Medical Marijuana Act, Arizona Revised Statutes Sections § 36-2801 et al., and Title 9, Chapter 17 of the Arizona Administrative Code allow the establishment and operation of nonprofit medical marijuana dispensaries according to a prescribed statutory and regulatory process; and

WHEREAS, the statewide ballot measure I-23-2020, known as “Smart and Safe Arizona Act” certified as Proposition 207 and placed on the November 3, 2020 general election ballot and contains provisions authorizing the possession, consumption, purchase, processing, manufacturing or transporting of marijuana by an individual who is at least twenty-one (21) years of age; authorizing possession, transport, cultivation or processing of marijuana plants in a primary residence by adults over 21 years of older; allowing a nonprofit medical marijuana dispensary or other non-dispensary applicant to apply to the Department of Health Services to become a licensed marijuana establishment authorized to engage in the retail sale, cultivation and manufacturing of marijuana; and allowing the Department, or another entity designated by the Department, to become a marijuana testing facility to test the potency of marijuana and detect any harmful contaminants; and

WHEREAS, Proposition 207 authorizes marijuana establishments to use chemical extraction or chemical synthesis, including butane and other flammable gases, to extract marijuana concentrate, which poses a threat to the health, safety and security of the community and increases the responsibilities of law enforcement and other departments to respond to violations of state and local laws, including building, electrical and fire codes; and

WHEREAS, the Mayor and City Council of the City of Holbrook seek to protect public health, safety, and welfare by enacting reasonable zoning regulations to limit the number of marijuana establishments and/or marijuana testing facilities.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HOLBROOK:

SECTION 1: Holbrook City Code, is amended by adding attached Exhibit “A”

SECTION 2: The City Manager is authorized to carry out the terms of this Ordinance.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HOLBROOK, ARIZONA, this 22nd day of April 2021.

APPROVED/EXECUTED:

APPROVED AS TO FORM:

J. Merrill Young, Mayor

Bradley A. Burns, City Attorney

ATTEST:

Lisa Hunt, Deputy City Clerk

Exhibit "A"

ARTICLE 6-6 Recreational Marijuana

6-6-1 Purpose

6-6-2 Definitions

6-6-3 Marijuana Prohibited on Public Property

6-6-4 Marijuana Testing Facility Permitted.

6-6-5 Marijuana Establishments Permitted; Nonresidential

6-6-6 Individual's Primary Residence for Personal Use

6-6-7 Retail Sales from Marijuana and Marijuana Products

6-6-8 Fees

6-6-9 Violations

6-6-10 Enforcement; Penalties

6-6-1 Purpose

This is adopted to protect the health, safety, and welfare of the community. Except as allowed by law for personal, or private use, the City enacts reasonable regulations and requires compliance with zoning laws for the retail sale, cultivation, and manufacturing of marijuana or marijuana products in a marijuana establishment or marijuana testing facility and the cultivation, processing, and manufacturing of marijuana in a primary residence. Nothing in this article is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of marijuana or marijuana products in violation of any applicable law.

6-6-2 Definitions

The below words and phrases, wherever used in this article, shall be construed as defined in this section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

- A. "*Chemical Extraction*" means the process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.
- B. "*Chemical Synthesis*" means production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.
- C. "*Consume*" "*Consuming*," and "*Consumption*" mean the act of ingesting, inhaling or otherwise introducing marijuana into the human body.
- D. "*Consumer*" means an individual who is at least twenty-one years of age and who purchases marijuana or marijuana products.
- E. "*Cultivate*" and "*Cultivation*" mean to propagate, breed, grow, prepare and package marijuana.
- F. "*Deliver*" and "*Delivery*" mean the transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail location of a marijuana establishment.

- G. “*Department*” means the State of Arizona Department of Health Services or its successor agency.
- H. “*Dual Licensee*” means an entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.
- I. “*Enclosed Area*” means a building, greenhouse, or other structure that has:
1. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;
 2. Is secure against unauthorized entry;
 3. Has a foundation, slab or equivalent base to which the floor is securely attached; and
 4. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.
- J. “*Extraction*” means the process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents, or other chemicals or chemical processes.
- K. “*Manufacture*” and “*Manufacturing*” mean to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.
- L. “*Marijuana*”
1. Means all parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.
 2. Includes cannabis as defined in A.R.S. § 13-3401.
 3. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
- M. “*Marijuana Concentrate*”
1. Means resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.
 2. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.
- N. “*Marijuana Establishment*” means an entity licensed by the Department to operate all of the following:
1. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
 2. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
 3. A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

- O. *“Marijuana Products”* means marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.
- P. *“Marijuana Testing Facility”* means the Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.
- Q. *“Nonprofit Medical Marijuana Dispensary”* means a nonprofit entity as defined in A.R.S. § 36-2801(12).
- R. *“Open Space”* means a public park, public sidewalk, public walkway or public pedestrian thoroughfare.
- S. *“Person”* means an individual, partnership, corporation, association, or any other entity of whatever kind or nature.
- T. *“Process” and “Processing”* means to harvest, dry, cure, trim or separate parts of the marijuana plant.
- U. *“Public Place”* has the same meaning prescribed in the Smoke-Free-Arizona Act, A.R.S. § 36-601.01.
- V. *“Smoke”* means to inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic.

6-6-3 Marijuana Prohibited on Public Property.

- A. The use, sale, cultivation, manufacture, production or distribution of marijuana or marijuana products is prohibited on property that is occupied, owned, controlled or operated by the City.
- B. It is unlawful for an individual to smoke marijuana in a public place or open space in the City.

6-6-4 Marijuana Testing Facility Permitted.

- A. It shall be unlawful for a person to operate a marijuana testing facility at any location within the City without obtaining a License from the City.
- B. A marijuana testing facility is permitted in City subject to the following conditions:
 1. Shall ensure that access to the area of the facility where marijuana or marijuana products are being tested or stored for testing is limited to a facility’s owners or authorized agents.
 2. Shall ensure that transportation of marijuana or marijuana products is in compliance with applicable law.
 3. Shall comply with all testing processes, protocols, standards, and criteria adopted by the Department for testing marijuana and marijuana products.
 4. Shall maintain records, equipment and instrumentation as required by the Department.
 5. Shall submit a written security plan to the City that specifies the measures that will be taken to deter and prevent unauthorized entrance into limited access areas including the use of security equipment to detect unauthorized intrusion, exterior lighting to

facilitate surveillance, and electronic monitoring such as video cameras that provide coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building and has sufficient recording resolution.

6-6-5 Marijuana Establishments Permitted; Nonresidential.

- A. It shall be unlawful for a person to operate a marijuana establishment at any location within the City without obtaining a license from the City.
- B. If authorized by state law and a license has been obtained from the City, a marijuana establishment is permitted subject to the following conditions and limitations:
 - 1. To the fullest extent allowable by law, shall be authorized for:
 - a. A dual licensee who operates both a nonprofit medical marijuana dispensary and marijuana establishment.
 - b. Any other entity licensed by the Department to provide marijuana or marijuana products to consumers.
 - 2. Shall be authorized in C-2, I-1, I-2 zoning districts.
 - 3. Shall not be located within 500' feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public cemetery or community center. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property line of the protected use.
 - 4. Shall be located in a permanent building on an established foundation adhering to building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.
 - 5. Shall have operating hours not earlier than 8:00 a.m. and not later than 7:00 p.m.
 - 6. Shall not provide drive-thru services or offsite deliveries of marijuana or marijuana products.
 - 7. Shall not allow a person to consume marijuana or marijuana products on the premises or provide outdoor seating areas.
 - 8. Shall provide for proper disposal of marijuana remnants or by-products. The remnants or by-products shall not to be placed within the facility's exterior refuse containers, City trash can, bin or other City facility, or in any park refuse container.
 - 9. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the City.
 - 10. Shall not sell marijuana or marijuana products, except as permitted by state law to consumers.
 - 11. Shall not display or keep marijuana or marijuana products that are visible from outside the premises.

12. Shall comply with applicable Navajo County health regulations for food preparation and handling.
13. Shall comply with applicable laws to safely and securely engage in extraction processes.
14. Shall submit a written security plan to the City that describes the actions taken to deter and prevent unauthorized entrance into limited access areas including use of security equipment, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras.
15. For a marijuana establishment that engages in cultivation or manufacturing, shall submit a written operations plan to the City that describes the following:
 - a. Procedures showing that the marijuana cultivation will be conducted in accordance with state and local laws and regulations regarding use and disposal of pesticides and fertilizers.
 - b. The legal water source, irrigation plan, wastewater systems to be used, and projected water use.
 - c. The plan for addressing odor and other public nuisances that may derive from the establishment.

6-6-6 Individual's Primary Residence for Personal Use.

- A. To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation, and cultivation is permitted in a residential zoning district subject to the following conditions and limitation:
 1. It shall be unlawful for any individual who is at least twenty-one (21) years of age to possess, transport, cultivate or process more than six (6) marijuana plants.
 2. It shall be unlawful for two or more individuals who are at least twenty-one (21) year of age to possess, transport, cultivate or process more than twelve (12) marijuana plants at the individuals' primary residence.
 3. Except as provided by A.R.S. § 36-2801 et al. and this Section, it shall be unlawful for an individual to otherwise cultivate marijuana in a residential zoning district within the City limits.
 4. Individuals shall not process or manufacture marijuana by means of any liquid or gas other than alcohol, that has a flashpoint below one hundred (100) degrees Fahrenheit.
 5. Kitchen, bathrooms, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing, or cultivation.
 6. A residence shall not emit dust, fumes, vapors, or odors into the environment and individuals shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the City.
 7. Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.

8. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft, or other optical aids.

6-6-7 Retail Sales from Marijuana and Marijuana Products.

To the fullest extent allowable by law, the sale of marijuana and marijuana products is authorized within the City from a marijuana establishment and is tangible personal property as defined in A.R.S. § 42-5001 and subject to the transaction privilege tax in the retail classification and use tax.

6-6-8 Fees.

- A. The fee for the Business License shall be established by resolution.

6-6-9 Violations.

- A. It is unlawful and a violation of this article for a person to sell, cultivate, process, manufacture or transport marijuana or marijuana products if the person fails to meet all the requirements in this article or state law, including the Department's rules.
- B. It is a violation of this article for any person to provide false information on any license application.
- C. Each day any violation of any provision of this article shall continue shall constitute a separate offense.

6-6-10 Enforcement; Penalties.

- A. The license may be revoked by the City for violation of any provision of this article, for any violation of the requirements of the permit, or if the Department revokes the license for a marijuana establishment or marijuana testing facility. If a license is revoked, the licensee shall have the right to appeal the decision of the City.
- B. Violations of this article are in addition to any other violation enumerated within the City Code and in no way limits the penalties, actions or abatement procedures which may be taken by the City for any violation of this article, which is also a violation of any other ordinance or Code provision of the City, or federal or state law. Conviction and punishment of judgment and civil sanction against any person under this article shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.
- C. Civil Penalty: Violations of any provision of this article shall be civil code offenses which may be adjudicated and enforced by the City civil hearing.

**City of Holbrook
Council Action Form**

Meeting Date: April 8, 2021

Tab: _____

To: Mayor and City Council

From: Jason Foutz, Planning & Zoning Administrator

Subject: Sale of parcel #109-19-108 located on 4th Avenue.

Discussion: This parcel was placed for sale with a minimum bid of \$3,214 as per real estate valuation. Two bids were received. However, one bid was retracted as the parcel did not meet the bidder's requirements.

Fiscal Impact: +3,300

Recommendation: Approve sale of parcel #109-19-108 to Josh McDermott in the sum of \$3,300.

Submitted by: _____


Jason Foutz, Planning & Zoning Administrator

Approved by: _____


Ted Soltis, City Manager

To : City of Holbrook

Date - 3/30/21

From:

Josh McDermott

416 W Arizona St

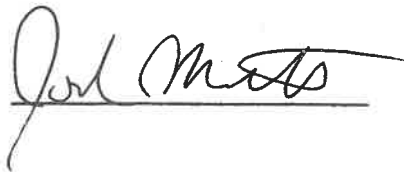
Holbrook, Az 86025

I would like to make an official bid on parcel #109-19-108 owned by the City of Holbrook in the amount of \$3,300. The parcel is located on 4th Ave between Arizona St and Buffalo St on the East side of 4th Ave.

Legal Description - Wetzler Addn: S 85' Of Lot 6 , Block 107 & Scorse Addn:S 85' Of Lot 14, Block 107

Signed

Josh McDermott

A handwritten signature in black ink, appearing to read "Josh McDermott", written over a horizontal line.

ORDINANCE 21-05

AN ORDINANCE OF THE CITY OF HOLBROOK, ARIZONA, REGARDING THE SALE OF REAL PROPERTY NAMELY PARCEL NUMBER 109-19-108

WHEREAS, City Council approved the acquisition of parcel number 109-19-108 from Mary F. Payne on January 27, 2017; and

WHEREAS, an adjacent property owner would like to purchase the property; and

WHEREAS, Holbrook City Charter, section 7.05 (f), requires an ordinance to sell real property.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HOLBROOK:

SECTION 1: The Property more fully described in attached Exhibit "A" will be sold to Josh McDermott.

SECTION 2: The City Manager is authorized to effectuate the sale of said property.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HOLBROOK, ARIZONA, this 22nd day of April 2021.

APPROVED/EXECUTED:

APPROVED AS TO FORM:

J. Merrill Young, Mayor

Bradley A. Burns, City Attorney

ATTEST:

Lisa Hunt, Deputy City Clerk

ORDINANCE NO. 21-05

Exhibit A

Legal Description: Wetzler Addition: S 85' of Lot 6, Block 107 and Scorse Addition: S 85' of Lot 14, Block 107.