

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
SEPTEMBER 19, 2018
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:32 p.m.

INVOCATION/PLEDGE

Pastor Vince Harman with Christ Lutheran Church gave the invocation. **Henry Valenzuela**, Police Sergeant led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Shelton, Watts, Thomas, Knight, Miller and Mayor Nicholls
Councilmembers Absent:	McClendon
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Principal Planner, Jennifer Albers Various Department Heads or their representative City Attorney, Richard Files 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 for agenda related items.

PRESENTATIONS – There were no presentations scheduled at this time.

I. MOTION CONSENT AGENDA

Motion: (Knight/Miller): To approve the Motion Consent Agenda as presented. Voice vote: **approved** 6-0.

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

Regular Council Meeting	April 18, 2018
Regular Council Worksession	May 1, 2018
Council Citizen's Forum	August 14, 2018

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). (City Atty.)
2. Approve a Permanent Extension of Premises/Patio Permit application submitted by Amy Marie Biallas, agent for the Pint House, 265 S. Main Street (EP18-01) (Admin/Clerk)

3. Approve a Special Event Liquor License application submitted by Tim D. Hardy on behalf of Kids at Hope Yuma County AZ Chapter for Kids at Hope Benefit Concert. The event will take place at Desert Sun Stadium, 1280 W. Desert Sun Drive, on Sunday, November 11, 2018, from 4:00 p.m. to 9:00 p.m. (SP18-30) (Admin/Clerk)
4. Approve a Special Event Liquor License application submitted by Arturo Anaya on behalf of Somerton Tamale Festival, Inc., for ASU Halloween Bash. The event will take place at the Colorado River State Historic Park, 201 N. 4th Avenue, on Friday, October 26, 2018, from 8:00 p.m. to 2:00 a.m. (SP18-31) (Admin/Clerk)
5. Approve a Special Event Liquor License application submitted by Maria G. Vega on behalf of Yuma Pink Sox for a Bachata Workshop/Social. The event will take place at the Golden Roadrunner Ballroom, 273 S. Madison Avenue, on Saturday, October 6, 2018, from 8:00 p.m. to 1:00 a.m. (SP18-32) (Admin/Clerk)
6. Approve a Special Event Liquor License application submitted by Mary Barkley on behalf of the Yuma County Democrats for Burritos & Champagne. The event will take place at the Historic Gowan Building, 370 S. Main Street, on Saturday, October 20, 2018, from 6:00 p.m. to 12:00 a.m. (SP18-33) (Admin/Clerk)
7. Authorize the City Administrator to execute a contract for Construction Services for the Figueroa Avenue Water Pollution Control Facility (FAWPCF) in the amount of \$2,477,245.67 to the following lowest responsive and responsible bidder: Mac Electric, Inc., Yuma, Arizona. (Bid #2018-20000140) (Eng)
8. Authorize the City Administrator to accept a grant award from Arizona Complete Health in the amount of \$25,000.00 to support the City's Emergency Home Repair Program. (Admin)
9. Authorize a Special Use Permit to Yuma River Tubing for use of City property for the purpose of operating a commercial river tubing concession. (Parks & Recreation)
10. Authorize the City Administrator to execute six subrecipient agreements totaling \$121,250.00 in accordance with the 2018 Annual Action Plan (DCD)

II. RESOLUTION CONSENT AGENDA

Motion: (Knight/Watts): To adopt the Resolution Consent Agenda as recommended.

Bushong displayed the following titles:

Resolution R2018-025

A resolution of the City Council of the City of Yuma, Arizona, ordering improvements for Municipal Improvement District No. 104, serving Desert Sky Unit 1, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Desert Sky Unit 1, as more particularly described in this resolution, and declaring the landscape improvements to be of more than local or ordinary public benefit, and the cost of

the landscape improvements shall be assessed upon Municipal Improvement District No. 104; improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2 (Desert Sky Unit 1, MID #104, Order Improvements) (DCD/Planning)

Resolution R2018-026

A resolution of the City Council of the City of Yuma, Arizona, ordering improvements for Municipal Improvement District No. 100, serving Park West Units 4 and 5, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Park West Units 4 and 5, as more particularly described in this resolution, and declaring the landscape improvements to be of more than local or ordinary public benefit, and the cost of the landscape improvements shall be assessed upon Municipal Improvement District No. 100; improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2 (Park West Units 4 and 5, MID #100, Order Improvements) (DCD/Planning)

Resolution R2018-027

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real property located at 1195 E. 16th Street (Authorize a Preannexation Development Agreement with McDonald's Real Estate Company) (DCD/Planning)

Roll call vote: **adopted 6-0.**

III. ADOPTION OF ORDINANCES CONSENT AGENDA- There were no ordinances scheduled for adoption at this time.

IV. INTRODUCTION OF ORDINANCES

Introduction of Ordinance O2018-039 – Declare Real Property Surplus and Authorize Sale or Exchange – SW Corner of 16th Street and 4th Avenue (approximately 3.85 acres of City-owned real property) (Admin)

Mayor Nicholls asked for an explanation of the bidding process. **Wilkinson** explained that bidding will follow a Request for Proposal process; bidders provide their financial backing and details of what will be built. He added that this bidding process will be competitive.

Bushong displayed the following titles:

Ordinance O2018-039

An ordinance of the City Council of the City of Yuma, Arizona, declaring certain real property, hereafter described, surplus for use by the City, and authorizing the sale, lease or exchange of the surplus City property (Declare approximately 3.85 acres of City-owned real property on the southwest corner of 16th Street and 4th Avenue as surplus, preserving the established aesthetic easement) (Admin)

V. PUBLIC HEARING AND RELATED ITEMS

Resolution R2018-004 – General Plan Amendment: 1421 S. Avenue B – Deny the request to amend the City of Yuma General Plan to change the land use designation from Medium Density Residential to High Density Residential, for property located at 1421 S. Avenue B. The applicant is South Avenue B L.L.C. (GP-19696-2017) (DCD)

Mayor Nicholls opened the public hearing at 5:40 p.m.

Albers presented the following information:

- The 5.9 acres of property located at 1421 S. Avenue B, which currently contains a tire shop, is primarily undeveloped.
 - To the north are single family homes, to the east is one single family home and undeveloped land, to the south is undeveloped land, and to the west are single family homes and undeveloped land.
- It is a relatively small change in density from Medium to High Density Residential which will only result in a potential increase of 30 dwelling units and a potential population increase of 48 persons.
- There has been significant public comment on the request, with concerns expressed regarding traffic, conflicting land uses, the impact on schools, and the lack of parks in the area.
- The Planning and Zoning Commission recommended denial of the request at their March 12th meeting.

Barry Olsen, 101 E. 2nd Street, Attorney for South Avenue B L.L.C., explained that changing the land use designation for this property creates a larger area of land that is designated as High Density Residential, which would be more appealing to developers. There have not been any private market apartment complexes developed in the City of Yuma in over 25 years. While there currently is not an agreement with Ghiotto Family Properties, L.L.C. to purchase this property, discussions have taken place. If the property remains designated as Medium Density Residential it will likely not be developed because it does not pencil out. The zoning of this property would require that the building height in the first 60 feet of land located between it and the Low Density Residential area to the north be limited to 20 feet, creating a buffer between the single family homes and any potential multifamily complex.

Knight asked if the El Pappagallo property is included as part of this request. **Olsen** clarified that the El Pappagallo property does not belong to his client. The additional parcel his client has purchased is the tire shop immediately to the south of the El Pappagallo property.

Amy Gill, 1451 S. Hettema Street, contended that the infrastructure in the area is better suited for Medium Density Residential. Those who live and work in the area do not oppose development altogether, however they do want to make sure that it is suitable for the location and does not cause any additional safety issues. There has been a lack of communication between the property owners, the residents, and business owners in the area who have not been kept informed regarding proposed changes. She requested that City Council follow the Planning and Zoning Commission's recommendation and deny the requested land use designation change to High Density Residential.

Mayor Nicholls asked if Gill had a response to Olsen's proposed change. **Gill** stated that she does not know enough about it or understand it well enough to respond. She added that the zoning laws are there

to protect everybody and the entire area does not need to have the same zoning in order for it to be developed into something great.

Motion: (Knight/Thomas): To close the Public Hearing at 6:00 p.m. Voice vote: **approved 6-0.**

Thomas asked what Olsen meant by private market apartments. **Olsen** explained that private market apartments are developed without the use of low income tax credits or other types of Housing and Urban Development financing. The newer apartments in Yuma were built using these low income tax credits, so there is a requirement that the majority of the units be designated for low income renters. **Thomas** asked if Albers could determine whether or not there are any conflicts of land use. **Albers** stated that conflict of land use is when there are two opposing uses next to each other, such as Industrial next to Low Density Residential. When there are apartments next to single family homes, the 60-foot buffer area with a 20-foot or single story height limit prevents there being a three-story building with views down into somebody's backyard. Olsen has suggested increasing that buffer to 100 feet, but City staff are concerned that this would not conform to the General Plan. **Thomas** asked if there are any concerns regarding health or safety issues. **Albers** replied that there are not. **Thomas** asked if a wall will be built along the property line. **Olsen** explained that today the only issue being addressed is land use; the zoning and related conditions will be addressed at a future date. That being said, what he envisions is a less dense section of one-story units, parking spaces, landscaping, and retention areas as a buffer along the property line.

Knight asked if a Medium Density Residential designation would limit any development to one- and two-story structures. **Albers** explained that with regard to land use designation Medium Density Residential determines the number of units allowed, which would be a maximum 12.9 dwelling units per acre. **Knight** asked if there would be a 60-foot buffer along the east side of the property. **Albers** confirmed this would be correct if the change is approved to High Density Residential, because the zoning on the other side of the property line is Country Rural which requires a 60-foot section with a 20-foot height limit. **Knight** asked if that requirement would be removed if the property retains its current land use designation. **Albers** stated that she would need to check that part of the code to determine the requirements for Medium Density Residential.

Mayor Nicholls asked what the zoning designation is for the properties to the east. **Albers** explained that the City properties have a land use designation of Medium Density Residential and the County properties have a rural zoning equivalent to a City Agriculture zoning. Any requested rezoning would need to conform to the City's General Plan. **Mayor Nicholls** asked for clarification regarding staff's concerns regarding conformity to the General Plan. **Albers** explained that staff's concern is that having two different zoning districts would be problematic for development further down the line due to buildings and property lines crossing zoning boundaries.

Mayor Nicholls asked if it would be possible to approve the change in density for everything except the north 100 feet, where the north 100 feet would remain designated as Medium Density Residential and everything south of that would be designated as High Density Residential. **Files** stated that it could be done on a motion if that is what City Council desires. **Mayor Nicholls** expressed his inclination to support this suggestion by the applicant as a good compromise. City Council has committed to supporting infill and utilizing the resources and infrastructure the City already has in place, and the anticipated development is a great example of this. **Shelton** asked if any of the 100-foot buffer would serve as green space. **Olsen** stated that he believes it would be an ideal area for green space.

Motion: (Miller/Knight): To adopt Resolution R2018-004 approving the General Plan Amendment to change the land use designation from Medium Density Residential to High Density Residential for the property located at 1421 S. Avenue B, excluding the north 100 feet which shall remain Medium Density Residential.

Bushong displayed the following title:

Resolution R2018-004

A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2012-029, the City of Yuma 2012 General Plan to change the land use designation from Medium Density Residential to High Density Residential for property located at 1421 S. Avenue B (applicant is South Avenue B L.L.C.) (DCD/Planning)

Roll call vote: **adopted** 6-0.

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms from members of the audience interested in speaking at the Call to the Public.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments:

Motion: (Thomas/Miller): To reappoint Virgil Tapispisan, William E. Mowczko, John A. Stratton and Christopher Bedinger to the Parks, Arts, and Recreation Commission with a term expiration of December 31, 2022. Voice vote: **approved** 6-0.

Motion: (Knight/Shelton): To appoint Joseph P. Melchionne to the Merit System Board with a term expiration of December 31, 2022. Voice vote: **approved** 6-0.

Announcements:

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

Scheduling:

Knight asked for the status on the Tobacco 21 ordinance. **Wilkinson** stated that he spoke with County Administrator Susan Thorp who indicated that the Tobacco 21 group will be addressing the County Board of Supervisors, after which the City will continue working on the proposed ordinance.

Motion: (Watts/McClendon): To place on the November 7th, 2018 Regular Council Meeting the discussion and possible action of the Pay Plan for the Yuma Police Department. Voice vote: **approved** 6-0.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson reported on the following events:

- October 9th - Last day to register to vote in the General Election
- October 6th - 11:00 a.m.- 7:00 p.m.- 4th Annual Yuma Con at the Civic Center
- October 13th - 7:30 p.m. - Free Movie in the Park (The Incredibles) at Desert Sun Stadium
- Dinner Theatre Tickets for "Almost, Maine" are available for shows on February 13-17, 2019

VIII. CALL TO THE PUBLIC

Diane Umphress, 1310 S. 3rd Avenue, Director of Amberly's Place, spoke about the impact that the turnover at the Yuma Police Department (YPD) - resulting in younger, less experienced and less trained officers - has had on Yuma's victims of abuse.

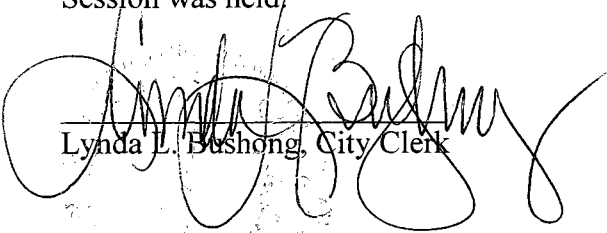
Eva Mendez Counts, 2648 W. 22nd Street, strongly urged City Council to consider the risk that community members will be put in, if the issues within YPD are not addressed.

Brett Bingham, 4023 S. Jasmine Avenue, asked City Council to keep their loved ones in mind when choosing how to support law enforcement that is so greatly needed to protect the community.

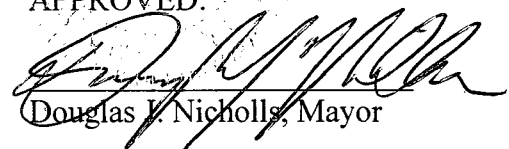
Eric Egan, 13393 E. 43rd Lane, thanked the YPD personnel for their time and effort in preparing all of the information that was presented at last night's City Council Worksession. He stated that the members of the Fraternal Order of the Police are looking to City Council as leaders of this community to implement a solution that will help YPD help the community.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:07 p.m. No Executive Session was held.


Lynda L. Bushong, City Clerk

APPROVED:


Douglas J. Nicholls, Mayor

