

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
FEBRUARY 21, 2018
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:34 p.m.

INVOCATION/PLEDGE

Pastor Wayne Rooks, Church for the City, gave the invocation. **Dan Symer**, Assistant Director of Community Development, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Shelton, Watts, Thomas, Knight, McClendon, Miller, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	City Administrator, Greg Wilkinson Chief of Police, John Lekan Police Sergeant, Lori Franklin Associate Planner, Aubrey Trebilcock City Engineer, Jeff Kramer 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

State Farm Insurance Teen Driving Awareness Grant

Lekan introduced Cathy Nuetzi of State Farm Insurance and Sergeant Lori Franklin of the Yuma Police Department (YPD) who were both instrumental in funding a new program aimed at protecting young drivers. **Franklin** explained that after receiving a brochure from Drunk Busters, a company that offers goggles which mimic being under the influence of alcohol and other drugs at different levels of intoxication, she saw an opportunity to reach out to Yuma teens before they start driving and help them to better understand the dangers of drunk driving. After reaching out to State Farm Insurance, YPD was awarded a grant to purchase Drunk Busters goggles, pedal cars, and a trailer to transport them to high schools throughout Yuma. **Nuetzi** stated that she is honored and proud to be a part of making this program possible and presented YPD with the \$10,000 grant award. **Mayor Nicholls** thanked Nuetzi and State Farm for the donation and for always being a great partner in the Yuma community.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.5 - Bid Award: Fleet Services Maintenance Shop (execute a contract for Construction Services for the Fleet Services Maintenance Shop in the amount of \$7,673,513.25 to the following lowest responsive and responsible bidder: Pilkington Commercial Co., Inc., Yuma, AZ) (Bid #2018-20000081) (Eng)

Miller declared a conflict of interest with regard to Motion Consent Agenda Item B.5 and exited the room.

Motion (Knight/Thomas): To approve Motion Consent Agenda Item B.5 as recommended. Voice vote: **approved** 6-0-1, **Miller** abstaining due to conflict of interest.

Miller returned to the dais.

Motion Consent Agenda Item B.7 - Agreement: Arizona Department of Homeland Security (execute an agreement with the Arizona Department of Homeland Security for reimbursement of funds expended for overtime and mileage for activities in support of Operation Stonegarden) (Police/Admin)

Thomas declared a conflict of interest with regard to Motion Consent Agenda Item B.7 and exited the room.

Motion (McClendon/Knight): To approve Motion Consent Agenda Item B.7 as recommended. Voice vote: **approved** 6-0-1, **Thomas** abstaining due to conflict of interest.

Thomas returned to the dais.

Motion (Knight/Miller): To approve the Motion Consent Agenda as recommended with the exception of items B.5 and B.7. Voice vote: **approved** 7-0.

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

Regular Council Meeting	May 3, 2017
Regular Council Meeting	August 16, 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 new Series #12 Restaurant Liquor License application submitted by Andrea Lewkowitz, agent for Famous Dave's, 1501 S. Yuma Palms Parkway. (LL18-02) (Admin/Clerk)

3. Approve a new Series #09 Liquor Store Liquor License application submitted by Nicholas Guttilla, agent for Target, 1450 S. Yuma Palms Parkway. (LL18-03) (Admin/Clerk)
4. Approve a Special Event Liquor License application submitted by Deborah Carr on behalf of the Officers' Spouses' Club of Yuma for the Semper Fi Spring Benefit. The event will take place at Joe Foss Hangar, 4100 S. Arizona Avenue on Saturday, March 24, 2018 from 7:00 p.m. to 11:00 p.m. (SP18-13) (Admin/Clerk)
5. Pulled for separate consideration (see above)
6. Award to the lowest two responsive and responsible bidders a one-year contract for plumbing services, with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance for an estimated annual amount of \$42,000.00 (including tax) to: All Affordable Plumbing Yuma, Arizona and AA Action Plumbing Yuma, Arizona. (Bid #2018-20000109 City wide) (Purch)
7. Pulled for separate consideration (see above)
8. Authorize the donation of one Enterprise Uninterrupted Power Supply (UPS) to Achieve Enterprise Services. (Fin/Purch/ITS)
9. Authorize a job order with Cemex Construction Materials, South LLC, in the amount not to exceed \$898,951.28, for roadway and utility infrastructure improvements in the downtown area east of Main Street pursuant to the City's Municipal Utility and Roadway Infrastructure Refurbishment and Replacement Job Order Contract. (Eng)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Adoption of Ordinance O2018-008 – Rezoning of Property: 1451 S. Avenue B (rezone two parcels located approximately 625 feet north of the northeast corner of 16th Street and Avenue B containing 4.8 acres from the Agriculture (AG) District to the High Density Residential (R-3) District) (DCD)

Knight asked how many entrances and exits will be required for an apartment complex on this property. **Trebilcock** replied that it would be required to have two points of access to allow for emergency services and proper ingress and egress. **Knight** asked if the traffic studies presented at the last City Council Meeting were conducted in both winter and summer. **Charles Gutierrez**, Senior Planning/Mobility Manager at the Yuma Metropolitan Planning Organization (YMPO), confirmed that this is correct. **Thomas** asked if those traffic counts were available. **Gutierrez** stated that the 2016 numbers are posted on the YMPO website, and while the 2017 numbers are available he does not have them with him tonight.

McClendon asked if YMPO would handle a reduction in the speed limit if it was found to be necessary. **Gutierrez** stated it is up to the City to make that determination. **Kramer** added that any speed limit changes or postings are under the purview of the City's Traffic Engineer. **McClendon** noted that at last night's Worksession it was mentioned that a new traffic study would not occur unless the property was rezoned to High Density Residential. **Kramer** clarified that a traffic study is requested any time there is a new development, even if there is no rezoning involved. **McClendon** asked for confirmation that at this time there are no plans for any development in the area. **Kramer** confirmed this is correct. **McClendon** asked for clarification on the change in zoning. **Trebilcock** explained that the General Plan amendment changed the land use designation of the property from Medium Density Residential to High Density Residential. The requested rezoning seeks to fulfill that designation by changing the zoning from Agricultural to High Density Residential. **Albers** added that prior to annexation the property was County C1 and County Rural which defaulted to Agricultural upon annexation.

Mayor Nicholls asked for an overview of the development criteria based on density. **Trebilcock** stated that the coverage requirements are as follows: 35% residences 10% covered parking, 5% common recreational buildings, and 50% open space. **Mayor Nicholls** asked what is required of the 50% open space. **Trebilcock** replied that there are landscaping requirements that would need to be maintained before any plans could be approved. **Mayor Nicholls** asked if there would be a height restriction for any proposed buildings on the property. **Trebilcock** stated that any buildings would be limited to a maximum height of 40 feet.

Mayor Nicholls asked if a traffic study would be required given the size and density of this area. **Kramer** responded that while he believes a traffic study would be required, he would need to see the [development] proposal to be certain. **Mayor Nicholls** asked if the traffic study would research total demand considering the adjacent property is looking to construct a similar development. **Kramer** stated that ideally both properties would be addressed at once, but if the developments come in separately there would be two individual traffic studies and the Engineering Department would then use their best judgement to combine the impacts.

Mayor Nicholls remarked that he received more than 20 emails from residents in the area of the proposed rezoning and noted that he has read and responded to each one of them.

Speakers

Susan Bostic, 1095 S. Brahma Lane, expressed strong opposition to the rezoning of the property and any plans to construct an apartment complex due to concerns regarding increased traffic and the safety of schoolchildren.

Jeanne Gale, 256 S. Second Avenue Suite E, stated that her greatest concern is the volume being brought into an area that is already at its limits, which will only add to the already existing congestion and increase traffic accidents. **Gale** stated she visited Fire Station #4 and asked the question of how this rezoning might affect emergency response; she was informed that they currently find it difficult to make a left turn out of the firehouse.

Steve Shadle, 1400 S. Hettema, pointed out that while there will be two entrances and exits, left-hand turns will not be allowed onto Avenue B, causing drivers who need to travel south to try to make a U-turn at 12th Street. Additionally, the 50% open space requirement includes roads and sidewalk, which will take up a significant amount of that allotment.

Barry Olsen, 101 E. 2nd Street, representing the property owners, pointed out that infill projects around the country are often medium to high density residential because that maximizes the land use in areas that have mass transit and roads already in place. This also protects against urban sprawl by keeping development from spreading uncontrolled into agricultural and other undeveloped areas.

Discussion

McClendon asked if the property owners would take the neighborhood concerns into account as the planning stages come forward for the development of the property. **Olsen** clarified that the property owners are not developers, but having represented many developers he can say that developers are not looking for neighbor fights, they are looking for a resolution and harmony within the neighborhood. The City Code does quite a bit to address the concerns that have been presented, but he and his clients are willing to meet with anybody to discuss any issues they may have.

Thomas noted that in the Planning and Zoning report it mentions the applicant took issue with the language regarding the median disclosure. **Olsen** explained that the language stated a median would be required; however, it is the City and not the developer that dictates where a raised median will be constructed. The language was changed to state that a median may be constructed. **Thomas** expressed concerns regarding traffic safety due to the many businesses in the area and the busy intersection. **Olsen** stated that based on the traffic studies, appropriate traffic control will be required for any development in the area whether it is apartments, single family residences, or commercial buildings.

Shelton asked for clarification regarding the maximum height of the buildings for this type of zoning. **Olsen** stated that the maximum height is 40 feet for most of the area, with a 20-foot limit farther to the north of the property. A 40-foot maximum would accommodate at most a three-story building after factoring in trusses. **Shelton** noted that it seems the residents have a good idea of the plans for the area, but City staff states there are no plans for development at this time. **Olsen** pointed out that no developer is going to spend \$50,000 to \$100,000 engineering and putting a project together for a property that may not be rezoned. Developers want to come in and see the zoning is in effect before they'll go to the expense of putting together plans, specifications, and details.

Knight asked how many units could be constructed on both properties combined based on the land use requirements for High Density Residential zoning. **Trebilcock** stated that there would be a maximum of 86 units; however, based on staff's experience it is very difficult for developers to come to maximum density without a tiered or multiple-level parking structure. The projected population for 86 units would be a maximum of 251 people.

Mayor Nicholls asked how much square footage is required per occupant. **Trebilcock** stated that the square footage per person would depend on the project, therefore Code Enforcement staff would need to see the project themselves in order to determine the maximum number of people allowed per unit.

Thomas asked if Bostic and Gale would agree with the rezoning if the traffic concerns were addressed. **Gale** stated that they would not.

Shelton noted that at a prior meeting Mr. Shadle expressed concern that development in the area would affect his property and his horses. **Shelton** was hopeful as a community in the American west where there is respect for ranches, farms, and boundaries, that the developers would find a way to avoid this. Regarding concerns that an apartment complex would drive down surrounding property values, **Shelton** pointed out that the property in its current undeveloped state is overgrown with weeds and trees that

need to be trimmed and likely is not helping to raise property values. **Shelton** stated in response to concerns regarding the safety of children traveling to and from school that Yuma's school systems know where to pick up and drop off children so that they are safe. **Shelton** concluded by thanking those who spoke today for taking the time to come and express their concerns.

Mayor Nicholls expressed concern regarding the traffic in the area and urged that a traffic study be done correctly, completely, and with the whole development in mind. This matter is not being taken lightly, and the discussion and everyone's desire to make sure things are done right is appreciated.

Knight noted that it has been asked why the City does not construct apartments in another location and clarified that the City does not build apartments. Private sector companies build apartments and they are the ones to decide where they will be located. In response to comments that no one is listening to concerns, **Knight** assured all that City Council is listening, however they may not always come to the same conclusion.

In response to the previous suggestion that the rezoning would affect emergency response in the area due to traffic, **Mayor Nicholls** confirmed that there is no actual delay in response out of Fire Station #4 and this is not currently a concern of the Yuma Fire Department.

Shelton asked if the City has any input as far as the potential population in this area. **Trebilcock** replied that limiting the population would mostly be done through the General Plan process which determines the number of units per acre. **Wilkinson** added that further along in the process a Development Agreement may come into play.

Miller expressed his belief that it is possible to achieve an outcome that will be beneficial for everybody, where Yuma gets its first private apartment complex in 20 or so years and the residents and businesses in the area have their traffic and safety concerns adequately addressed.

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

Bushong displayed the following title:

Ordinance O2018-008

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 High Density Residential (R-3) District and amending the zoning map to conform with the rezoning (4.8 acres located approximately 625 feet north of the northeast corner of 16th Street and Avenue B. - 1451 S. Avenue B) (DCD)

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

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title:

Ordinance O2018-009

An Ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereafter described, be acquired by the City of Yuma by dedication for the reason that such property is required to improve the public roadway drainage and other public purposes as may be related thereto (approximately 17 feet of right-of-way generally located on the east side of Avenue 10E, from 32nd Street to 34th Street, by dedication) (Eng)

V. PUBLIC HEARING AND RELATED ITEMS

Public Hearing - Annexation Area No. ANEX-20377-2017: Driftwood (conduct a public hearing to consider the annexation of property located at the southwest corner of Avenue 6E and 44th Street) (DCD/Planning)

Mayor Nichols opened the public hearing at 7:00 p.m.

Albers presented the following information:

- This is a request by the property owner, Avenue 6E Land, for the annexation of their property at the southwest corner of Avenue 6E and 44th Street.
- The property consists of approximately 6 parcels, 113.9 acres total, that is currently zoned County Rural Area – 10 Acres (RA-10)
- Upon annexation the zoning will default to Agricultural (AG), and the property owners intend to pursue a rezoning to Low Density Residential.
- The development plans are to construct a single-family-home subdivision and an elementary school on the site.
- There is infrastructure on the adjacent rights-of-way with water and sewer access to the site, and a Preannexation Development Agreement (PADA) approved by City Council in 2017 specifies improvements that will be completed as part of the subdivision and development process.
- The projected population for the area is based on an average density for residential development of 2.9 persons per single-family home.

Speakers

William Ladd, 4162 S. Avenue 5 ½ E, expressed concern that the intended rezoning will drastically increase the number of houses and the population in the area, stressing infrastructure and threatening the way of life of those who choose to live out in the country.

Emily McGrath, 4362 S. Avenue 5 ½ E, stated her opposition to the potential rezoning that may result from the annexation, predicting that it will negatively impact safety and traffic flow on 5 ½ E as well as property values.

J. Andy Robinson, 5392 E. 45th Street, spoke against the annexation, pointing out that there are many other development and infill opportunities that should be considered before spreading out further into this area. She also opined that notification was not sufficient to ensure that all property owners were aware of tonight's hearing.

Motion (Knight/Thomas): To close the public hearing. Voice vote: **approved** 7-0. The public hearing closed at 7:13 p.m.

Discussion

- Access to this area will be from 44th Street and 48th Street; there will be no access via Avenue 5 ½ E., nor are there any planned improvements at this time (**Mayor Nicholls/Albers**)
- Notification took place as required by law, with postings at three locations at least six days prior to the public hearing and a notice published in the local newspaper (**Shelton/Albers**)
- There are no laws preventing additional notification, such as mailings to neighboring property owners, however this would result in an additional cost (**Shelton/Albers**)
- Annexation only changes the jurisdiction that the property is under; any rezoning will need to be handled through a separate action (**Watts/Albers**)
- Low Density Residential zoning allows for between one and 4.9 dwellings per acre, and typically a single-family-home subdivision has 3 to 3.5 units per acre (**Watts/Albers**)
- The developers will build a wall around the subdivision, which is a standard requirement of single-family-home developments (**McClendon/Albers**)
- The area along 5 ½ E will have larger lot sizes, an increased rear yard setback, and a higher wall than is typically required to act as a buffer (**Mayor Nicholls/Knight/Albers**)
- Typically an annexation petition is only signed by the property owners and is not routed to neighboring property owners (**Mayor Nicholls**)

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

Announcements:

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

Thomas requested that a discussion regarding Kennedy Park be placed on a future agenda.

Motion (Knight/Miller): To cancel the regularly scheduled City Council Worksession and City Council Meeting for July 3rd and July 4th, 2018, in observance of the Independence Day holiday. Voice vote: **approved** 6-1, **Thomas** voting nay.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson reported the following events:

- February 21: Yuma Arts Symposium Presenter Show at Historic Yuma Theatre

- February 22: Harvest Dinner
- February 23-24: Camp Inferno with the Yuma Fire Department
- February 23-24: Lecture and Photography 101 & 102 Training
- February 24: Main Street Water Plant Tours
- February 24: Historic Riverfront Tours at the Colorado River State Park
- February 24: City of Yuma Surplus Auction
- February 24-25: City of Yuma Lettuce Festival

VIII. CALL TO THE PUBLIC

Oscar Rene Corado, 4864 W 18th Lane, spoke briefly regarding his company, Media Shark, and their support of local businesses. **Mayor Nicholls** clarified that the purpose of Call to the Public is generally not for business promotion. **Files** stated that he is not aware of any prohibitions, but it would be up to the meeting officer to stay with tradition. **Wilkinson** suggested that Corado contact John Courtis of the Yuma Chamber of Commerce for opportunities to speak to local business owners regarding his company.

The following speakers expressed their support for the All Yuma Center and shared stories to highlight the importance of establishing a safe and welcoming community for Yuma's LGBTQ citizens:

- **Allysah M. Snow**, 4825 E 47th Street,
- **John Gleason**, 5302 E 33rd Lane
- **Jose Arguelles**, 593 Orange Avenue
- **Bryan Rasmussen**, 2257 S 42nd Avenue
- **Robin Miller**, 1819 W. 17th Place
- **Jane Delaurier**, 4722 W 28th Place
- **Rev Alberta Wallace**, 1602 W 12th Lane

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 8:12 p.m. No executive session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor