

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**JUNE 1, 2016**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:33 p.m.

**INVOCATION/PLEDGE**

**Captain Randy Hartt** from the Salvation Army gave the invocation. **Joel Olea**, Director of Public Works, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present:	Thomas, Shelton, Knight, Craft, Miller, Wright, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Director of Community Development, Laurie Lineberry Neighborhood Services Manager, Rhonda Lee-James Various Department Heads or their representative City Attorney, Steven W. Moore City Clerk, Lynda L. Bushong

**FINAL CALL**

**Mayor Nicholls** made a final call for the submission of Speaker Request Forms from members of the audience.

**PRESENTATIONS** – There were no presentations scheduled at this time.

**I. MOTION CONSENT AGENDA**

**Motion** (Craft/Knight) to approve the Motion Consent Agenda as presented. Voice Vote: **approved** 7-0.

A. Approval of minutes of the following City Council meetings:

Regular Council Worksession	February 16, 2016
Regular Council Meeting	March 2, 2016

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Approve a Special Event Liquor License Application submitted by Lonie Ross-Misenhimer on behalf of Yuma Rotary Club for Dueling Pianos. The event will take place at the Arizona

Western College Schoenig Conference Center located at 2020 S Avenue 8E on Saturday, July 23, 2016, from 5:00 p.m. to 12:00 a.m. (SP16-16) (Admin/ Clerk)

3. Authorize the City Administrator to execute a Memorandum of Understanding with Crane Elementary School District No. 13 in support of the United States Department of Justice Community Oriented Policing Services 2013 Hiring Program Grant. (Police/Patrol)
4. Authorize the City Administrator to execute a memorandum of understanding with Yuma Elementary School District No. 1 in support of the United States Department of Justice Community Oriented Policing Services 2013 Hiring Program Grant. (Police/Patrol)
5. Authorize the City administrator to sign a Memorandum of Understanding with the Naval Criminal Investigative Service (NCIS) to share and access law enforcement information and records with NCIS and other partnering agencies via SoCalLInx. (Police/Admin)

**II. RESOLUTION CONSENT AGENDA** – There were no resolutions scheduled for adoption.

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

O2016-010 Zoning Code Text Amendment: Off-Site Signs – Amend Title 15, Chapter 145 (Sections: 01.07 and 17.04) to provide definitions and add regulations regarding off-site signage. (ZONE-13006-2016) (DCD/Planning)

**Motion** (Craft/Knight) to amend Ordinance O2016-010 as follows:

1. Amend the title, as presented, to correct the spelling of “**DEFINITIONS**” and “**ZONING**”;
2. Amend Section 1, as presented, to add Subsection (k) as follows:  
**(k) EMBELLISHMENTS. Letters, figures or mechanical devices that serves as add-ons to the billboard. These add-ons may extend beyond the standard advertising structure, all to produce special effects.**
3. Amend Section 2, Subsection (B) (6), as presented, to add the following language after “...two sign faces”:  
**; both of which may be static or digital.**
4. Amend Section 2, Subsection (B) (7), as presented, to add the following sentence as the end:  
**Then the sign faces can be spread to a maximum angle of 30 degrees.**
5. Amend Section 2, Subsection (B) (10) (a), as presented, to strike “5000” as the nit limit and replace it with: **7,500**
6. Amend Section 2, Subsection (B) as presented, to add the following as (11):  
**(11) Embellishments. Embellishments may extend no more than 5 feet above or below the horizontal edges and 3 feet beyond any vertical edge of the sign face area.**

And I further move to reintroduce Ordinance O2016-010, as amended. Voice Vote: **approved 7-0.**

Speakers

**Theresa Ulmer** 4315 N 12<sup>th</sup> Street, Phoenix, speaking on behalf of Lamar Advertising, provided City Council with the following information of how, she feels, Ordinance O2016-010 came about and stated Lamar's concerns:

- In February of 2015, City staff came forward with a proposal to make B-2 (General Commercial District) billboards non-conforming. This was a reaction to the billboard on 16<sup>th</sup> Street and 1st Ave, according to many people. The billboard is a Lamar digital billboard and was installed as permissible by the City.
- At the Planning and Zoning hearing in March, Del Outdoor Advertising and Better Yuma.org thanked Laurie and Greg for working with them for the last 8 months to draft these amendments.
- Lamar was not contacted directly to provide input, but became aware of the proposed text amendment after an article published by the Yuma Sun in May 2016.
- Lamar would like to request the process be delayed until all stakeholders input can be considered.
- According to the City, the goal is to reduce visual clutter but the text amendment would allow sign replacement that is contradictory to that goal
- Concerns regarding the nit level.

Discussion:

**Shelton** asked Ulmer what would be a more equitable solution to the text amendment. **Ulmer** requested that City Council become more engaged in what the long term goal is and have stakeholder meetings to reach that goal. **Wright** asked Ulmer if she felt that the City gave Lamar enough opportunity to give input regarding the changes in this ordinance. **Ulmer** stated that while they did not become involved until late in the process, she doesn't feel it's appropriate to blame staff since the City Attorney's office was more than willing to work with Lamar and there was notification in the newspaper. **Craft** questioned if the changes suggested were strictly to sway the competitive advantage from one to billboard company to the other. **Ulmer** responded that they are intended to level the playing field and increase the competition. **Craft** stated that the City has already delayed the process and is accommodating Lamar by compromising and making changes to the amendment. **Craft** opined that it just seems like at this point the issue is mostly about competition. **Ulmer** agreed that there has been plenty of discussion regarding the text amendment. However the changes Lamar is proposing are not to give Lamar an advantage. If the goal is to reduce clutter in the General Commercial (B-2) District, the text amendment is not going to do that.

**Knight** asked how the nit regulations being proposed compare with other municipalities. **Ulmer** stated that the nit level will be the lowest level in the state.

**Brandy Wright**, 1702 S Arizona Avenue, Del Outdoor Advertising, clarified that they came forward and approached the City to make changes to the ordinance because they felt it was restricting their local business from growing in the commercial areas of Yuma. By eliminating billboards in the General Commercial District, which is where most local businesses want to advertise, it was bad for business.

Discussion:

**Wright** expressed his agreement with the text amendment that has been worked out between the City, Del Outdoor, and Lamar.

**Mayor Nicholls** noted that the ordinance can be changed in the future if other proposals are received. He asked **Lineberry** to come forward to address some questions including light intensity and billboard size limit. **Lineberry** stated that the intent of the size limit is to prevent the sign from overpowering the building on the site. Billboards are an accessory use of the property not the primary use. She added that the idea was a cap of 27 feet with a 15 foot height clearance from the bottom to keep graffiti from occurring. It does not change signs that are currently non-conforming, but if the sign was replaced with a digital billboard it would then require the height to be lowered and maybe the size to be smaller so that it can fit.

**Shelton** asked if the City reached out to all stakeholders to discuss the changes of the regulations.

**Lineberry** clarified that staff typically does outreach when the City is proposing changes. **Shelton** made a point that businesses in the industry would be affected by these changes and they have a right to know and contribute. **Lineberry** agreed and stated that the City's opinion was that any changes made would benefit the billboard companies more than the current code.

**Nicholls** asked **Lineberry** to explain nit vs. foot-candle. **Lineberry** explained that the nit, when looking at the surface of the sign, is the brilliance of the sign and the foot-candle is the light as it is measured on the ground. **Thomas** asked how the nit would affect the night-flying pilot's and the safety of our military. **Lineberry** responded the City considered these concerns, which is one of the reasons that the lower brightness numbers were chosen.

At the request of the **Mayor**, **Bushong** displayed the following title:

#### **Ordinance O2016-010**

**An ordinance of the City Council of the City of Yuma, Arizona, Amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations, providing for changes to the zoning code to provide definitions related to off-site signage and to add regulations regarding off-site signage in the Light Industrial (L-I) District, Heavy Industrial (H-I) District, and General Commercial (B-2) District, and providing penalties for violations thereof (Provides definitions and adds regulations regarding off-site signage)**

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O2016-011 Lease: Yuma Private Industry Council – Authorize the City Administrator to execute a lease agreement with Yuma Private Industry Council for use of the Dr. Martin Luther King, Jr., Neighborhood Center. (DCD/Neighborhood Services)

**Thomas** asked if there was room for another organization at the Martin Luther King, Jr. Neighborhood Center (MLK Center) and if Yuma Private Industry Council (YPIC) has control of the entire building or just the portion that is funded with CDBG funds. **Lee-James** stated that the MLK Center is currently full. YPIC manages the MLK Center and operates out of the facility as well. There are other organizations operating in that location, such as JobCorp and Arizona Western College that also provide services standard with the CDBG objective. **Thomas** asked if there is a possibility for future arrangements with another organization based upon the scheduling. **Lee-James** responded that there is not a regulation as to how it would be leased other than meeting the standard of providing a service consistent with the CDBG National Objective. **Thomas** stated he was under the impression that the building was constructed with CDBG funds. **Lee-James** explained that a portion of the building was

constructed with CDBG funds as well with other funding sources. However the entire building is under the rules of the CDBG program.

**Motion** (Knight/Thomas) to adopt Ordinance O2016-011 and Ordinance O2016-016.

At the request of the Mayor, **Bushong** displayed the following titles:

**Ordinance O2016-011**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing the City Administrator to execute a Lease Agreement between the City of Yuma and Yuma Private Industry Council for use of the Dr. Martin Luther King Jr. Neighborhood Center for the purpose of serving the needs of the citizens, particularly youth, in the Carver Park Neighborhood and surrounding communities** (Execute a Lease Agreement with YPIC for the MLK Center)

**Ordinance O2016-016**

**An ordinance of the City Council of the City of Yuma, Arizona, amending chapter 154 of the Yuma City Code, rezoning certain property located in the Agriculture (AG) District to the Light Industrial (L-I) District and amending the zoning map to conform with the rezoning** (rezoning of 5.82 acres located at 5635 E. Gila Ridge Road)

Roll call vote: **adopted** 7-0

**IV. INTRODUCTION OF ORDINANCES**

At the request of the Mayor, **Bushong** displayed the following title:

**Ordinance O2016-017**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and approving the acceptance of title to certain real property and improvements, the execution of a government property land and improvements lease for a term of eight years with Sixteen & Four, LLC as the prime lessee, the reconveyance of title to the real property and improvements at the conclusion of the described lease, and approving the abatement of the government property lease excise tax during the term of the eight year lease.** (Land and Improvements Lease with Sixteen & Four, LLC for the northwest corner of 16<sup>th</sup> Street and 4<sup>th</sup> Avenue)

**V. PUBLIC HEARING AND RELATED ITEMS - There were no public hearing items scheduled.**

**FINAL CALL**

**Mayor Nicholls** made the final call for those who wish to speak at the Call to the Public.

**VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

**Craft, Knight, Thomas, Shelton,** and **Mayor Nicholls** reported on events and meetings they have attended during the last two weeks and upcoming events of note.

**VII. SUMMARY OF CURRENT EVENTS**

**Wilkinson** noted the following upcoming events:

- June 3 - Frontera United soccer game at 7:00 p.m.
- June 4 – Free Swim on behalf of the Sunrise Optimist Club
- June 4 – Movie at the Park - CARS will be showing at West Wetlands Park at 7:30 p.m.

**VIII. CALL TO THE PUBLIC**

**Nancy Elliot**, P.O. Box 1976, announced the Juneteenth Celebration taking place on June 19<sup>th</sup> at Carver Park from 5:00 p.m. to 10:00 p.m.

**Mary Anne Easterday**, 3359 South 15<sup>th</sup> Avenue, thanked the Clean and Beautiful Commission for the ‘Welcome to Yuma’ sign on the corner of 32<sup>nd</sup> Street and Pacific Avenue across from the airport made by the students of the welding class at San Luis High School. **Wilkinson** thanked the Clean and Beautiful Commission on behalf of the City of Yuma. He added that the airport is also considering something similar for the other side of the road.

**Eric Egan**, President of the Fraternal Order of Police, 1500 South 1<sup>st</sup> Avenue, thanked everyone who attended the 40<sup>th</sup> annual Fraternal Order of Police Peace Officer Memorial Service on May 15<sup>th</sup> at the Quartermaster Depot. He also thanked people supporting proposition 124 referring to the changes and improvements to the state retiring system for public safety. Lastly, he thanked the City Council for taking the first steps needed to address the employee pay issues. He suggested that an increase in sales tax and public safety tax would benefit the community by using some of the funds to fix and maintain roadways, as well as off-set the mandated public safety retirement employer contributions and the costs of new equipment and vehicles.

**Knight** requested that the sales tax increase be placed on a future agenda for discussion. **Mayor Nicholls** agreed.

**IX. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:45 p.m. No Executive Session was held.

APPROVED:

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Lynda L. Bushong, City Clerk

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Douglas J. Nicholls, Mayor