

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
AUGUST 2, 2017
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:31 p.m.

INVOCATION/PLEDGE

Pastor Shawn Scribner, Heritage Baptist Church, gave the invocation. **Joe Estes**, Assistant City Attorney, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Shelton, Wright, Knight, Thomas, Craft, and Mayor Nicholls
Councilmembers Absent:	Miller
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Assistant City Engineer, Andrew McGarvie Senior Planner, Naomi Leeman. Director of Community Development, Laurie Lineberry Various Department Heads or their representative City Attorney, Richard W. 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.

PRESENTATIONS

Recognition of Senator Otondo and Representatives Shooter and Fernandez

Mayor Nicholls recognized Senator Lisa Otondo and Representatives Charlene Fernandez and Don Shooter for supporting the Yuma community and helping the City address issues at the state level. He presented each of them with a certificate in appreciation of their efforts.

I. MOTION CONSENT AGENDA

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

Wright, McGarvie, Wilkinson, Knight, and Thomas discussed Wright's concerns regarding inadequate traffic control and access into and out of Park West Unit #4 for the amount of traffic that it will generate as

well as the complaints from residents regarding safety issues and lack of landscaping in the area of 45th Avenue.

Marlena Lopez, 3008 S. 47th Drive, expressed concerns regarding the safety hazards present on 45th Avenue and the lack of suitable access and traffic control in the area in light of the increased development.

Motion (Craft/Knight): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 5-1, Wright voting nay.

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

Regular Council Worksession	April 4, 2017
Council Citizen's Forum	April 18, 2017
Council Citizen's Forum	June 6, 2017
Council Citizen's Forum	June 20, 2017
Special Council Meeting	July 12, 2017
Council Citizen's Forum	July 18, 2017

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 Series #12 Restaurant Liquor License Application submitted by Andrea Lewkowitz, agent for Black Bear Diner located at 1590 S. Pacific Avenue (LL17-08) (Admin/Clerk)
3. Approve a Special Event Liquor License Application submitted by Cristyn Weil on behalf of the Humane Society of Yuma for the Fur Ball. The event will take place at the Arizona Western College Schoening Conference Center located at 2020 S. Avenue 8E on Saturday, September 16, 2017, from 5:00 p.m. to 12:00 a.m. (SP17-18) (Admin/Clerk)
4. Authorize the City Administrator to execute a Memorandum of Understanding (MOU) with Gowan L.L.C. (Gowan) to allow for a beautification initiative on the east side of the East Main Canal Linear Park as a gift to the residents of Yuma (DCD/Planning)
5. Approve the final plat for Park West Unit #4 Subdivision. The property is located at the northeast corner of 45th Avenue and 28th Street. The applicant is Dahl, Robins and Associates, on behalf of Park West Yuma Developments LLC & Yuma Valley Land Company LLC (SUBD-17860-2017) (DCD/Planning)
6. Approve the final plat for the Cielo Verde Unit 3 Subdivision. The property is located at the southeast corner of Paraiso Parkway and 35th Street. The applicant is the Jacobson Companies (SUBD-18144-2017) (DCD/Planning)

7. Authorize and direct the City Administrator to execute an agreement with the Yuma Visitors Bureau providing for Fiscal Year 2017-2018 funding in the amount of \$600,000 and setting performance standards for the Yuma Visitors Bureau (Admin)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (Knight/Thomas): To adopt the Ordinance Consent Agenda as recommended.

Bushong displayed the following titles:

Ordinance O2017-024

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code relating to Landscape Regulations, adopting the change to the Zoning Code by reference, and providing penalties for violations thereof (amends Title 15, Chapter 154, Articles 01.07 and 20 of the Yuma Zoning Code to emphasize the importance of trees, encourage xeriscape design, and improve aesthetics throughout the community) (DCD/Planning)

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

IV. INTRODUCTION OF ORDINANCES

Introduction of Ordinance O2017-025 – Streets and Traffic Code Text Amendment: Parking Trucks and Trailers on Residential Streets (amend Title 21, Chapter 212, Article 11 of the Yuma City Code to insert language about the idling of vehicles and update the types of vehicles which are permitted to stand, idle or park on residential streets) (DCD)

Mayor Nicholls stated that there are two proposed amendments to the language of Ordinance O2017-025, the first being an increase to the vehicle weight limit from 10,000 pounds to 16,000 pounds and the second being an exemption from the parking time limitation for a moving truck or van that is actively being loaded or unloaded.

Russel McCloud, 5736 E. View Parkway, thanked City Council and City staff for their willingness to listen to the issues that were presented regarding the original proposed ordinance and adapt in order to resolve those issues.

Paul Muthart, 3576 W. 12th Lane, General Manager at Pasquinelli Produce, stated his opinion that the proposed ordinance is not overly burdensome to the agriculture industry because there are reasonable alternatives that are already being utilized including parking busses at a nearby shopping center or church.

Shelton noted that while the discussion regarding the proposed ordinance has been primarily regarding agriculture, the ordinance itself is more universal in nature. He suggested that the ordinance be rewritten to make it apply more specifically to agriculture.

Motion (Wright): To delay introduction of Ordinance O2017-025 to a later date. The motion failed for lack of a second.

Mayor Nicholls noted that a separate ordinance is being worked on with the agriculture community to address issues specific to agriculture worker housing.

Motion (Thomas/Knight): To amend Ordinance O2017-025, a Streets and Traffic Code Text Amendment pertaining to Parking Trucks and Trailers on Residential Streets, in Section 1, paragraph two, to replace the words "with a gross vehicle weight rating in excess of ten thousand (10,000) pounds" with "weighing in excess of sixteen thousand (16,000) pounds". Voice vote: **approved** 5-1, Shelton voting nay.

Motion (Knight/Thomas): To amend Ordinance O2017-025, a Streets and Traffic Code Text Amendment pertaining to Parking Trucks and Trailers on Residential Streets, in Section 1, paragraph 2, to add the sentence "Residential deliveries are exempt from the parking time limitation if the moving van/truck is being loaded or unloaded" at the end of the paragraph. Voice vote: **approved** 6-0.

Motion (Thomas/Knight): to introduce Ordinance O2017-025, a Streets and Traffic Code Text Amendment pertaining to Parking Trucks and Trailers on Residential Streets, as amended. Voice vote: **approved** 5-1, Shelton voting nay.

Motion (Knight/Craft): to amend Ordinance O2017-027, a Zoning Code Text Amendment related to Planning & Zoning Commissioner Meeting Participation, to change the last sentence in Section 1, Subsection G (7) (d) to read: "*Unless approved by the Planning and Zoning Commission, no Commissioner may participate by video or voice technology more than three times in any calendar year.* ", and be introduced as amended. Voice vote: **approved** 6-0.

Bushong displayed the following titles:

Ordinance O2017-25

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 212 of the Yuma City Code, as amended, relating to Streets and Traffic Regulations, providing for changes to the Streets and Traffic Code to provide regulations regarding the idling of vehicles and to update the types of vehicles permitted to park on local or collector streets (amend Title 21, Chapter 212, Article 11 of the Yuma City Code) (DCD/Planning)

Ordinance O2017-26

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 rooming and boarding houses and to identify residential zoning districts which allow rooming and boarding houses (amend Title 15, Chapter 154 to add definitions and identify zoning districts which will allow rooming and boarding houses either as a permitted principal use or as a conditional use) (DCD/Planning)

Ordinance O2017-27

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 regulations regarding the voice or video appearance by a Planning and Zoning Commissioner (allow voice or video appearance by Planning and Zoning Commissioners to reduce meeting continuances due to a lack of quorum) (DCD/Planning)

Ordinance O2017-28

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 (approximately 2.49 acres of property located at 5875 E. Gila Ridge Road) (DCD/Planning)

V. PUBLIC HEARING AND RELATED ITEMS

Public Hearing on Resolution R2017-011 – General Plan Amendment: 2017 Redevelopment Element (approve an amendment to the City of Yuma 2012 General Plan, Chapter 6 – Redevelopment Element) (DCD/Planning)

Mayor Nicholls opened the Public Hearing at 6:42 p.m.

Leeman explained that the primary goal of this update is to ensure that the boundaries of each area match the most recently adopted plan. Some areas were combined to eliminate any islands that were not previously included, and some areas were removed based on a detailed vacancy inventory that was completed in conjunction with the Infill Incentive Plan. Three different types of areas were identified:

- Redevelopment Areas
 - Adopted pursuant to state statute
 - Improvements guided by a Redevelopment Plan
- Revitalization Areas
 - Predominately residential in nature with low-income residents
 - Managed by Neighborhood Services through adopted Revitalization Plan
- Study Areas
 - Adopted plan is not in place, but need for additional effort to encourage redevelopment is recognized

Mayor Nicholls declared a potential conflict of interest with regard to R2017-011 as he owns property in one of the redevelopment areas. He turned the meeting over to Deputy Mayor Knight and exited the room.

Motion (Shelton/Thomas): To close the Public Hearing. Voice vote: **approved** 5-0-1, Mayor Nicholls abstaining due to conflict of interest. The Public Hearing closed at 6:47 p.m.

Motion (Craft/Thomas): To adopt Resolution R2017-011 as recommended.

Bushong displayed the following title:

Resolution R2017-011

A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2012-29, the City of Yuma 2012 General Plan to update Chapter 6 – Redevelopment Element (approve an amendment to the City of Yuma 2012 General Plan, Chapter 6 – Redevelopment Element) (DCD/Planning)

Roll call vote: **adopted** 5-0-1, Mayor Nicholls abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

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

Mayor Nicholls opened the Public Hearing at 6:49 p.m.

Lineberry stated that this is a General Plan Amendment for a nearly five-acre piece of property located north of the Burger King on Avenue B. The vacant property currently has a Medium Density Residential designation and is surrounded by commercial and vacant properties. Most of the comments received were traffic concerns from the neighbors. It was suggested that this property might be more appropriately designated as commercial, but commercial property generates more traffic than residential so that would not address the traffic concerns. The change from Medium Density Residential to High Density Residential would equate to a maximum of 24 additional dwelling units on top of what is currently allowed. The Planning and Zoning Commission and City staff recommend approval of the amendment.

Barry Olsen, 101 E. 2nd Street, spoke in favor of the General Plan Amendment and encouraged City Council to support land use amendments on these types of infill projects.

Motion (Thomas/Knight): To close the Public Hearing. Voice vote: **approved** 6-0. The Public Hearing closed at 6:58 p.m.

Motion (Knight/Craft): To adopt Resolution R2017-019 as recommended.

Bushong displayed the following title:

Resolution R2017-019

A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2012-29, 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 the northeast corner of 15th Street and Avenue B (site consists of approximately 4.8 acres of vacant property) (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

Motion (Thomas/Knight): To appoint Brenda Buenrostro to an unexpired term on the Housing Authority of the City of Yuma (HACY) commission with a term expiration of December 31, 2019. Voice vote: **approved** 6-0.

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

Wright requested that a discussion regarding Desert Hills Golf Course be scheduled for an upcoming meeting. **Wilkinson** stated that he would follow up with the Parks and Recreation Department to see if their presentation will be ready for the August 16th agenda.

Motion (Shelton/Wright): To direct the City Administrator to write a letter inviting local representatives for Union Pacific and Amtrak to be introduced at a City Council Meeting. Voice vote: **failed** 2-4, Knight, Thomas, Craft and Mayor Nicholls voting nay.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson reported the following events:

- August 8th – Town Hall at Yuma Heritage Library
- August 18th – Celebrate the Heat on Yuma's Main Street Block Party
- August 19th – Indoor Swap Meet at the Yuma Civic Center

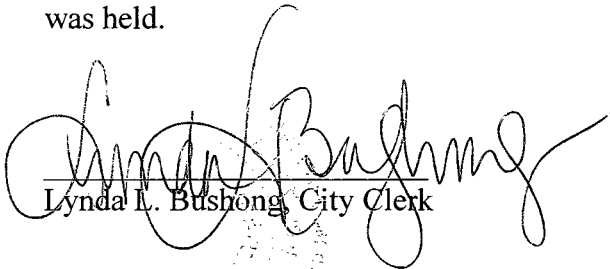
VIII. CALL TO THE PUBLIC

Herb Townsend, 10339 E. 39th Way, expressed his concern regarding the condition of Avenue 10E from 32nd Street to 36th Street. He stated that half of the roadway is dirt, there are multiple large holes, and illegal dumping is taking place along the side of the road.

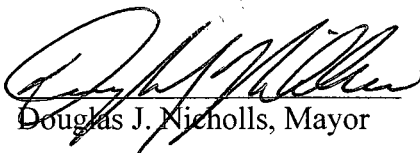
Wilkinson explained that the road should have been paved prior to the City's annexation of that area, but was not. The developer that is currently building homes in the area has agreed to pave the road. In the interim, a representative from Public Works will get in touch with Townsend tomorrow regarding his concerns.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:18 p.m. No Executive Session was held.


Lynda L. Bushong, City Clerk

APPROVED


Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:
February 7, 2018
City Clerk: 