

MINUTES
REGULAR WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS - YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
November 20, 2018
6:00 p.m.

CALL TO ORDER

Mayor Nicholls called the Regular City Council Worksession to order at 6:00 p.m.

Councilmembers Present: Shelton, Watts, Thomas, Knight, McClendon, Miller, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Assistant Director of Community Development, Randy Crist
City Engineer, Jeff Kramer
Director of Parks and Recreation, Deborah Wendt
Purchasing Contracts Manager, Robin Wilson
Principal Planner, Jennifer Albers
Various department heads or their representatives
City Attorney, Richard W. Files
City Clerk, Lynda Bushong

I. BUILDING CODE UPDATES

Crist presented a summary of the new 2018 Building Code updates as follows:

- Why is it time to update?
 - Allows for inclusion of the newest technologies and techniques
 - Required for the City to achieve a favorable Insurance Service Office (ISO) rating
 - Part of the City's normal rotation cycle
 - New code books are released every three years, but it is easier on the construction and design industries, as well as City finances and staff training, to follow a six-year cycle
 - Up-to-date codes save lives
- Review and Recommendation Process
 - 18 meetings totaling 36 hours of review by City staff, the Residential Advisory Board (RAB) and the Building Advisory Board (BAB)
 - City staff sent over 190 emails to the construction and design firms inviting them to participate in the review
 - The City of Somerton, the City of San Luis, and Yuma County were in attendance at the meetings
 - Participation from local architects, engineers, and contractors throughout the review process
 - Reviewed the codes electronically and displayed the text on a screen for the public
- 2018 International Building Code (commercial construction)
 - Differentiates between hospitals and nursing homes, whereas prior code grouped them together in the same category
 - Occupant load factor increased for business occupancies
 - This may have the effect of reducing bathroom requirements in small office buildings

- Wind and seismic design forces have decreased slightly
- Update of Americans with Disabilities Act (ADA) requirements to be in compliance with federal law
- Addition of construction debris standards
- 2018 International Existing Building Code
 - Reduced seismic retrofit requirements for buildings with less than 300 occupants
- 2018 International Residential Code
 - Addition of extra framing lumber around large window openings
 - Requires more nailing on roof eaves
 - Expanded use of arch fault devices
 - Increased insulation in attics and lowered Low-E [low emissivity of radiant heat] requirements for windows
 - Addition of regulations for tiny houses
 - Tiny houses are defined as being under 400 square-feet and not on wheels
- 2018 International Property Maintenance Code
 - Reduced initial timeframes for compliance
 - Updated board-up requirements for vacant structures
 - Prohibits the use of portable heaters as the sole heat source
- New 2018 International Swimming Pool and Spa Code
 - Provisions for fencing and anti-entrapment were previously included in the Residential Building Code and the Commercial Building Code, but were removed and a new Swimming Pool and Spa Code was created
 - Provides shape and dimension requirements for swimming pools
 - Protects from entrapment by pool drains
 - Provides requirements for barriers

After thorough review City staff, the RAB, and the BAB are recommending that City Council adopt the 2018 Building Codes. News releases were publicized on Channel 73 and via radio and all meetings were open to the public and allowed for public input.

Shelton asked if the news releases were sent to the Yuma Sun and local television stations. **Crist** stated that they were not, and noted that this may be an area that can be improved upon during the next Building Code review.

Knight asked if there was anything in the new codes that was objected to by any of Yuma's contractors. **Crist** stated that there was considerable discussion regarding the seismic aspects of the Building Code. Staff and members of the RAB and BAB were concerned that it would be confusing to have some areas of Yuma that could build to a lower seismic design category, however while there was extensive debate no objections were voiced.

Thomas asked if there has been any pushback regarding the requirement to keep residential construction sites clean. **Crist** stated that there were some issues due to the current wording of the code being too vague and not giving the City the authority to not conduct inspections when sites were unsafe for personnel. There has not been any pushback and everyone has been in favor of the requirement. **Thomas** asked if there are any tiny houses in Yuma. **Crist** stated that there were not any to his knowledge, but it is a trend fueled by increased living costs and a need for more affordable housing. This should not be an issue as long as these homes are built in the appropriate zoning district and meet all of the building codes.

Shelton asked if existing pools and spas will need to be retrofit to comply with the new Pool and Spa Code. **Crist** responded that they will not, however the Property Maintenance Code sets minimum standards for barriers which are required regardless of when the pool was constructed.

II. STORMWATER PROGRAM UPDATE

Kramer explained that the ultimate purpose of the stormwater program is to protect the health of the Colorado River. It began with the Clean Water Act of 1972 and was further shaped by the Water Quality Act of 1987 and most recently amended by the Clean Water Rule of 2015. Stormwater discharge is a federally regulated activity and all communities are required to comply. These regulations led to the creation of the National Pollutant Discharge Elimination System (NPDES) which is regulated by the Environmental Protection Agency (EPA). Authority has been delegated to the State level to the Arizona Department of Environmental Quality (ADEQ), resulting in the creation of the Arizona Pollutant Discharge Elimination System (AZPDES). These regulations apply to surface water only and do not include ground water, such as wells.

In 2003 ADEQ determined that the City of Yuma would be regulated as a Small Municipality based on population, which was less than 100,000 at the time. The Small Municipality designation required the City to comply with the requirements of the MS4 (Municipal Separate Storm Sewer System) permit, which means that the storm sewer system and the sanitary sewer system are separate. The NPDES program requires the City to prevent pollutants in the stormwater system from being introduced into the Waters of the US, which includes any waterway or tributary that leads to a waterway that ever has been or could be navigable for the purpose of commerce. Based on this definition, dry river beds in Arizona are considered Waters of the US even though they contain no water.

The City has three ordinances in place dating from 2005 to 2007 that affect stormwater regulation and are reviewed regularly to determine if updates are needed based on the requirements from the EPA and ADEQ. In order to meet the MS4 permit requirements the City was required to create a Stormwater Management Program (SWMP) which tells ADEQ how the City will comply with the permit requirements and the steps that will be taken to reduce pollutants from reaching the Colorado River. There are six Minimum Control Measures (MCMs) required by ADEQ, and the City's SWMP includes these six MCMs plus one Additional Control Measure (ACM):

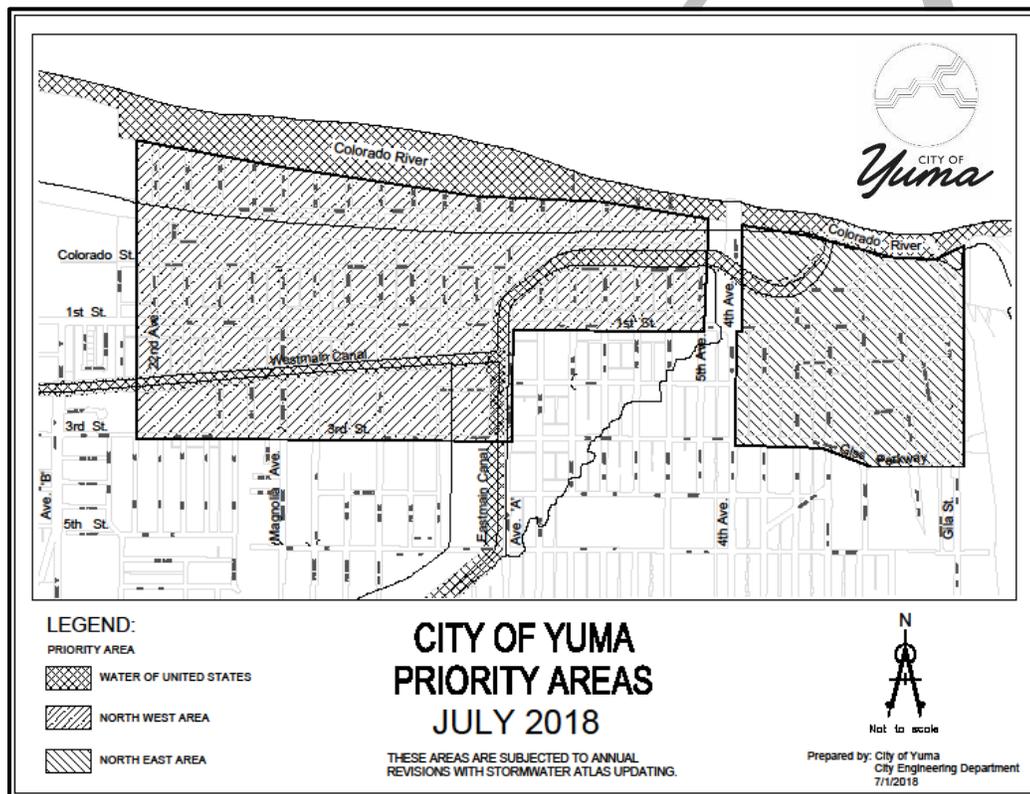
- 1) Public Education and Outreach
- 2) Public Involvement and Participation
- 3) Elicit Discharge Detection and Elimination
- 4) Construction Site Runoff Control
- 5) Post Construction Runoff Control
- 6) Good Housekeeping for Municipal Facilities and Operations

The MS4 permit requires annual reporting to ADEQ regarding what measures are being taken and how well the City is implementing its SWMP.

The Clean Water Act requires every state to develop a list of impaired Waters of the US based on pollutants that exceed federally mandated limits. In 2016 ADEQ declared the section of the Colorado River from the Yuma Main Canal to the Arizona-Mexico border impaired due to high selenium and low dissolved oxygen levels. The MS4 permit requires the implementation of measures to prevent exceedance of listed pollutants, so an ACM was added to address this impairment. In 2018 low dissolved oxygen was removed as an

impairment because the levels no longer exceeded the federally mandated limit, and the City continues to monitor and take action on selenium levels. Selenium is a naturally occurring metal that is present in soil and makes its way into the Colorado River through erosion or runoff, often due to construction activity.

In 2017 the City implemented a monitoring and testing program that requires both visual monitoring and testing of water discharges in the priority area (see map below). Anytime there is a rainfall event that meets the minimum criteria, the City observes the four outfalls within the priority area for discoloration, odors, and surface effect of hydrocarbons in addition to taking a sample for further testing for harmful substances. Yuma is the first small municipality to implement an Analytical Monitoring Program. Samples are submitted to a certified lab in Phoenix which performs selenium testing. The testing and monitoring is documented and those records are required to be kept for three years. So far this year, the City has spent \$3,358 on the monitoring and testing program; this amount varies from year to year based on the amount of rainfall that occurs. In addition to this testing, regular cleaning of catch basins and outfalls is conducted in the priority area to remove debris and make sure the pathway from the outlets to the river are clear.



The MS4 permit requirements also have an impact on City operations, both directly as a result of City activities and indirectly through activities over which the City has control such as development. Direct City operations include Capital Improvement Program projects, operations within streets and rights-of-way, and facilities including maintenance shops, City-owned buildings, and storage facilities. City controlled operations include any runoff from private development and discharges from developed sites that may drain into the Colorado River. All construction sites, including both City projects and private developer projects, over one acre are required to obtain an ADEQ permit in addition to implementing a Stormwater Pollution Protection Plan (SWPPP). The SWPPP identifies best management practices to prevent debris and contaminants from entering the storm drain system and/or into the Colorado River.

On May 1st of this year ADEQ performed an audit on the City and on May 21st issued a Notice of Violations (NOV), citing six significant violations and three other violations that the City was required to address. The majority of the violations were related to documentation compliance, not implementation deficiencies, and have since been corrected. The City formulated a comprehensive and thorough response to ADEQ, which was submitted along with an Enforcement Response Plan on July 2nd, and on July 8th the ADEQ closed the NOV. As a result, the City as developed a multiple activity tracking database and multiple written procedures. An additional public reporting option was created in the form of an email address, storm@yumaaz.gov, which is monitored by several staff, and reported violations are entered into a database and assigned for response. Documentation has been upgraded for other required program elements, and the availability and visibility of information on the City's website has been enhanced.

Mayor Nicholls noted that there have been rumors that the EPA is considering revising the designation of Waters of the US to no longer include bodies of water that cannot convey a watercraft. **Kramer** stated that he believes this change is still under review by the EPA as he has not seen or heard anything about a final rule being issued.

Shelton mentioned that he was unaware of the ability to report violations to the storm@yumaaz.gov email address and suggested that additional outreach take place to inform the public of this option. **Kramer** stated that the City's stormwater information brochure will be updated to highlight the email reporting option, and it will also be mentioned in a Public Service Announcement that is currently in the works.

Knight asked what the impact will be to the stormwater program once the population of Yuma exceeds 100,000. **Ibrahim Osman**, owner of Osman Engineering and the City's stormwater consultant, explained that the City was designated as a Small Municipality based on the 2002 census and will retain this designation even if the population reaches more than 100,000.

Watts asked what is done with the sludge that is removed when catch basins and outfall drains are cleaned. **Kramer** stated that it is taken to the wastewater plant for processing.

III. REGULAR CITY COUNCIL MEETING AGENDA OF NOVEMBER 21, 2018

Motion Consent Agenda Item B.2 – Liquor License: 270 Black Box Theatre (approve a new series #05 Government Liquor License for 270 Black Box Theatre located at 270 S. Main Street) (LL18-15) (Admin)

McClendon asked when the 270 Black Box Theatre will open. **Wendt** stated that a soft opening took place about three weeks ago and the theatre is now open for business. The theatre is available for rentals, and staff is already working on the schedule.

Motion Consent Agenda Item B.4 – Cooperative Purchase Agreement: Interlocal Agreement with Texas Department of Information Resources (for the purpose of purchasing information resource technology goods and services) (Purchasing)

Shelton asked if there was a reason that this agreement was made with the state of Texas. **Wilson** explained that the City has entered into several hundreds of different cooperative purchase agreements with states

throughout the country, this agreement being the second with the state of Texas. This particular cooperative purchase agreement was selected specifically because of the software programs offered that meet the City's needs.

Public Hearing R2018-039 – General Plan Amendment: Avenue 6E Land (amend the City of Yuma General Plan to change the land use designation from Rural Density Residential to Low Density Residential for property located at the northeast corner of Avenue 5 ½ E and 48th Street) (DCD)

Knight noted that the applicant has stated they plan to build 37 units in this area of the subdivision and asked if that is the maximum given the lot size restrictions. **Albers** clarified that different configurations could be built, but this is what the applicant is proposing. **Knight** asked if the City will require a wall to be built along the west side of the property similar to that which was required in the same subdivision further to the north. **Albers** stated that the Preannexation Development Agreement applies to the entire property, so the requirements for the higher wall height, non-access to Avenue 5 ½ E, and the higher setback will also apply to this area.

IV. EXECUTIVE SESSION

Motion (Thomas/Knight): To adjourn the meeting into Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 7:06 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor