

**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 3, 2016**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Father Austin Mansfield**, Priest from Christ the Redeemer Anglican Church, gave the invocation. **Sergeant Pete Olea** led the City Council in the Pledge of Allegiance.

**STATE OF THE CITY**

**Mayor Nicholls** presented the annual State of the City address as follows:

2015 was a quietly productive year. This year saw some great improvements in many of our key indicators over the 2014 levels, positive changes in our operations, and continued development of the United for Yuma community message of working stronger together as a community. The main message is positive – things are changing – Yuma is growing again.

For instance, in the construction sector, there was some forward movement. The number of permits issued by the City was up 25%, and the number of houses constructed was also up by 25% to a rate of over one house built per day. There's room to grow, but we are trending up.

The City budget this last year was very tough. We were handed over \$10 million of costs from the State of Arizona from items like Public Safety Personnel Retirement System and the management fees for the Arizona Department of Revenue. This left the council no means to address the remaining labor market study for the City employees.

Still, the City has been working over the years to improve effectiveness of each dollar spent. This last year alone we have secured rights to 1 megawatt of power from the Hoover Dam, 1.6 megawatts of site-generated solar, and entered into a power purchase agreement that freezes our electricity rates for 20 years, saving about \$400,000 annually. In addition, we have begun the conversion of our lights to LED bulbs, cutting power consumption by 50%.

We have brought on AmeriCorp VISTA volunteers to work needed projects for the City such as our Anti-Meth program and our community entrepreneurial efforts. We hired 2 grant writers who have brought in \$5.6 million in additional grant revenues. And we have extended the use of our State Work Program with the Yuma Prison inmates to stretch the City's maintenance dollars.

Our economic development had a busy year. Sales tax is a strong indication of the strength of the local economy. We have had a year-over-year increase in sales tax of 6.5%, far exceeding our

projections of 2% and outpacing the 3% growth of the previous 3 years. Our economic development efforts have resulted in \$10 million of investment and new payroll this year throughout the region.

Regionally, we have had an impact. Having established relationships from Mexico City to Hermosillo, from San Luis Rio Colorado to Mexicali, the Yuma area needed to form an identity for the international arena. In conjunction with the Cities of San Luis and Somerton, the Town of Wellton and Yuma County, the 4FrontED organization was formed to promote our region at a global level. This is a movement forward that will build on the successes already in the Yuma area and promote all the assets of the region. We held 2nd Binational Regional Prosperity Forum with representatives from around the States of Arizona and Sonora.

All that said, the most single significant event from 2015 was the reconstruction of the Stewart Vincent Wolfe Memorial Playground. The Castle Park was destroyed by an arsonist in December of 2014. Just shy of a year later, we reopened the Castle Park that was fully funded by the insurance proceeds. From every kid to every grandparent, this park reconstruction was important to say “no” to those who would tear down our community, and “yes” to a positive future in Yuma.

Looking toward 2016, we welcomed 2 new council members to City Council as well as one returning member. Already this year, we had the opening of the Walmart Marketplace, the new Farley’s Market, and the new home of Amberly’s Place. We anticipate some more exciting openings later this year. So, we are starting strong.

But, there will be challenges, like the City’s budget. The market forces are working against the established salaries of many of our city positions including the well-trained, City of Yuma police officer. The market increases of healthcare and PSPRS are also substantial impacts to the budget. It will be a challenge to meet these demands.

The good news is the State legislature will be voting on a measure to return the full Highway User Revenue Fund for this next year. While it may only be for one year, it’s a move in the right direction for the care and maintenance of our roads.

The most exciting areas that I anticipate great things is through our AmeriCorp VISTA volunteers. Jeff Oates is leading our United for Yuma anti-meth program, “Don’t Meth with Yuma”. He is bringing together the existing organizations and efforts to work with new organizations to develop new approaches as well as enhance existing approaches in developing a culture that does not accept the use of methamphetamines in the Yuma community. The program is underway with over 50 organizations and hundreds of people involved. Expect to see more and to see ways to get involved in the near future.

The second VISTA volunteer doing amazing things in Yuma is Bob Cuckler. He is assembling an entrepreneurial program to help develop the talent in Yuma as well as attract new talent to Yuma. He is working with existing organizations like Northern Arizona University, NextGen and the SBA Small Business Development Center. I am pleased to announce that we are launching the first program within the next two months.

Yuma is changing. Yuma is growing. Be part of that change. Thank you for all those who continue to be involved and stay United for Yuma.

**Mayor Nicholls** recessed the meeting at 5:40 p.m. He reconvened the meeting at 5:45 p.m.

#### **ROLL CALL**

Councilmembers Present: Craft, Knight, Miller, Shelton, Thomas, Wright, and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
YPD Lieutenant, Claudia Leyva  
YPD Chief, John Lekan  
Principal Planner, Bobette Bauermann  
City Engineer, Joshua Scott  
Various Department Heads or their representative  
Deputy 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.

#### **PRESENTATIONS**

**Leyva** stated that about a year and a half ago Yuma Police Department (YPD) forged a partnership with Arizona Western College (AWC) Administration of Justice Studies staff to develop an advanced online education program. The online program consists of 15 college credits and five classes: Report Writing, Ethics for Law Enforcement, Community Oriented Policing, Leadership, and an elective of their choice relevant to their career. Three YPD officers are being recognized for completing the program. This is a great accomplishment. She thanked Chief Lekan for his help, support, and encouragement in developing this program.

**Leyva** introduced the Dean of Technical Education, Daniel Barajas, and instructors Bertha Avila and Tim Smith. **Barajas** recognized the City of Yuma for its support of AWC and furthering workforce development and training opportunities. This is a unique and active collaboration, and it is an opportunity to leverage existing resources and enhance the idea of the workforce. There are challenges everywhere in regards to retention of good officers, and AWC wants to be a part of the solution for Yuma. He thanked **Lekan** for his leadership and **Leyva** for supporting the work that AWC has done. He commended the officers for being the first ones to take on the challenge and for making their education a top priority.

**Leyva** presented certificates to Sergeant Pete Olea, Officer Cory Williams, and Officer Luis Leyva. **Lekan** congratulated the officers and expressed gratitude to **Leyva** and AWC staff for their partnership and for pushing this program forward. He presented **Leyva** with a Chief's Coin, stating that this program would not have been possible without her.

#### **I. MOTION CONSENT AGENDA**

**Thomas** declared a potential conflict of interest with regards to items B.8 and B.9 due to his employment and exited the room.

B.8 Grant Agreement: Arizona Department of Homeland Security/OPSG Equipment - Authorize the City Administrator to execute an agreement with the Arizona Department of Homeland Security for reimbursement of funds used to purchase equipment for activities in support of Operation Stonegarden. (Police/Patrol)

B.9: Grant Agreement: Arizona Department of Homeland Security/OPSG Overtime and Mileage - Authorize the City Administrator to execute an agreement with Arizona Department of Homeland Security for reimbursement of funds expended for overtime and mileage for activities in support of Operation Stonegarden. (Police/Patrol)

**Motion** (Craft/Knight): To approve items B.8 and B.9 of the Motion Consent Agenda as recommended. Voice vote: **approved** 6-0-1; Thomas abstaining due to conflict of interest.

**Thomas** returned to the dais.

**Motion** (Knight/Craft): To approve the Motion Consent Agenda as recommended with the exception of B.8 and B.9. Voice vote: **approved** 7-0.

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

Special City Council Worksession/Roundtable	May 27, 2015
Special City Council Worksession/Roundtable	August 13, 2015
City Council Citizen's Forum	September 1, 2015
Regular City Council Meeting	September 2, 2015
Regular City Council Worksession	September 15, 2015
Regular City Council Worksession	November 17, 2015

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 Attny)
2. Approve a Special Event Liquor License application submitted by Chris Wheeler on behalf of Nexgen Leadership Council, Inc. for the 2016 Boogie, Brews and Blues Festival. The event will be held at Gateway Park located at 259 S. Gila St. on Saturday, February 6, 2016, from 11:00 a.m. to 8:00 p.m. (SP16-02) (Admin/ Clerk)
3. Approve a Special Event Liquor License application submitted by Colby E. Girard on behalf of the Yuma Fine Arts Association for Art in the Park. The event will be held at Gateway Park located at 259 S. Gila St. on Saturday, February 20, 2016, from 9:00 a.m. to 6:00 p.m. (SP16-04) (Admin/ Clerk)
4. Approve a Special Event Liquor License application submitted by Rebecca Jean Fox on behalf of the Yuma Crossing National Heritage Area for the St. Patrick's Day Fundraiser. The event will be held at the Yuma Territorial Prison State Historic Park located at 220 N. Prison Rd. on Thursday, March 17, 2016, from 4:00 p.m. to 12:00 a.m. (SP16-05) (Admin/ Clerk)

5. Approve a new Series #11 Hotel/Motel Liquor License application submitted by Nicholas Carl Guttilla, agent for Best Western InnSuites located at 1450 S. Castle Dome Ave., Yuma, Arizona. (LL16-01) (Admin/ Clerk)
6. Approve a new Series #12 Restaurant Liquor License application submitted by H. J. Lewkowitz, agent for Hooters located at 1519 S. Yuma Palms Pkwy., Yuma, Arizona. (LL16-02) (Admin/ Clerk)
7. Authorize the City Administrator to execute a one-year contract for Electrical 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 cost of \$61,000.00 to: Westmoor Electric, Inc., Yuma, Arizona (Primary) and O & M Electric, Inc., Yuma, Arizona (Secondary). (Citywide – Bid #2016-20000095)
8. Removed for separate consideration; see above.
9. Removed for separate consideration; see above.
10. Authorize the retirement and transfer of a Yuma Police Department canine to the canine's assigned handler. (Police/Patrol)

**III. RESOLUTION CONSENT AGENDA** - No resolutions were scheduled at this time.

**IV. ADOPTION OF ORDINANCES CONSENT AGENDA** - No ordinances were scheduled for adoption at this time.

**V. INTRODUCTION OF ORDINANCES**

**Mayor Nicholls** declared a potential conflict of interest with regards to Ordinance O2016-004 and turned the meeting over to Deputy Mayor Craft.

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

**Ordinance O2016-004**

**An ordinance of the City Council of the City of Yuma, Arizona authorizing and approving the lease of certain real property to Verizon Wireless (VAW) LLC for the purpose of erecting a cellular tower and improving mobile communications, together with a utility right and access rights on City property for the term of the lease**  
(Land lease with Verizon Wireless at 1028 W. Colorado Street)

**Mayor Nicholls** returned to the dais.

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

**Ordinance O2016-005**

**An ordinance of the City Council of the City of Yuma, Arizona, amending a scrivener's error in the legal description of Ordinance No. O2007-66 and ratifying City acceptance of a re-recorded deed with the corrected legal description**

(4<sup>th</sup> Ave. and 16<sup>th</sup> St. Intersection Improvement right of way)

**VI. PUBLIC HEARINGS**

Resolution R2016-002 General Plan Amendment: Palos/Martinez - Deny the request to amend the City of Yuma General Plan to change the and use designation from Low Density Residential to High Density Residential, for property located at the northwest corner of 13<sup>th</sup> Street and Avenue A. The applicants are Rogelio Sosa Palos and Ma. Del Pilar Soto Martinez. (GP-10768-2015) (DCD/Community Planning)

**Mayor Nicholls** stated that the applicant for this item has requested a continuance to the March 16, 2016, meeting. There will be no deliberation or voting by City Council until that time; however, if anyone wishes to speak on the item at this time they may do so. **Bushong** stated that there are no speakers for this item.

**Motion** (Knight/Miller): That the public hearing and action of Resolution R2016-002, the General Plan Amendment for Palos and Martinez, be continued to the March 16, 2016, Regular Council Meeting. Voice vote: **approved** 7-0.

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Ordinance O2016-006 Rezoning of Properties: Northwest corner of 24<sup>th</sup> Street and Avenue 9E - Rezone 14.8 acres (includes rights-of-way, South Gila Canal and City Retention Basin) from the Agricultural (AG) District to the Medium Density Residential (R-2) District. The properties are located at the northwest corner of 24<sup>th</sup> Street and Avenue 9E. (ZONE-12006-2015) (DCD/Community Planning)

**Mayor Nicholls** opened the public hearing at 6:06 p.m.

**Bauermann** presented the following information:

- The applicant plans to develop an 84-unit apartment complex on 7.07 acres of the property.
- Residents are concerned about an increase in the student-to-teacher ratio at local schools, which is currently at about 40-1, as well as property tax increases.
- Other concerns include increased traffic through the school zone and traffic congestion. These are being addressed in part through a proposed median cut to allow left-hand turns out of the apartment complex.
- An ingress/egress along Avenue 9E has been discussed, but does not appear to be an option due to the South Gila Canal and retention basin.
- The Planning and Zoning Commission recommended approval of the rezoning from AG to R-2 on December 28, 2015, with conditions.

Discussion

**Wright** asked if there is a density problem considering the proximity of the subject property to the surrounding schools and the residential area already existing on the south side of 24<sup>th</sup> Street. **Bauermann**

stated that staff reviewed the site and it meets the requirements for the land use density, which is from 5 to 12.9 units per acre. It also meets the general plan requirement.

**Wright** asked if Average Annual Daily Traffic (AADT) data could be provided for this area. **Scott** stated that he could obtain the requested information, and further stated that 24<sup>th</sup> Street operates at a little less than half capacity based on the AADT. It was built as a principal arterial roadway to support substantial traffic through that area. The counts are taken by Yuma Metropolitan Planning Organization (YMPO) just east of Araby Road. **Wright** stated that he is concerned with the traffic density during peak hours, such as near the schools in the morning. There could potentially be 160 cars coming out of the complex. He asked if there are any other apartment complexes in the City with between 80 and 120 units that only have one access. **Scott** stated that he is not aware of any, but he has not looked either. Typically not all of the residents' vehicles will be entering or exiting at the same time. There are morning and evening peaks, but traffic is generally spread out. School traffic is generally high peak but short duration, and comes in a big wave close to bell times. Work traffic is a little more spread out over the course of a two hour morning or evening peak.

**Wright** asked if there could be another access on 9E. **Scott** stated that it would be difficult to get access to 9E without cutting into the retention basin or going through the United States Bureau of Reclamation to get a license to use the canal right-of-way. Additionally, the site grading drops off at the north end of the property approaching the canal. Assuming they did have access, grading something out that way would be difficult. Additionally, **Scott** stated that a separate study was not completed specifically related to this development.

**Craft** stated that adding 84 units is an increase of about 5%. Including just the homes on 24<sup>th</sup> Street, the increase is 6.8%. Statistically, the traffic should not have much of an impact. **Scott** stated that with any new development there comes additional traffic, but agreed, statistically it is going to be a very small increase.

**Knight** noted that there would be fewer than 160 parking spaces at the complex. The required number of spaces for each 1-2 bedroom unit is 1.5, which equals to 126. **Wright** stated that there will likely be additional parking for guests. He requested an opportunity to review the YMPO traffic counts. He noted that there is a bike lane in the area and asked that it be factored in as well.

**Mayor Nicholls** noted that based on information from the YMPO website, the count location **Scott** is referring to is at about 10,000 AADT. There is another site east of most of the schools that is at about 3,000 AADT. **Scott** stated that each lane can handle about 12,000 AADT, so currently the road is at just under half capacity. **Wright** stated that he spoke with Charles at YMPO, who told him that the 12A site [located on County 10<sup>th</sup> Street, west of Avenue 9E] has a high of 6,706 and a low of 3,783.

**Thomas** asked if an entrance off of 9E was at all possible. **Mayor Nicholls** stated that based on comments previously made by **Scott**, it seems to be a physical impossibility. **Scott** stated as an engineer he would like to think that anything is possible, but making it feasible or practical is another matter.

**Wright** requested that statistical information be provided by the Planning and Zoning Committee prior to City Council voting on this item.

#### Speakers

**Luis Arroyo**, 2664 S. Pinedale Ave., asked that the conversation on this item be continued until a complete report can be presented to City Council. He stated that Appendix G is missing, which includes comments

from Marine Corps Air Station Yuma. He provided the Clerk with a letter addressed to the Planning and Zoning Commission from residents in the project area. He emphasized that the City Council represent these residents, and that the residents are affected by the City Council's actions. Over 1,500 residents are opposed to the project, and that does not include those that were not able to sign the petition. Just because the petition was not technically complete does not mean that it does not exist. The proposal may have been modified to medium density, but it still aims for high density. The result is 16 to 17 apartments per acre.

**Donna White**, 8166 E. Lorenzo Ln., stated City Council is not listening to the impact of the project on the resident's property, their schools, and the streets. She displayed a conceptual plan of Coyote Wash, built on 7.2 acres with two access points. She asked how something such as this on the subject property will not have an impact on the area. She opined that this project is just to benefit the developer and line the City pockets with water revenue.

**Motion** (Knight/Craft): To close the Public Hearing. Voice vote: **approved** 7-0; Public Hearing closed at 6:36 p.m.

**Bushong** displays the following title:

**Ordinance O2016-006**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain property located in the Agriculture (AG) District to the Medium Density Residential (R-2) District and amending the zoning map to conform with the rezoning.**

(Rezoning of 14.8 acres from AG to Medium Density Residential (R-2); located at the northwest corner of 24<sup>th</sup> Street and Avenue 9E)

**FINAL CALL**

**Mayor Nicholls** made a final call for the submission of Speaker Request Forms from members of the audience.

**VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

**Knight, Wright, Craft, and Mayor Nicholls** reported on events/meetings they have attended during the last two weeks and upcoming events of note.

**Shelton** requested the following topics be scheduled on a Worksession:

- Pacific Avenue Athletic Complex,
- Emergency preparedness, specifically regarding flooding
- Economic Development efforts and how they relate to unemployment.

**Motion** (Knight/Thomas): That a Special Worksession/Roundtable be scheduled for Tuesday, March 8, 2016, at 5:30 p.m. in City Hall Conference Room #190, for the purpose of discussing the City's budget. Voice vote: **approved** 7-0.



## VIII. SUMMARY OF CURRENT EVENTS

**Wilkinson** noted the following events:

- Neighborhood Cleanup is underway in Area 2, moving on to Area 3 next week.
- The Clean and Beautiful Commission is starting a new program called Neighbor Helping Neighbor. Residents can contact Public Works or the Clean and Beautiful Commission to see how they can get involved.
- February 3 – Opening Day for Arizona Winter League Baseball
- February 5 – Yuma Prayer Breakfast; Mardi Gras on Main
- February 6 – Boogie, Brews and Blues Festival; Redondo Days Dinner and Auction
- February 13 – Silver Spur Rodeo Parade; Great Yuma Road Race
- February 20 – 5<sup>th</sup> Annual Springtime Blitz 5 on 5 Flag Football

## CALL TO THE PUBLIC

**Sharon Haile**, 1007 S. 6<sup>th</sup> Ave., expressed the following suggestions and concerns:

- The City should sell their surplus land instead of leasing it for private development. When it is leased instead of sold, the City is competing with the private sector and losing out on property tax revenues.
- Bicycle lanes should clearly be marked with a bicycle symbol. The bicycle lane on 31<sup>st</sup> Avenue south of 24<sup>th</sup> Street is marked with a white diamond, which could represent any number of things. Drivers cited for improper parking in a bicycle lane are likely not even aware that it is a bicycle lane.
- Parking issues at Yuma Youth Soccer Association games at Yuma Valley Park need to be addressed. Games overlap and children are being told to arrive 30 minutes prior to their games, creating a shortage of parking spaces.

**Luis Arroyo**, 2664 S. Pinedale Ave., requested that the City do a better job of communicating with the public on certain issues. He expressed his appreciation for the good job that Public Works does by placing signs to communicate things such as Neighborhood Cleanup and holiday trash collection schedules. However, the cardboard sign placed on a stake by the Planning and Zoning Commission regarding what is happening in his neighborhood is not acceptable [rezoning at 24<sup>th</sup> Street and Avenue 9E]. A photo taken 24 hours after the sign was placed shows it is in poor condition. It cannot be read unless it is manually flipped open.

**Jeff Brand**, 10447 S. Cyclone Ave., as a Board Member of the Yuma Regional Bicycle Coalition, Brand noted that the City of Yuma has a long history of providing the community with bicycling opportunities. However, the area at Palo Verde Avenue off of 16<sup>th</sup> Street is heavily used by cyclists and safety issues need to be addressed. In the past month there have been two instances of near-accidents, one involving 4-year-old child. The problem is the passage through the Palo Verde Wall is small and has little room to cycle through. The passage is frequently blocked by people accessing the dog park. He requested that a larger opening and mini bike path be provided to create a safer situation for cyclists.

**IX. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:01 p.m. No Executive Session was held.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor

DRAFT