

MINUTES
REGULAR WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS - YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
August 1, 2017
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, Wright, Miller, Knight, Thomas, Craft, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Director of Community Development, Laurie Lineberry
Senior Planner, Naomi Leeman
Director of Public Works, Joel Olea
Principal Planner, Alyssa Linville
Various department heads or their representatives
City Attorney, Richard W. Files
City Clerk, Lynda Bushong

I. REGULAR CITY COUNCIL MEETING AGENDA OF AUGUST 2, 2017

Motion Consent Agenda Item B.5 – Final Plat: Park West Unit #4 Subdivision (approve the final plat for the property located at the northeast corner of 45th Avenue and 28th Street)

Motion Consent Agenda Item B.6 – Final Plat: Cielo Verde Unit 3 Subdivision (approve the final plat for the property located at the southeast corner of Paraiso Parkway and 35th Street)

Mayor Nicholls noted that Motion Consent Agenda Item B.5 will be pulled for separate consideration tomorrow night, so unless there are pressing questions tonight any discussion will be held at that time.

Thomas asked if there is a difference between the Maintenance Improvement District for Park West and the Improvement District for Cielo Verde. **Lineberry** stated that both are Maintenance Improvement Districts. Because it is a new concept it will take some time to standardize the language.

Knight asked why the developer for Cielo Verde was given one year to record the approved plat while the developer for Park West was given two years. **Lineberry** explained that the developer for Cielo Verde is ready to record the final plat at this time and begin construction. **Mayor Nicholls** asked if that developer will post bonds as opposed to holding it open. **Lineberry** stated that this particular developer usually puts in all necessary infrastructure to begin with.

Motion Consent Agenda Item B.4 – Memorandum of Understanding: Gowan Company, L.L.C. (allow for a beautification initiative on the east side of the East Main Canal Linear Park)

Knight asked if the linear park is just for pedestrians or for both pedestrians and cyclists. **Leeman** stated that these will be improvements such as landscaping, street trees, benches, or other site furnishings to the existing East Main Canal path, which is mainly targeted at pedestrians. **Mayor Nicholls** added that it is an existing path that is currently also used by cyclists. **Mayor Nicholls** asked for a background on this agreement. **Leeman** stated that Gowan Company approached the City with a proposal to improve the landscape along the East main Canal path. The City will work with Gowan Company by providing designs and guidance and Gowan Company will add the improvements that their budget allows. **Thomas** asked if there is a maintenance plan in place for when the landscaping is completed. **Olea** stated that the City already has maintenance crews going through the area, specifically inmate crews who maintain the canal from 32nd Street to 1st Street.

Introduction of Ordinance O2017-025 – Streets and Traffic Code Text Amendment: Parking Trucks and Trailers on Residential Streets (amend language about idling of vehicles and the types of vehicles which are permitted to stand, idle, or park on residential streets)

Mayor Nicholls stated his understanding that there will be a proposed change to the text amendment in response to the concerns of some residents affected by this change. **Wilkinson** stated that he will be discussing the proposed changes with Lineberry prior to tomorrow night's meeting as the discussions just took place this afternoon.

Shelton asked what parking options are available for half-ton trucks in Yuma. **Linville** stated that half-ton trucks are not permitted to be parked on the street in residential neighborhoods and should be parked in the driveway or garage. **Shelton** asked how this text amendment came about. **Wilkinson** stated that the current ordinance does not allow half-ton and three-quarter ton trucks to park on the street so the City is loosening up some of those restrictions. Over the years numerous complaints have been received regarding semi-trucks and busses idling for long periods of time in residential neighborhoods and in connection with H-2A (temporary agricultural worker) housing, so the City is addressing those complaints as well through this text amendment. **Shelton** expressed concern regarding the lack of representation by the groups that will be affected by this amendment. **Mayor Nicholls** noted that he has also heard complaints from residents who, especially during lettuce season, are being forced to endure refrigeration trailers running 24 hours a day and that is not an intended use for a residential neighborhood. Additionally, residential streets are not designed to withstand the wear and tear caused by large semi-trucks. **Shelton** asked what alternative these vehicles have. **Mayor Nicholls** stated that they tend to congregate at truck stops or at a yard where there is 24-hour truck parking. Most of the logistic truckers in town have sufficient yards to handle their equipment and trucks. **Linville** stated that City staff has spoken with representatives from the farming community and the amendment was actually their recommendation. **Shelton** stated that it would be nice to have them come before City Council to express their approval in person.

Knight stated that he is concerned that the 10,000 pound weight limit is not sufficient to accommodate trucks such as a one-ton dually truck which has a gross vehicle weight rating of 14,000 pounds, according to information obtained from a local dealership. **Wilkinson** stated that one of the proposed modifications will be to change the weight restriction from gross vehicle weight of 10,000 to vehicle weight of 12,000 since gross vehicle weight does not necessarily indicate how much the truck weighs but rather how much it can carry. **Knight** stated that the five-minute parking limit would easily be violated by movers that might spend the better part of a day loading or unloading a moving van. **Linville** stated that the five minutes is in reference to idling. **Knight** suggested that the language be

modified to make it clear that it does not pertain to parking. He added that the line being stricken from the ordinance that made an exception during the process of loading or unloading of a vehicle should remain. **Linville** explained that the loading and offloading restriction goes back to issues with the H-2A program where busses would be left idling for hours while they waited for the frost to melt and they were able to harvest the fields. **Knight** stated that while he agrees that the busses should not sit idle on residential streets it could cause issues with moving vans. **Wilkinson** stated that code enforcement officers and police officers have some discretion as to whether they issue a verbal or written citation or write a ticket for an offense. **Knight** stated that the maximum penalty of a \$1,000 fine and six months in jail seems severe for a parking ticket. **Files** stated that anyone who receives a citation will have an opportunity to go before a judge who has discretion as to what penalty is assessed.

Thomas asked whether trucks parked and idling on the side of the road or along canals would fall under this ordinance. **Linville** stated that if trucks are parked in residential areas and not parked on private property as part of the agricultural company's operations this ordinance may apply. **Thomas** stated that sometimes rigs with trailers are parked in a subdivision early in the morning and prevent drivers from seeing children who are running to catch the school bus. **Linville** stated that Code Enforcement will go out to calls early in the morning in response to citizen complaints.

Shelton expressed concern that this is text amendment is not friendly to the trucking industry. **Mayor Nicholls** pointed out that the amendment is for residential zoning only and semi-truck parking is not an appropriate use for a residential area. The agriculture industry in Yuma is very significant but is also very well equipped with yards to accommodate its trucks. **Shelton** stated that he would like to see some letters of agreement from those in the agriculture and trucking industry.

Wright stated that that one issue he has heard from the community is the idling of farm trucks in residential areas, especially where there is H-2A housing. **Lineberry** stated that the City is in the process of working with the agriculture industry on an ordinance specifically for H-2A, but feels this ordinance needs to be in place in the interim. **Wright** stated that he does not like seeing a mixture of agricultural trucks and a school zone pickup, especially on 14th Avenue. **Mayor Nicholls** stated that this is a complicated issue that the City is working on with the agriculture industry and asked that comments on that issue be deferred until that ordinance is on the agenda.

Craft opined that five minutes is sufficient time for picking up or dropping off, and while a moving van may be parked outside of a home for a longer period of time it is not idling. Additionally, those enforcing the code are allowed a little bit of discretion to address the various scenarios that may occur.

Introduction of Ordinance O2017-027 – Zoning Code Text Amendment: Planning and Zoning
Commissioner Meeting Participation (add rules and regulations allowing the voice or video
appearance of commissioners)

Mayor Nicholls commented that this is a great addition to the Zoning Code that will help keep commissioners available for meetings and reduce cancellations. **Knight** suggested that the maximum number of telephonic appearances be increased from two to three per year in order to prevent the delay of Planning and Zoning meetings. **Linville** stated that there is no objection to increasing the maximum to three. **Craft** asked if the intention was to increase the number of times per year to three but keep the maximum number of commissioners who can appear telephonically at one time at two. **Knight** stated

that is correct. **Mayor Nicholls** requested that the proposed language change be prepared for tomorrow night's meeting.

Introduction of Ordinance O2017-026 – Zoning Code Text Amendment: Rooming and Boarding Houses (identify residential zoning districts which will allow rooming and boarding houses, either as permitted principal or conditional use)

Wright asked if this is something for which a potential rooming or boarding house would need to file an application with the City. **Linville** explained that if it is a permitted use then no application is required but any conditional use requests would go before the Planning and Zoning Commission. **Wright** asked if the definition of a small or large house is based on square footage or zoning. **Linville** stated that it is based on the number of bedrooms. **Wright** noted that the maximum number of renters is two per bedroom. **Linville** stated that this is correct, adding that the maximum of renters is six.

Knight asked why a manufactured home would be designated as large. **Linville** stated that while most manufactured homes probably would not qualify as large that option is available to them. **Mayor Nicholls** pointed out that it is the zoning district that is being modified by this text amendment rather than making a distinction based on construction type. **Linville** stated that this is correct. **Knight** requested clarification regarding the determination of a house as large or small based on the number of bedrooms, noting that Low Density Residential District R-1-20 is permitted to have a small rooming or boarding house but the large lots could accommodate a large house. **Mayor Nicholls** stated his understanding that it is based on the actual number of renters regardless of the number of bedrooms. **Linville** stated that this is correct, adding that currently rooming and boarding houses are not allowed in the R-1-20 district so this text amendment would make it a permitted use. **Mayor Nicholls** asked if this would have any bearing on the vacation rental market. **Linville** stated that it does not.

Introduction of Ordinance O2017-028 – Rezoning of Property: 5875 E. Gila Ridge Road (rezone approximately 2.49 acres from Agriculture to Light Industrial)

Mayor Nicholls asked if the property owner has agreed to all of the conditions of the rezoning such as the lot ties and no build easements. **Linville** confirmed that is correct.

Public Hearing on R2017-019 – General Plan Amendment: Ghiotto Family Properties (change the land use from Medium Density Residential to High Density Residential for the property located at the northeast corner of 15th Street and Avenue B)

Knight asked if two entrances and exits will be required on this property based on the Fire Code. **Lineberry** stated that whether two entrances and exits or an alternate safety measure is required will be determined during the plan review process. **Knight** noted that based on Yuma Metropolitan Planning Organization 2016 traffic counts, Avenue B – which has a capacity of 30,000 vehicles per day – has a winter peak volume of 19,819 vehicles per day which is only 66% of capacity. Annualized daily traffic is just under 15,000 vehicles, or approximately 40% of capacity.

Thomas asked if this property came before City Council a few years ago. **Lineberry** stated that the property to the northeast of this parcel came before Council right around the time of the market crash

as a Planned Use Development. **Thomas** asked if there would be only two ways to enter and exit this area. **Mayor Nicholls** stated that this is a development level question and at this point there is no plan in place.

Craft asked why this property is coming before the City Council since it is a part of Yuma County. **Lineberry** explained that while the City cannot rezone property that is outside of the City limits, it is allowed to make General Plan changes to any property that is within the proposed boundaries.

Wright asked what qualifications are required, such as the number of entrances or exits, for a property to be designated as High Density Residential. **Lineberry** stated that the land use is determined by the General Plan. The number of entrances and exits, setbacks, and other development standards are addressed during the plan review process.

Public Hearing on R2017-011 – General Plan Amendment: 2017 Redevelopment Element (ensure the boundaries are consistent with Redevelopment and Revitalization Areas and incorporate recommendations from the Infill Incentive Plan)

Shelton asked for a summary of what is taking place with this amendment. **Linville** stated that the amendment is basically updating the boundaries of all of the Redevelopment and Revitalization Areas to ensure that they are consistent with the existing plans and adopted areas.

Appointment – Housing Authority of the City of Yuma

Mayor Nicholls encouraged citizens who are interested in getting involved in the community to visit the City's website or the City Clerk's Office in person to fill out an application for one of the City's many Boards and Commissions, some of which are struggling with unfilled vacancies to the point of not being able to meet due to a lack of quorum.

II. EXECUTIVE SESSION

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:55 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor