

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
OCTOBER 16, 2019
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:32 p.m.

INVOCATION/PLEDGE

Father John Allt, Former Chancellor of the Diocese of Tucson, gave the invocation. **Larry Halberstadt**, Assistant Director of Engineering, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Shelton, Watts, Thomas (via telephone), Knight (via telephone), Miller and Mayor Nicholls
Councilmembers Absent: McClendon
Staffmembers Present: Interim City Administrator, Jay Simonton
Director of Utilities, Jeremy McCall
Director of Parks and Recreation, Debbie Wendt
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 –There were no presentations scheduled at this time.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.8 – Cooperative Purchase Agreement: Medium and Heavy Trucks and Truck Bodies (Pro Patch) (authorize the purchase of one 2020 Peterbilt 337 / Pro Patch for an estimated expenditure of \$213,410.81) (PW)

Motion (Miller/Shelton): That the agenda index related to Motion Consent B.8, Cooperative Purchase Agreement: Medium and Heavy Trucks and Truck Bodies (Pro Patch) be amended to reflect the correct price of \$213,410.81, as described in the Request for City Council Action. Voice vote: **approved** 6-0.

Mayor Nicholls declared a conflict of interest on item B.15 but stated that with Deputy Mayor Knight being on the phone and not in person he would request a motion appointing Karen Watts as Mayor Pro Tem for that item on tonight's agenda.

Motion (Miller/Shelton): Pursuant to Yuma City Code, Section 30-06, that Karen Watts be appointed as Mayor Pro Tem for the October 16, 2019 City Council Meeting, in the absence of Mayor Nicholls. Roll call vote: **approved** 6-0.

Motion Consent Agenda Item B.17 – Commemorative Facility Naming: New City of Yuma Utilities Facilities Building (approve the commemorative naming of the new City of Yuma Utilities Department Building to the Thomas F. Allt Utilities Complex (Admin)

McCall acknowledged former Mayor Thomas Allt (1913-2002) for his contributions to the City of Yuma. Allt served as the Mayor of the City of Yuma from 1963-1973. During his tenure the City of Yuma acquired a (then) private utility company called the Arizona Water Company. The acquisition went through a voter referendum and while the utility did not oppose being sold, they could not agree on a price. It went through a judgement and a jury trial, and took about 10 years to acquire. Allt knew the importance of water quality to the City of Yuma and in the early 1970s there were a lot of water quality issues with Congress dealing with the building of the local desalination plant. The desalination plant received some negative publicity, as the media was saying the water quality in Yuma was not suitable for Mexico. Allt took exception to these comments and felt the Yuma residents needed representation; he went back to Congress and testified to a subcommittee that the City of Yuma is using that same water. Through those conversations, Allt was able to secure a new contract to provide less-expensive water from the All American Canal at a steady price with the Bureau of Reclamation. Allt was a well-liked individual and the City of Yuma would like to commemorate his accomplishments and his forethought by naming the new utilities complex the Thomas F. Allt Utilities Complex. **Mayor Nicholls** introduced and thanked Father John Allt (Thomas Allt's son) who was in attendance on behalf of the Allt family. **Father John Allt** stated that in addition to the water issues already describe, the route for the freeway was also decided during his father's tenure. There were many negotiations and it was pretty controversial and although there were several alternatives, the one his dad supported is the one we have today. **Father John Allt** thanked the people of Yuma for honoring his dad.

Motion Consent Agenda Item B.6 – Cooperative Purchase Agreement: Medium and Heavy Trucks and Truck Bodies (Aerial Lift Truck) (authorize purchase of one 2020 Altec Aerial Lift Truck for an estimated expenditure of \$169,019.00) (P&R)

Knight stated he thought a similar truck was purchased last year for Public Works for signal lights and streetlights and wondered why it could not be used by both departments. **Wendt** stated that the main differences from other boom trucks in the inventory is this truck has a debris box on the backside where wood chipping and other debris can shoot right inside the truck and it also has a 60-foot arm which allows a higher reach to get into the tree branches. Additionally, other similar trucks in the inventory are used on a daily basis as is the Parks and Recreation truck which will be used on a daily basis by the forestry crew. **Shelton** asked if the new truck would replace the truck that is currently being repaired. **Wendt** confirmed it would, and stated the other truck will be sold. **Thomas** asked if the truck being replaced could be used for parts. **Wendt** stated the major problems are with the hydraulic arm and lift. **Thomas** asked if a warranty could be purchased for the truck. **Wendt** opined that most new vehicles have warranties, however, the truck in question is over 10 years old.

Motion (Watts/Miller): To approve the Motion Consent Agenda as amended with the exception of item B.15. Roll call vote: **approved** 6-0.

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

Council Citizen's Forum	September 3, 2019
Special Council Meeting	September 9, 2019
Council Citizen's Forum	October 1, 2019
Regular Council Meeting	October 2, 2019

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 Bingxian Zhen Chen, agent for Jade Garden located at 1221 W. 16th Street #A. (LL19-10) (Admin/Clk)
3. Approve a new Series #10 Beer and Wine Store Liquor License application submitted by Andrea Dahlman Lewkowitz, agent for Home 2 Suites Market located at 155 N. Madison Avenue (LL19-13) (Admin/Clk)
4. Approve a Special Event Liquor License application submitted by Thomas Rush on behalf of Fort Yuma Rotary for Mardi Gras 2020. This event will take place on the 100-300 blocks of Main Street on Friday, February 21, 2020, from 4:00 p.m. to midnight. (SP19-26) (Admin/Clk)
5. Authorize the City Administrator to execute a one-year contract with the option to renew for four additional one-year periods for ongoing maintenance, repair and/or replacement of the Enterprise Security and Environmental Control Systems at an estimated annual expenditure of \$50,000 to: Pueblo Mechanical and Controls LLC Phoenix, Arizona (ITS-Citywide #2020-20000030)
6. Authorize the purchase of one 2020 Altec Aerial Lift Truck utilizing the cooperative purchase agreement originated by Sourcewell, for an estimated expenditure of \$169,019.00 to: Altec of Phoenix, Phoenix, Arizona (P&R-Bid #2020-20000058)
7. Authorize the purchase of one 2020 Peterbilt Model 520/McNeilus Rear Loader utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for an estimated expenditure of \$289,649.07 to: Rush Truck Centers of Yuma, Yuma, Arizona (PW-Bid #2020-20000056)
8. Authorize the purchase of one 2020 Peterbilt 337/Pro Patch utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for an estimated expenditure of \$389,532.98 to: Rush Truck Centers of Yuma, Yuma, Arizona (PW-Bid #20000057)
9. Authorize the purchase of one 2020 Peterbilt Model 520 McNeilus Side Loader utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for an

estimated expenditure of \$341,759.02 to: Rush Truck Centers of Yuma, Yuma, Arizona (PW-Bid #2020-20000060)

10. Authorize the purchase of one 2020 Peterbilt 337/Seal Master utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for an estimated expenditure of \$176,122.17 to: Rush Truck Centers of Yuma, Yuma, Arizona (PW-Bid #2020-20000061)
11. Authorize the City Administrator to execute an agreement with the Arizona Department of Homeland Security for reimbursement of funds expended for equipment in support of the State Homeland Security Grant Program. (Police/Patrol)
12. Authorize the City Administrator to execute an agreement with Community Foundation for Southern Arizona to receive funding for Critical Incident Stress Management (CISM) related training (Police/Patrol)
13. Authorize the City Administrator to execute a job order with Sunland Asphalt & Construction, Inc., in an amount not to exceed \$816,707.00, for capital improvements to Avenue 3E from 32nd Street to 40th Street under the City's Job Order Contracting program. (Eng)
14. Authorize the City Administrator to execute a job order with Yuma Valley Contractors, Inc., in an amount not to exceed \$480,508.32, for capital improvements to the water distribution system under the City's Job Order Contracting program. (Eng)
15. Pulled for separate consideration; see below
16. Approve the final plat for Premier Storage Condominiums of Yuma Unit 2 Subdivision – Phase IV (Building 6) and Phase V (Building 7). The property is located at the southeast corner of Avenue 3 ¾ E and E 32nd Street, Yuma. The applicant is Premier Storage Condominiums of Yuma Unit 2, LLC. (DCD)
17. Approve the commemorative naming of the new City of Yuma Utilities Department Building to the Thomas F. Allt Utilities Complex. (Admin)

Motion Consent Agenda Item B.15 – Job Order Authorization: 16th Street Paving Avenue B to Avenue C (authorize a job order with CEMEX Construction Materials South LLC in an amount not to exceed \$1,599,023.89 for capital improvements to 16th Street from Ave. B to Ave. C) (Eng)

Mayor Nicholls left the dais. With no discussion **Mayor Pro Tem Watts** asked for a motion on Motion Consent Agenda Item B.15.

Motion (Miller/Shelton): To approve item B.15-MC2019-207-Job Order Authorization 16th Street Paving Avenue B to Avenue C. Roll call vote: **approved** 5-0-1. (Mayor Nicholls declared a conflict of interest)

Mayor Nicholls returned to the dais.

II. RESOLUTION CONSENT AGENDA

Motion (Miller/Shelton): To adopt the Resolution Consent Agenda as recommended.

Bushong displayed the following title(s):

Resolution R2019-043

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a development agreement permitting the deferral of City of Yuma development fees and water and sanitary sewer capacity charges for Driftwood Ranch Unit 1 Subdivision (the effective length of the deferral agreement is for three years from date of execution) (Eng)

Resolution R2019-045

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a development agreement with the owner of real property located at 1744 S. Pacific Avenue (permits the continued mobile food vending operation for property owners Francisco Guzman and Irene Guzman Family Wealth Trust dated December 2, 2008) (Admin)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA – There were no ordinances scheduled for adoption at this time.

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2019-034

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 (the project is a coffee shop on an internal pad within the Sprouts Market parking field of the northwest corner of the intersection of 4th Avenue and 16th Street) (Atty)

Ordinance O2019-035

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/Conditional Low Density Residential (AG/COND. R-1-8) District to the Low Density Residential/Public Overlay (R-1-8/P) District, and amending the zoning map to conform with the rezoning (request on behalf of Yuma Elementary School District No. 1 to rezone approximately 10.7 acres for the property located at the southeast corner of 45th Place and Bennie Avenue) (DCD)

V. PUBLIC HEARINGS AND RELATED ITEMS

General Plan Amendment: Brian L. Hall Living Trust and the Michael T. Hall Living Trust –

Approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential, Commercial, Public/Quasi-Public and Resort, Recreation and Open Space to Low Density Residential, Medium Density Residential and Public/Quasi-Public properties located at the northeast corner, southeast corner and southwest corner of Avenue 7E and 44th Street. The applicant is Brian L. Hall Living Trust and the Michael T. Hall Living Trust (GP-26567-2019).

Mayor Nicholls opened the public hearing at 5:57 p.m.

Albers presented the following information:

- This is a request to amend the General Plan in the vicinity of Avenue 7E and 44th Street. Albers noted that this is a major General Plan amendment and is subject to additional requirements of State statute including:
 - Must be heard in the same year it was submitted.
 - Requires a super majority by City Council for approval.
- Current land uses include:
 - Primarily low density residential.
 - Two areas that are identified as resort/recreation open space intended to be park sites totaling 14-acres.
 - A public/quasi-public site of 24-acres identified to be a community park.
 - Two commercial sites.
- Applicants proposed uses includes:
 - A mix of low and medium density residential.
 - A reduction in commercial area to approximately 12-acres.
 - Relocating the public/quasi-public site and identifying it as a future school location which would be along a major roadway to better access the school site.
 - Removal of the resort/recreation open space areas with the applicant proposing to identify three five-acre sites for storm water retention.
 - A required 10-acre park site.
- Albers noted that although this entire amendment area is 480 acres, the areas that are being changed for land use designation are only 315 acres.
- The area is undeveloped and currently used for agriculture but in a developing area of our community:
 - To the north is the Desert Sky Development and Desert Oasis
 - To the east is the Saguro Development
 - To the west is Ocotillo and SR-195
- The area is subject to a Settlement Agreement approved by City Council on June 5, 2019.
 - The agreement limits development density within certain areas to no more than 600 units within each one of those quarter sections. Because of that reduction in density the actual change in the number of potential dwellings is relatively low - an increase of 235 dwellings - unlike what would typically be seen with a medium density development.
- The area is identified to have park sites in the current plan.
- They are proposing to identify and include stormwater retention basins that will be open space areas.
- A 10-acre park site, required as part of the settlement agreement, will be identified at the time of platting.

- Identifying the best location for the park site early on is important to staff so traffic does not impact future residents as the park site will get a significant amount of usage from other residents on the east side of the community because it will be large enough for soccer practice, football practice, rugby practice as seen in the Ocotillo Development area.
- The Planning and Zoning Commission recommended approval of the major General Plan amendment on September 23, 2019.

Speakers

Mike Alford, a City resident, questioned how big these lots are going to be. His calculation is 8,712 square feet without roads, sidewalks and stormwater retention basins. **Albers** stated that the General Plan amendment does not address lot sizes. **Alford** stated he was surprised an agreement was reached without a discussion on lot size. **Files** stated there is a formula where they are trying to achieve a certain density through both a rezoning and change of the General Plan. **Mayor Nicholls** stated there is a lot more to this process than just this one public hearing.

Alford also questioned what type of dwellings units will be going in as this is coming into his neighborhood. **Mayor Nicholls** and **Albers** stated that medium density is typically duplexes, townhomes, single-family homes, apartments or condominiums and the applicant has a variety of housing products that they have built before giving them lots of options based on the market needs at the time of development.

Alford stated that when he thinks of density population he believes the less dense the better and that the more people you pack into smaller spaces the more problems occur. **Alford** asked City Council to do their due diligence and get answers to those questions by taking the time to build Yuma carefully, methodically and with some forethought.

Mayor Nicholls called for a motion to close the public hearing.

Motion (Thomas/Watts): To close the Public Hearing. Roll vote: **approved** 6-0; the Public Hearing closed at 6:18 p.m.

Discussion

Shelton questioned when we would have answers to Alford's questions. **Albers** stated that according to the settlement agreement the Yuma City Council is scheduled to introduce the rezoning ordinance on November 20, 2019. At that point zoning boundaries will be set and lot sizes can be identified. **Shelton** invited Alford to come back at that point.

Watts questioned the density surrounding this area. **Albers** replied:

- It is currently low density to the East where the Saguaro Development is;
- It is low density to the West where the Ocotillo Development is;
- To the South of 48th Street within a mile of the Goldwater Range is rural density and it is anticipated that if that area is developed it would be no less than two-acre sites
- To the North – just North of 40th Street - it is suburban density which is three dwelling units per acre between State Route 194 and Avenue 7E
- It is low and medium density between Avenue 7E and Mississippi Avenue with medium being where the Desert Sky Development is now going in.

Thomas suggested Alford go to the Planning and Zoning meeting prior to coming to the City Council meeting on November 20th. **Albers** stated the Planning and Zoning meeting on the rezoning is scheduled for October 28th. **Mayor Nicholls** stated that as a community we need to look for a variety of product in our housing, but that he fully believes in the public process and input and appreciates the suggestions, comments and the concerns. **Knight** stated that up to this point there have been no objections by the surrounding neighbors. **Shelton** stated he believes in the power of one.

There being no further discussion **Mayor Nicholls** called for a motion.

Motion (Miller/Shelton): To adopt R2019-044 General Plan Amendment: Brian L. Hall Living Trust and the Michael T. Hall Living Trust

Bushong displayed the following title(s):

Resolution R2019-044

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, Commercial, Public/Quasi-Public and Resort, Recreation and open space to Low Density Residential, Medium Density Residential, Commercial, and Public/Quasi-Public for properties located at the Northeast Corner, Southeast Corner and Southwest Corner of Avenue 7E and 44th Street (applicant is Brian L. Hall Living Trust and the Michael T. Hall Living Trust and the acreage is approximately 315 acres) (DCD)

Roll call vote: **approved** 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

Appointments – There were no appointments scheduled at this time.

Announcements

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

Scheduling:

Motion (Miller/Watts): To schedule a Special City Council Meeting for Monday, October 21, 2019 at 5:30 p.m. in City Hall Council Chambers, for the purpose of appointing a City Administrator and execution of that City Administrator's contract. Roll call vote: **approved** 6-0.

VII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- October 19, 2019 – Mayor’s Binational Bicycle Ride
- October 19, 2019 – Annual Catfish Rodeo at the West Wetlands
- October 19, 2019 – Bridget’s Gift (Community Event)
- October 24, 2019 – Mayor’s First Neighborhood Meeting
- October 26, 2019 – Rocky Horror Picture Show at the Historic Yuma Theatre
- October 26, 2019 – Show and Shine Motorcycle Show at the Civic Center
- October 31, 2019 – YPD Annual Trick-or-Treat at the Yuma County Fairgrounds
- October 31, 2019 – Heritage Festival Trick-or-Treat and Block Party

VIII. CALL TO THE PUBLIC-No speakers were scheduled to speak at Call to the Public.

IX. EXECUTIVE SESSION/ADJOURNMENT

Motion (Watts/Shelton): To adjourn for Executive Session. Voice vote: **approved 6-0. Mayor Nicholls** adjourned the meeting at 6:37 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor