

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

CALL TO ORDER

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

INVOCATION/PLEDGE

Pastor Tom Renard, Imagine Nations Church gave the invocation. **Cara Smothers**, City Clerk Specialist, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Shelton, Watts, Thomas, Miller and Deputy Knight
Councilmembers Absent:	McClendon and Mayor Nicholls
Staffmembers Present:	Deputy City Administrator, Ron Corbin
	Police Chief, John Lekan
	Principal Planner, Jennifer Albers
	Various Department Heads or their representative
	City Attorney, Richard Files
	City Clerk, Lynda L. Bushong

FINAL CALL

Deputy Mayor Knight made a final call for the submission of Speaker Request Forms from members of the audience for agenda related items.

PRESENTATIONS

Recognition of Special Olympics Award:

Chief Lekan explained the Yuma Police Department's relationship with Special Olympics Arizona through the Law Enforcement Torch Run and announced that tonight the Yuma Police Department (YPD) will be recognized for being one of the top ten fundraising departments in the State of Arizona. **Chief Lekan** praised the efforts of Officer Cory Williams, stating he is the drive behind Special Olympics at YPD. **Lekan** invited Williams up to receive the award on behalf of the YPD.

Lisa Ball, River Area Director, Special Olympics Arizona, thanked Officer Williams and all of the other officers involved in supporting Special Olympics. **Ball** continued stating Special Olympics has grown to include 31 elementary and middle schools along with all five high schools in the Yuma area that participate in the United Sports Program.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.7- Post-Design Services for the Fleet Services Maintenance Facility:

Authorize the City Administrator to approve post-design services in an amount of \$86,719 to WSM Architects' contract for the Fleet Services Maintenance Facility. (Engineering)

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

Motion (Shelton/Thomas): To approve Motion Consent Agenda Item B.7 as recommended. Voice vote: **approved** 4-0-1, **Miller** abstaining due to conflict of interest.

Miller returned to the dais.

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

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

Regular Council Meeting	September 20, 2017
Regular Council Meeting	October 4, 2017
Council Citizen's Forum	February 6, 2018
Council Citizen's Forum	February 20, 2018

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 Attorney)
2. Approve a Special Event Liquor License application submitted by Robin Hardee on behalf of Fort Yuma Rotary Club for Penitentiary Pint Fest. The event will take place at the Yuma Territorial Prison State Historic Park, 220 Prison Hill Road, on Saturday, April 21, 2018, from 5:30 p.m. to 9:30 p.m. (SP18-17) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Angela Mitchell on behalf of Foothills Rotary Club for the Paint the Town Red event, which will take place at the Historic Gowan Building, 370 S. Main Street, on Saturday, March 24, 2018, from 5:00 p.m. to 11:00 p.m. (SP18-18) (Admin/Clerk)
4. Approve a Special Event Liquor License application submitted by Alysia Munoz on behalf of Hospice of Yuma for Come Wine with Us at City Hall. The event will take place at Yuma City Hall, One City Plaza, on Thursday, April 19, 2018 from 5:30 p.m. to 7:30 p.m. (SP18-19) (Admin/Clerk)
5. Renew sole source contract for Peroxide Regenerated Iron-Sulfide Control for one year, with the option to renew for four additional one-year periods, at an estimated annual expense of \$350,000 to: US Peroxide, Atlanta, Georgia. (Utilities/Water Pollution Control Facility – Bid #2018-20000136)
6. Authorize a job order with CEMEX Construction, Inc. (CEMEX) in an amount not to exceed \$212,876.00, for pavement replacement on 27th Street from 4th Avenue to 8th Avenue, pursuant to the City's Utility and Roadway Infrastructure Job Order Contract. (Eng.)

7. Pulled for separate consideration; see above.
8. Approve an Infrastructure and Services Report for Annexation Area No. ANEX-20377-2017, identified as the Driftwood Annexation, located at the southwest corner of Avenue 6E and 44th Street. (DCD/Planning)
9. Intergovernmental Agreement between the City of Yuma and Lake Havasu City for Use of the City of Yuma Police Safety Training Facility. (YPD/Quality Assurance)

II. RESOLUTION CONSENT AGENDA

Motion (Thomas/Miller): To amend Resolution R-2018-002 at Sections 1 and 2, to replace the language, “by a maximum of three percent (3%) per annum as a line item” with, “by a maximum of the current Consumer Price Index (CPI) or three percent (3%) per annum, whichever is less, through a line item,” and, I further move to amend Exhibit A, Article 1(C), Article 1 (D), and the fifth column and footnote in the Article II table containing Commercial or Extraordinary Services Fees, to reflect the same restrictions on increases in fees language. Voice vote: **approved** 5-0.

Motion (Thomas/Watts): To adopt the resolution consent agenda, as amended.

Bushong displayed the following title:

Resolution R2018-002

A resolution of the City Council of the City of Yuma, Arizona, increasing the residential solid waste collection fee, the environmental solid waste fee, updating the refuse collection and disposal regulations to reflect increases in the commercial and extraordinary services fees, and repealing resolutions R98-29, R2000-40, R2001-44, R2003-45, R2007-37, and R2010-35 (Amend the ‘Refuse Collection and Disposal Procedures and Regulations’ to increase specified fees and charges, update collection pickup and repeal above-noted resolutions)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (Miller/Thomas): To adopt Ordinances Consent Agenda as recommended.

Bushong displayed the following titles:

Ordinance O2018-007

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 210 of the Yuma City Code, as amended, relating to construction standards and adopting specifications for the construction or alteration of streets, public utilities, public rights-of-way and other publicly owned properties within the City limits of the City of Yuma and adopting a penalty for violations thereof (Incorporate and adopt, by reference, construction specifications published by Maricopa Association of Governments with the Yuma Supplement as the standard requirements in the City of Yuma)

Ordinance O2018-010

An ordinance of the City Council of the City of Yuma, Arizona, authorizing acceptance of a fifty-year easement from the United States of America for a portion of the Airport Loop Road
(Authorize City acceptance of renewed 50-year easement from the United States Government)

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

IV. INTRODUCTION OF ORDINANCES

O2018-012- Annexation Area No. ANEX-20377-2017: Driftwood – Authorize annexation of property generally located at the southwest corner of Avenue 6E and 44th Street. (DCD/Planning)

Speakers:

James Sheldahl, 432 S. Madison Avenue, Superintendent of Yuma Elementary School District One, spoke in support of the annexation of the Driftwood Subdivision. In 2014 the voters of District One passed a bond election allowing District One to use the bond funds for the safety and security of existing campuses as well as new construction. This new construction includes a school which will be built in the Driftwood Subdivision area on land donated by the developer. The school is scheduled to open in the fall of 2019 and will be named the *Dorothy Hall Elementary School*. Many factors necessitate the building of a school in this area including growth in the eastern portion of Yuma School District One. The families in the eastern portion, that the school district serves, need and deserve affordable housing in proximity to quality schools. The Driftwood Subdivision will serve both of those purposes.

William Ladd, 4162 S Avenue 5 ½ E, expressed strong opposition to the Driftwood Annexation, stating the annexation would change the zoning from 10-acre lots (one house per ten acres) to five lots per acre fifty times as many homes. He questioned the acres being annexed, stating he has heard both 113.9 acres and 89.6 acres. **Ladd** further stated that although they probably meet state standards, notification of the annexation meetings/hearings were inadequate. **Ladd** expressed disappointment that the City Council is making a decision that mainly affects County residents. Additional concerns expressed include crime, traffic, noise, light pollution and general reduction in a rural lifestyle. **Shelton** asked for verification of the acreage. **Albers** explained the annexation area is inclusive of all properties owned by Avenue 6E land. The rezoning is for a sub area of that and it focuses only on the area of the general plan amendment that was pursued in 2014. **Shelton** asked how many acres were included. **Albers** did not have this information, but explained it was not the entire annexation area.

John Weil, 3064 S Avenue B, representing the property owner, stated the annexation was just another step in the process that began with a plan amendment on March 19, 2014 and a preannexation development agreement on December 20, 2017. In an effort to take the County residents' concerns into consideration, the developer will: (1) not touch Avenue 5 ½ E, (2) put in 50' setback and (3) put in a 7' wall. The people in the subdivision will not be able to see Mr. Ladd and his neighbors; Mr. Ladd and his neighbors will not be able to see, smell or hear anything that is going on in the subdivision.

Tonight's annexation is for the entire parcel of 113 acres, although all 113 acres will not be developed at one time. After the annexation, the developer will ask to zone approximately 90 acres. This project is a win-win project that reduces City taxes, produces homes for people and creates a new school, which the developer is donating the property plus a million dollars of improvements so that the people in the area

can have a school to send their children to. Because of concerns about the type of housing, the developer agreed to an 8,000 square foot lot R-1-8, which is three houses per acre.

Deputy Mayor Knight clarified and **Weil** confirmed that the benefit of annexing into the City would be to get water and sewer.

Shelton expressed concern with the manner of communication between the City residents and those affected by the Driftwood annexation and requested to see an evaluation in the way Community Development reaches out to annexed areas to ensure there is communication at every stage of the process. **Thomas** understood meeting notices are published in the paper and posted out front of Yuma City Hall. **Albers** explained there is a State mandated process that the City is required to go through for annexations. This includes three signs around the property that is being annexed, running an ad in the local paper, and notifying certain agencies along with property owners within the annexation boundary. **Albers** stated an additional notice was mailed out to property owners that came and spoke at the Public Hearing along with being notified during the Neighborhood meeting on March 1st. **Thomas** stated he believes this to be adequate. **Shelton** thanked staff for sharing their communication process. However he believes more could be done and suggested direct mail or knocking on doors to provide the best communication from a resident's point of view.

Bushong displayed the following titles:

Ordinance O2018-012

An Ordinance of the City Council of the City of Yuma, Arizona, annexing to the City of Yuma, a portion of Section 17 of Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, and amending Chapter 154 of the Yuma City Code, as amended, designating the zoning of certain property to the Agriculture (AG) Zoning District, and amending the zoning map to conform with the annexation, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and its amendments (Property generally located at the southwestern corner of Avenue 6E and 44th Street)

V. PUBLIC HEARING AND RELATED ITEMS

Public Hearing: Land Use Assumptions and Infrastructure Improvement Plan- Conduct a public hearing on proposed Land Use Assumptions and the Infrastructure Improvement Plan (Eng.)

Motion (Thomas/Miller): To recess the meeting to Executive Session. Voice vote: **approved** 5-0. The meeting recessed at 6:09 p.m.

The meeting reconvened at 6:20 p.m., with all the above noted in attendance.

Deputy Mayor Knight read the following comment into the record, "The presentation of the study last night was informational and simply made the study results public. We still have a long way to go before any decisions are made, future meetings will be scheduled between staff, developers, and all relevant stake holders and additional City Council Worksessions will be held before anything is voted on by Council. This is not a City versus Developers issue, it is more of how does new development pay for new roads, bridges, and construction so that developers can continue building. How is the best and most equitable way for growth to pay for growth? As I mentioned last night, now that the construction

industry is finally making a recovery from the recession, the last thing the City wants to do is stifle that progress. It is imperative that we work together for solutions.” Furthermore, it has come to our attention that there was a posting error.

Motion (Thomas/Watts): To continue the Public Hearing on the Land Use Assumptions and Infrastructure Improvement Plan for a minimum of sixty days for posting purposes. Voice vote: **approved 5-0.**

Speakers:

Michael Mead, 3900 S Ave 8 ½ E. inquired about the section of dirt road east of 40th Street that runs along the side of Carefree Village Resort. He mentioned speeding cars, trucks and ATV’s which stir up clouds of dust that are potentially causing a health hazard to himself and the 700 other seniors living there. He made the following suggestions: to tarmac the road, treat the surface with calcium florid to keep the dust down or close the road off altogether to eliminate the serious discomfort and health hazard to Carefree Village and neighboring residents.

Harvey Campbell, 4155 E County 13 ½ Street, representing BetterYuma.Org, stated he is very concerned with the process of impact fees and would like a transparent communication with City staff to attempt to come up with amicable resolutions regarding the impact fees. He suggested having the City Administrator include BetterYuma.Org in collaborating and communicating during this process.

William Katz, 3064 S Avenue B, representing Halls General Contractor informed City Council that he will be reserving his presentation and comments to sixty days from now. He stated his company is encouraged by comments made by City Council last evening and their action in continuing this matter for sixty days so there could be a greater level of participation.

FINAL CALL

Deputy Mayor Knight 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 and **Deputy Mayor Knight** reported on events and meetings they have attended during the last two weeks and upcoming events of note.

VII. SUMMARY OF CURRENT EVENTS

Corbin thanked Perlita Wicks and other City staff for the success of Music on Main.

Corbin reported the following events:

- March 24-March 25 – 13th annual Gil Rivera Memorial Men’s Softball Tournament at the PACC
- 2018 Spring and Summer Activity Guide for Parks and Recreation was just published
- March 23- A non-City hearing will be held in the Council Chambers regarding water issues facing the State Legislator

VIII. CALL TO THE PUBLIC

No speakers were scheduled at this time

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Deputy Mayor Knight** adjourned the meeting at 6:38 p.m.

Meeting recessed for executive session previously during meeting-see above

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor