

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
NOVEMBER 15, 2017
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:30 p.m.

INVOCATION/PLEDGE

Pastor Harmon, Christ Lutheran Church, gave the invocation. **Kathy Fernandez**, Chief Information Officer, led the City Council in the Pledge of Allegiance.

ROLL CALL

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 Engineering Manager, Andrew McGarvie Principal Planner, Jennifer Albers 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, for agenda related items, from members of the audience.

PRESENTATIONS

On behalf of Naomi Leeman, Sr. Planner, Alyssa Linville, Principal Planner, and herself, **Lineberry** presented the 2017 American Planning Association Award for the City's Infill Overlay District project to the City of Yuma. The category required the project demonstrate a significant and relevant planning related change in the community. The project had to be tied closely to community results, quick implementation and creative economic competitiveness. The competition included every City, County and private developer who does this kind of work. **Lineberry** thanked the Mayor and Council for their support and stated that Community Development will submit this project for a National award next year.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.7 – Lease-Purchase Agreement: Motorola Solutions, Inc. - Authorize the Purchase of portable two-way radios and maintenance services from Motorola Solutions, Inc. under the Communications System Agreement, approved in 2003, at an estimated cost of \$1,031,835.86 and authorize and direct the City Administrator to execute a Lease-Purchase Agreement to spread the cost of the equipment over seven years. (ITS)

Wilkinson, in response to **Wright's** question, stated the City of Yuma will get the normal seven-year warranty from Motorola regardless of whether the radios are purchased or leased.

Motion (Craft /Knight): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 7-0.

A. Approval of minutes of the following City Council meeting(s):

Regular City Council Meeting	June 21, 2017
Regular Council Worksession	September 19, 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 #07 Beer & Wine Bar/Person Transfer Liquor License Application submitted by Najeh Edais, agent for Arizona Market Bar & Grill located at 3351 S. Avenue 4E (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Thomas Rush on behalf of Fort Yuma Rotary for Mardi Gras Block Party. The event will take place on the 100-300 blocks of Main Street on Friday, February 9, 2018, from 4:00 p.m. to 12:00 a.m. (Admin/Clerk)
4. Authorize the City Administrator to execute an agreement with the Caballeros de Yuma for use of Parks & Recreation facilities for specified events. (P&R/Admin)
5. Authorize the City Administrator to execute an agreement with Harvest Preparatory Academy to use Desert Sun Stadium to relocate students in the event of an emergency. (P&R/Admin)
6. Authorize the City Administrator to execute a grant agreement with the Arizona Department of Homeland Security for reimbursement of funds expended for materials, labor, and travel as it relates to the Critical Public Safety Infrastructure Upgrade – YRCS Regional Microwave Radio Network Upgrade/Gateway Agreement Number 170411-01. (ITS/YRCS)
7. Pulled for separate discussion above.
8. Authorize City Administrator to negotiate and execute a one-year contract with the option to renew for four additional one-year periods, one year at a time. The first year cost for these services is estimated at \$34,500.00 for calendar year 2018 with a total estimated cost of \$182,500.00 over the five-year life of the contract depending on the appropriation of funds and satisfactory performance for Professional Insurance Broker/Risk Management Consulting Services and other Related Services with the following firm: Willis Towers Watson/Willis of Arizona, Inc., Scottsdale, Arizona. (Atty)

II. RESOLUTION CONSENT AGENDA

Deputy Mayor Knight recused himself due to a conflict of interest as he was a candidate in this election.

Motion (Craft/Thomas): That the Request for City Council Action related to Resolution R2017-032 be amended in the 1st sentence of the 3rd paragraph to read: *“The resolution declares that Gary Knight and Leslie McClendon are duly elected as City Councilmembers.”* I further move that Resolution R2017-032 be amended at Section 4 to read: *That the City Council further determines and declares that Gary Knight and Leslie McClendon were duly elected to the offices of City Councilmember for the City of Yuma for the full term of four years beginning January 1, 2018.* Voice vote: **approved 6-0-1. Deputy Mayor Knight** declaring a conflict of interest.

Motion (Craft/Thomas): That Resolution R2017-032 be adopted as amended.

Bushong displayed the following title(s):

Resolution R2017-032

A resolution of the City Council of the City of Yuma, Arizona, declaring and adopting the official canvass of the results of the General Election held on November 7, 2017 (declares Gary Knight and Leslie McClendon duly elected as City Councilmembers for the full term of four years beginning January 1, 2018; declares an automatic recount of the third position under A.R.S. §16-661) (Admin/Clerk)

Roll call vote: **adopted 6-0-1. Deputy Mayor Knight** declaring a conflict of interest.

III. MOTION TO CERTIFY FACTS OF 2017 CITY OF YUMA GENERAL ELECTION

Mayor Nicholls explained that the Motion to Certify Facts of the 2017 City of Yuma General Election is necessary due to the margin of votes cast for the third councilmember seat so the City Council must move by State law to have those certified in a recount.

Motion (Craft/Thomas): Pursuant to ARS § 16-662, I move that City Council accept and certify the official canvass, referenced as Exhibit A in Resolution R2017-032, to the Superior Court of the State of Arizona, in and for the County of Yuma, as the certification of facts requiring a recount of the votes for candidates Karen Watts and Gregory Counts, for the remaining office of City Councilmember. Voice vote: **approved 7-0.**

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance Consent Agenda O2017-045 – Authorize Sale of Residential Property: 1350 W. 12th Street – Declare as surplus City-owned residential property located at 1350 W. 12th Street and authorize the sale of the surplus property through the City’s real estate services contact. (Atty)

Wright inquired if the City of Yuma is subject to Arizona Revised Statutes §9-402 *Sale and disposition of property; advertising for bids; publication; donation; easements* when selling our surplus property, specifically relating to publishing the invitation for bids or purchase of property. **Files** replied that as a

Charter City two things are recognized by the Arizona Supreme Court as purely local concern and that is elections and the sale and purchasing of real property. **Files** stated it is still a good idea to have a competitive process in play as seen here.

Motion (Knight/Thomas): To adopt the Ordinances Consent Agenda as presented.

Bushong displayed the following title(s):

Ordinance O2017-042

An ordinance of the City Council of the City of Yuma, Arizona, declaring as surplus for use by the City certain previously dedicated right-of-way, and vacating title to the surplus right-of-way to the abutting property owners as tenants-in-common upon the recording of a Quit Claim Deed

(Vacate the seventy foot full width, forty foot deep stub-out street with forty foot by forty foot triangles at the northwest and northeast corners of the intersection of 32nd Street and Avenue 5 ½ E to Desert Sands Development Group, LLC) (Eng/Dev. Eng)

Ordinance O2017-043

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 Low Density Residential (R-1-6) District to the Transitional (TR) District and amending the zoning map to conform with the rezoning (Rezone approximately 22,500 square feet; the properties are located at 1443, 1449 and 1457 S. 5th Avenue) (DCD/Planning)

Ordinance O2017-044

An ordinance of the City Council of the City of Yuma, Arizona, Declaring as surplus for use by the City a portion of the South side of North Frontage Road at East 32nd Street, West of Avenue 8E, and authorizing the granting of a utility easement to Arizona Public Service on the surplus property (Utility easement over City property for APS' construction of a 230,000-volt electric transmission line and a 69,000-volt under build) (Atty)

Ordinance O2017-045

An ordinance of the City Council of the City of Yuma, Arizona, declaring as Surplus for use by the City certain real property, hereafter described, and authorizing the sale of the surplus property (Sale of residential property located at 1350 W. 12th Street) (Atty)

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

V. INTRODUCTION OF ORDINANCES

There being no discussion and no speakers, **Bushong** displayed the following title at the request of **Mayor Nicholls**:

Ordinance O2017-046

An ordinance of the City Council of the City of Yuma, Arizona, declaring certain right-of-way, hereafter described, surplus for use by the City and authorizing the vacating of right-of-way to be tied to adjacent property owned by the City of Yuma for the new Fleet Shop Facility (this vacation of right-of-way will be tied to the City property to add to the square footage) (Eng)

Mayor Nicholls declared a potential conflict of interest, turned the meeting over to **Deputy Mayor Knight** and left the dais. There being no discussion and no speakers, **Bushong** displayed the following title at the request of **Deputy Mayor Knight**:

Ordinance O2017-047

An ordinance of the City Council of the City of Yuma, Arizona, declaring certain City-owned real property located at the northeast corner of 16th Street and 4th Avenue surplus for City use and available for sale or exchange with the reservation of an Aesthetic Easement (allows the City to recover costs associated with acquiring other necessary right-of-way; returns the vacant City-owned property back to the public tax rolls; reserves an aesthetic easement for a monument wall) (Atty)

Mayor Nicholls returned to the dais

VI. PUBLIC HEARING AND RELATED ITEMS

MC2017-181 Certified Audit Final Report: Development Impact Fee – Conduct a public hearing on the Development Fee Biennial Certified Audit in accordance with Arizona Revised Statutes (A.R.S.) § 9-463.05 and Yuma City Code § 157.05 (Eng/Dev Eng)

Mayor Nicholls opened the public hearing at 5:50 p.m.

McGarvie presented the following information regarding the Development Fee Biennial Certified Audit:

- The audit is a requirement per A.R.S. §9-463.05(G)(2) and City Code 157-05(B)(2).
 - A biannual audit is required if there was no development fee advisory committee.
 - The City does not have a development fee advisory committee that meets the State standards but utilizes a development fee commission that includes local developers, builders and those in real estate for development fee discussions.
 - The auditor must be a qualified professional who is not an employee or official of the municipality and did not prepare the Infrastructure Improvements Plan.
 - Development Planning & Financing Group Inc. (DPFG) from Phoenix was utilized for the audit.
- The following categories were audited
 - Land Use Assumptions.
 - 1) Predicts the type of growth expected in the upcoming ten years. Predicted growth compared against actual growth for the two fiscal year periods 2014 & 2015:
 - Single family homes: +234% and 341% ahead.
 - Multi-family homes: -53% & -77.63% behind.
 - Commercial: -10% & +77.63%
 - 2) Population estimates for 2014, 2015, 2016
 - Within actual population by 3.12%, 2.14% and 0.51% respectively.
 - Infrastructure Improvements Plan (IIP)
 - Lists the infrastructure projects that development fees are to be applied
 - Development Fee collection and their expenditures

- (1) The auditor compared the building permits with the type issued and with the development fees collected.
- (2) The auditor then evaluated the development fee expenditures with the list of IIP projects.
- (3) The report found for this audit period that the development fees collected were being spent on the projects listed in the IIP.

In conclusion, the City is adhering to State law. However the auditor recommended the following:

- Update the Land Use Assumptions to account for the difference in single family homes that were exceeding estimates and multi-family homes that are less than what they are recommending.
- Update the fee structure to correspond with the revised Land Use Assumptions
 - That process was postponed to allow more time for comment and will be coming to Council the beginning of 2018.

Shelton questioned if the City should have established a Development Fee Advisory Committee, since there has been some consternation in the past. **Wilkinson** responded that the City included a group, mainly developers, when the Development Fee Study was prepared. At the time it was presented to Council, everyone was in agreement. The City is planning to use the same process for the next development fee review.

There being no further discussion and no speakers, **Mayor Nicholls** called for a motion to close the public hearing.

Motion (Knight/Thomas): To close the Public Hearing on MC2017-181. Voice vote: **approved** 7-0; Public Hearing closed at 5:58 p.m.

MC2017-231 Annexation Area No. ANEX-19716-2017: Avenue 3E and 40th Street – This is a public hearing to consider the annexation of property located at the southeast corner of Avenue 3E and 40th Street. (DCD/Planning)

Mayor Nicholls opened the annexation public hearing at 5:58 p.m.

Albers presented the following information:

- This is a public hearing for the annexation of a City-owned property on the Southeast corner of 40th Street and Avenue 3E
 - The property itself is about 1.84 acres
 - Inclusive of the right-of-way the total annexation area is 3.4 acres.
 - The property is undeveloped on the south portion; a City retention basin on the north portion.
 - The intent, after annexation, is to split the lot and dispose of the southern half to put it back on the tax rolls.
 - The current County zoning on the property is County Light Industrial. Following annexation it will have City Light Industrial zoning.
 - The property has access to water on 3E and access to sewer further to the east on 40th Street.
 - The next step in the annexation is to bring it back to Council for Ordinance introduction and adoption possibly in December.

There being no speakers or further discussion, **Mayor Nicholls** called for a motion to close the hearing.

Motion (Knight/Craft): To close the Public Hearing on MC2017-231. Voice vote: **approved** 7-0; Public Hearing closed at 6:00 p.m.

Resolution R2017-031 General Plan Amendment: Smoketree Desert Land L.L.C. – Approve the Major Amendment request to amend the City of Yuma General Plan to change the land use designation from Public/Quasi-Public to Medium Density Residential, for property located at the SWC of Avenue 7 ½ E and 36th Street. The applicant is Smoketree Desert Land L.L.C. (DCD/Planning)

Mayor Nicholls opened the General Plan Amendment public hearing at 6:00 p.m.

Albers presented the following information:

- This is a request by Smoketree Desert Land for a General Plan Amendment to change the land designation from Public/Quasi-Public to Medium Density Residential.
 - The area of the General Plan Amendment is 18.3 acres
 - The property is located on the Southwest corner of 36th Street and Avenue 7 ½ E.
 - The property is in a developing area of our community.
 - Roadway connections are not constructed at this time.
 - The intent of the developer is to develop a subdivision similar to the property to the south, which is currently under construction, Desert Sky Subdivision – a townhome development.
 - No public comments have been received.
 - Development expectation is a potential increase of 92 to 236 dwelling units and a population increase of 313 to 802 persons.
 - At the October 9th public hearing the Planning and Zoning Commission recommended approval of the request.

There being no speakers, **Mayor Nicholls** called for a motion to close the public hearing.

Motion (Knight/Craft): To close the Public Hearing on Resolution R2017-031. Voice vote: **approved** 7-0; Public Hearing closed at 6:02 p.m.

There being no further discussion **Mayor Nicholls** called for a motion to adopt Resolution R2017-031.

Motion (Craft/Knight): To adopt Resolution R2017-031.

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

Ordinance R2017-031

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 Public/Quasi-Public to Medium Density Residential for property located at the Southwest Corner of Avenue 7 ½ E and 36th Street (A general plan amendment on behalf of Smoketree Desert Land L.L.C. for approximately 18.3 acres) (DCD/Planning)

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

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.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Motion (Craft/Knight): To appoint Monica Welch, Director of Human Resources, be appointed to the Yuma Area Benefit Consortium. Voice vote: **approved** 7-0.

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

Wright requested an update on the progress of the LED lighting including the schedule and projected dates of completion. **Mayor Nicholls** asked **Wilkinson** to email the information to City Council. **Wilkinson** stated the final installation schedule has not been set, but he will send out what he has.

VIII. SUMMARY OF CURRENT EVENTS

Wilkinson reported the following events:

- November 18th – Turkey Bowl Flag Football Tournament
- November 18th – 47th Annual Community Bazaar
- November 18th – 2017 Colorado River Crossing Balloon Glow
- November 25th – Make and Take at the Yuma Art Center
- November 30th – Sports Turf and Tree Landscape Expo
- December 1st – 2017 Annual Walt Kammann Sausage Fry
- December 1-2 – Nutcracker Suite on Main Street
- December 2nd – Discover Canoe Trip
- December 2nd – Christmas Lighting on Historic Main Street

Wilkinson, in response to a request for a Highway User Revenue Fund (HURF) update, reported that it is scheduled for the December 5th Council meeting.

In response to a previous question about parking tickets and fines, **Wilkinson** reported the following:

- Preliminary research shows the City is higher than some, lower than most and lower than the County.
- Parking fines are set by the Courts (Judicial body) not by Council (Legislative body).
- This item will not be scheduled for a future Council meeting.

IX. CALL TO THE PUBLIC – There were no speakers scheduled to speak at Call to the Public.

X. EXECUTIVE SESSION

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:22 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT