

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
JUNE 15, 2016
5:30 p.m.

CALL TO ORDER

Pro Tem Mayor Thomas called the City Council meeting to order at 5:31 p.m.

INVOCATION/PLEDGE

Father Fragoso, Immaculate Conception Church, gave the invocation. **Ben Stover**, of Troop 8010, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Shelton, Knight, Miller, Wright, and Thomas (Thomas served as Pro Tem Mayor)
Councilmembers Absent: Craft, Mayor Nicholls
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Director of Community Development, Laurie Lineberry
Various Department Heads or their representative
City Attorney, Steven W. Moore
City Clerk, Lynda L. Bushong

FINAL CALL

Pro Tem Mayor Thomas made the final call for speaker request forms.

PRESENTATIONS

Board and Commission Quarterly Recognitions

Pro Tem Mayor Thomas recognized the following Commissioners for their service on a Board or Commission:

- Richard Hain, Merit System Board
- Sharon Craig, Clean and Beautiful Commission
- Clint Underhill, Planning and Zoning Commission

Check Presentations

Wilkinson presented the following non-profit organizations with checks from the Cocopah and Quechan tribal gaming proceeds received by the City of Yuma:

- Humane Society of Yuma - \$4,000
- Catholic Community Services – Safe House - \$6,000

I. MOTION CONSENT AGENDA

Motion (Knight/Shelton) to correct the address shown on the Request for City Council Action and the summary sheet of Motion Consent item B.3, the Liquor License for Native Grill and Wings, from 1730 E. 16th Street to 1731 E. 16th Street. Voice vote: **approved** 5-0

Motion (Knight/Miller) to approve the Motion Consent Agenda as recommended. Voice vote: **approved** 5-0

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

Regular Council Worksession	March 15, 2016
Regular Council Meeting	March 16, 2016
Regular Council Worksession	April 5, 2016

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). (Attny)
2. Approve a Person Transfer for a Series #06 Bar Liquor License Application, submitted by Joseph Inman, agent for C.I.R. Investments LLC dba Whiskey Road Saloon located at 3780 S. 4th Avenue #E (LL16-09) (Admin/Clerk)
3. Approve a new Series #12 Restaurant Liquor License Application submitted by Amy Nations, agent for Native Grill & Wings located at 1730 E. 16th Street (LL16-10) (Admin/Clerk)
4. Authorize the City Administrator to enter into an Intergovernmental Cooperative Purchase Agreement with Public Procurement Authority. (Fin/ Purchasing)
5. Authorize the City Administrator to execute a contract for Biosolids Removal and Disposal to Ag Tech, LLC Yuma, AZ. (Utilities RFP #2016-20000150)
6. Authorize insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Underground Storage Tanks, Excess Workers Compensation, Cyber Liability and Auto Physical Damage coverage for fiscal year 2016-2017 in the total amount of \$874,211.64. (Atty/Risk)
7. Authorize the City Administrator to execute an agreement with the Yuma Crossing National Heritage Area Corporation (YCNHAC) for the operation and maintenance of the Yuma Quartermaster Depot State Historic Park (QMD); to provide funding in support of park operations in the amount of \$150,000.00 for Fiscal Year 2016-2017; and to provide performance standards for YCNHAC. (Admin/YCNHAC)

8. Authorize the City Administrator to execute the required documents and submit an application for the Edward Byrne Memorial Justice Assistance Grant Program: Fiscal Year 2016 Local Solicitation (CFDA #16.738), offered by the U.S. Department of Justice, for funding in the amount of \$60,827.00. (YPD/Patrol)

II. RESOLUTION CONSENT AGENDA

Motion (Knight/Miller) to adopt the Resolution Consent Agenda as recommended.

At the request of the **Pro Tem Mayor, Bushong** displayed the following titles:

Resolution R2016-016

A resolution of the City Council of the City of Yuma, Arizona, relating to Yuma 50, Inc., an Arizona non-profit Corporation, which seeks to promote the further development and enhancement of the relationships between Marine Corps Air Station Yuma and Yuma Proving Ground, and their respective personnel, and the entire Yuma southwestern Arizona communities, and supporting commissioned and enlisted men and women and civilian contractors in their efforts to provide the best possible environment and conditions for military activities (Support of a Yuma 50's efforts regarding Marine Corps Air Station Yuma and Yuma Proving Ground)

Resolution R2016-017

A resolution of the City Council of the City of Yuma, Arizona, authorizing and adopting the City of Yuma Workers' Compensation Trust Agreement (To establish a Workers' Compensation Trust Agreement)

Resolution R2016-019

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving development agreements permitting the deferral of City of Yuma development fees and water and sanitary sewer capacity charges for Park West Unit No. 2 Subdivision and Trail Estates unit No. 5 Subdivision (Deferral of fees and charges for a period of three years upon payment of a \$500.00 deferral fee to the City)

Resolution R2016-020

A resolution of the City Council of the City of Yuma, Arizona, ratifying the City's submission of policy ideas to the League of Arizona Cities and Towns for inclusion in the League's 2017 legislative platform (2017 Resolutions proposed to the League of Arizona Cities and Towns)

Roll call vote: **adopted** 5-0

III. ADOPTION OF ORDINANCES CONSENT AGENDA

O2016-010 Zoning Code Text Amendment: Off-Site Signs – Amend Title 15, Chapter 154 (Sections: 01.07 and 17.04) to provide definitions and add regulations regarding off-site signage. (ZONE-13006-2016) (DCD/Planning)

JUNE 15, 2016

Motion (Wright/Knight) to continue Ordinance O2016-010 for 90 days to allow the City Attorney's Office to review the legal memorandum submitted yesterday afternoon by the law firm for a sign company. Voice vote: **approved** 5-0

O2016-017 Government Property Land and Improvements Lease: Sixteen & Four, LLC. –

Authorize (1) accepting title to land and improvements at the northwest corner of 16th Street and 4th Avenue; (2) an eight-year government property land and improvements lease with Sixteen & Four, LLC as the statutory prime lessee; (3) abatement of the government property lease excise tax for the term of the lease; and, (4) reconveyance of the land and improvements to the prime lessee at the conclusion of the lease. (This item must be adopted by a simple majority vote without the use of the consent calendar) (Admin/YCNHAC)

Wright asked when the property on the northwest corner will be titled to the City of Yuma to qualify for Government Property Lease Excise Tax (GPLET). **Moore** stated when the agreement has been fully executed. **Moore** added that it is only an option - not a requirement, and since construction has not started there is no immediate timeline to act. **Wilkinson** added that normally the property will be deeded once a Certificate of Occupancy has been issued. It is strictly an incentive that is available.

Wright stated he was not sold on the GPLET and believes the development will still come without this incentive. Further, he does not see this as a redevelopment or blighted area and believes the property to be very valuable. He would like to maintain the current tax levy. Finally, **Wright** stated that for these reasons he will vote no on this ordinance.

Knight stated he initially had reservations,. However, once he looked at the numbers provided, he believes this isn't anything different than what is being done by cities in the Phoenix area to attract businesses to their municipalities. The business coming to that corner has expressed an interest in this incentive in order to come to Yuma. The business has been sought after by many citizens of Yuma. Previous buildings on this site were boarded up and were not bringing sales tax money and very little property tax money to the City due to the low property value of those buildings. This incentive will benefit the City in the long run.

Wright expressed that there are varying interpretations of Arizona Revised Statutes including §42-6209, related to GPLET.

Motion (Knight/Shelton) to adopt Ordinance O2016-017 Government Property Land and Improvements Lease: Sixteen & Four, LLC.

At the request of the **Pro Tem Mayor, Bushong** displayed the following titles:

Ordinance O2016-017

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and approving the acceptance of title to certain real property and improvements, the execution of a Government Property Land and Improvements Lease for a term of eight years with Sixteen & Four, LLC as the prime lessee, the reconveyance of title to the real property and improvements at the conclusion of the described lease, and approving the abatement of the Government Property Lease Excise Tax during the term of the eight year lease (To authorize a Government Property Land and Improvements Lease with Sixteen & Four, LLC at the northwest corner of 16th Street and 4th Avenue)

Roll call vote: **adopted** 4-1 (Wright voting Nay)

IV. INTRODUCTION OF ORDINANCES - There were no ordinances scheduled for introduction.

V. PUBLIC HEARING AND RELATED ITEMS

Pro Tem Mayor Thomas opened the public hearing at 6:09 p.m.

R2016-018 General Plan Amendment: Palos/Martinez – Approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential to Medium Density Residential, for property located at the northwest corner of 11th Street and Avenue A. The applicants are Rogelio Sosa Palos and Ma. Del Pilar Soto Martinez. (GP-10768-2015) (DCD/Planning)

Presentation:

Lineberry stated that tonight's public hearing is on a General Plan Land Use Amendment and provided the following information: This is an amendment that came before Council in March and the per the applicants request, the item was remanded back to the Planning and Zoning Commission. The applicant then presented a different proposal to the Planning and Zoning Commission, which included going to Medium Density Residential instead of High Density Residential and from rental apartment units to ownership townhomes or condominiums due to the concerns of the neighbors. This is a significant reduction in the density of people that were planned per unit, which was staff's biggest concern. Because of this, and the fact that this parcel is an odd shaped parcel to try to turn into single family homes, staff, as well as the Planning and Zoning Commission is supporting the Medium Density Residential.

Randy Thompson, 1145 S. 10th Avenue, stated there has been no disclosure on the number of people that will be allowed to live there and asked whether there are going to be future hearings on this matter.

Vianey Vega, 1846 S. 8th Avenue, Yuma, stated Vega and Vega Engineering is the applicant representing the owner for this property. This site will contain 29 townhomes with two access points which are off of 11th Street and 13th Avenue. The townhomes will be a subdivision with the lots being sold individually and will look similar to the Sunset Mountain Villas, located on 9E and North Frontage Road. Vega further stated her clients listened to the neighbors' concerns, which is why they came up with this alternative.

Thompson asked how many people would be allowed to live in these townhomes. **Lineberry** stated that for multi-family it is 2.9 persons per unit which calculates to be about 87 people. The prior proposal had 645 people. **Lineberry** clarified that 2.9 people per dwelling unit is a census number. That is the average number of people that the census tells us are in multi-family dwellings. **Thompson** questioned whether there was anything in place to restrict 10 people from living in each of the 29 units taking the number up to 290 people. **Vega** stated the project has changed from farming housing to a residential subdivision and the lots will be up for sale. **Wilkinson** further clarified that our zoning code does not allow for more than two adults per bedroom.

Motion (Knight/Shelton) to close the Public Hearing. Voice vote: **Approved** 5-0. The Public Hearing closed at 6:23 p.m.

Motion (Knight/Miller) to adopt Resolution R2016-018 General Plan Amendment Palos/Martinez.

At the request of **Pro Tem Mayor Thomas, Bushong** displayed the following title:

Resolution O2016-018

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 Low Density Residential to Medium Density Residential for property located at the northwest corner of 11th Street and Avenue A (To amend the General Plan to change the land use designation)

Roll call vote: **adopted 5-0**

FINAL CALL

Pro Tem Mayor Thomas 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

Knight, Shelton, Miller and Wright reported on events/meetings they attended since the last regular meeting and noted upcoming events/meetings.

Wright requested a status on the Request for Qualification criteria and scoring that is being looked at. **Wilkinson** stated he will send that information directly to Mayor and Council.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson reported the following upcoming events:

- June 18 – Archery at the North End Community Center
- June 18 – Edible Art
- June 18 – Screening of the Minions Movie at the Historic Yuma Theatre
- June 20-24 – Arizona Diamondback Baseball Academy

VIII. CALL TO THE PUBLIC

Eric Egan, President of the Fraternal Order of Police, thanked Council for taking the first steps in discussions to raise the City of Yuma sales tax and offered the assistance and resources of the Fraternal Order of Police organization, who wants to work with the City, to improve pay, benefits and working conditions for the employees.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Pro Tem Mayor Thomas** adjourned the meeting at 6:37 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor