

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
SEPTEMBER 18, 2019
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Pastor Rick Pollard, Grace Bible Fellowship, gave the invocation. **Police Captain Wayne Boyd** 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: Interim City Administrator, John D. Simonton
Police Chief, Susan Smith
Assistant Director/Zoning Administrator DCD, Alyssa Linville
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

District 13 representatives **Tim Dunn** and **Joanne Osborne** from the House of Representative and **Sine Kerr** from the Senate presented on the 2019 legislative session.

Dunn thanked City Council for their interaction throughout the session including Legislative Day when the City Council visits the Arizona State Capitol to meet about issues important to Yuma. **Dunn** briefly touched on the following accomplishments and challenges of the 2019 legislative session:

- Budget
 - A great budget was passed including
 - Teacher raises
 - District Additional Assistance funding
 - Challenges include
 - Minimum wage
 - The State as an employer is having to compete with private industry

- Water issues
 - Drought contingency plan
 - Keeping Yuma's water in Yuma
- Tax exemption for fertilizer
 - Arizona is one of only two states that charge tax on fertilizer in the Country
 - Passed law to exempt tax on fertilizer and pesticides to keep Yuma and all of Arizona competitive and to keep produce growing in Arizona.

Osborne, a former Vice-Mayor with the City of Goodyear, stated she understands what City Council goes through on a daily basis. She compared being on City Council to being in the legislature in that both positions have to balance responsibilities that you are entrusted with by your citizens.

Osborne also touched on the following accomplishments and challenges of the 2019 legislative session:

- Hospital residency program funding
 - Important to Yuma, rural hospitals and the State in general for bringing in and retaining doctors.
- Heritage fund
 - Osborne, as a 4th generation Arizona native, stated taking care of our state parks and our historic places is important. Addressing this by adding language back into the Arizona Revised Statutes is the first step, and working on funding will continue.

Kerr stated it is a genuine honor to serve and represent the folks of Yuma and reported on the following accomplishments and challenges of the 2019 legislative session:

- Transportation
 - Able to secure \$28 million for the Highway 95 improvement project
- As the Chair of the Water and Ag Committee and also from a farming family in Buckeye
 - Helped move the Drought Contingency Plan through keeping the Colorado River Water secure
 - Keeping agriculture thriving in other parts of the State.

Mayor Nicholls thanked Dunn, Osborn and Kerr for all the work they do throughout the year in keeping in contact with us and asking for input on what the legislative actions are doing to our local communities.

Deputy Mayor Knight also expressed his appreciation not only as Deputy Mayor, but also as a member of the State Transportation Board. Without the \$28 million that they were able to secure the Highway 95 project would not be on the Arizona Department of Transportation's 5-year plan.

I. MOTION CONSENT AGENDA

Motion (Knight/Thomas): To approve the Motion Consent Agenda as recommended. Voice vote: **approved 7-0.**

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

Regular Council Worksession	January 15, 2019
Regular Council Worksession	April 2, 2019
Regular Council Meeting	April 17, 2019

Regular Council Meeting

August 7, 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 Special Event Liquor License submitted by Judy Smith on behalf of Child & Family Services for Trick-or-Treat on Main Street. The event will take place on the 100-300 blocks of Main Street on Thursday, October 31, 2019, from 4:00 p.m. to 10:00 p.m. (SP 19-19) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Anne Fisher on behalf of Yuma Rotary North End Club for Christmas Lighting on Main Street. The event will take place on the 100-300 blocks of Main Street on Saturday, December 7, 2019, from 4:00 p.m. to 10:00 p.m. (SP19-23) (Admin/Clerk)
4. Approve a Special Event Liquor License application submitted by Brian Trevor Umphress on behalf of Amberly's Place for the Dream Gala. The event will take place at the Colorado River State Historic Park, 201 N. 4th Avenue, on Saturday, November 2, 2019, from 5:00 p.m. to 11:00 p.m. (SP19-24) (Admin/Clerk)
5. Authorize the City Administrator to execute five Community Development Block Grant (CDBG) subrecipient agreements totaling \$102,000 in accordance with the 2019 Annual Action Plan. (DCD/Neighborhood Svcs)
6. Authorize the City Administrator to execute a job order with JSA Company, in an amount not to exceed \$118,986.27, for capital improvements to Sierra Sunset I Retention Basin through the City's Job Order Contracting Program. (Engineering)

II. RESOLUTION CONSENT AGENDA

Resolution R2019-038-Preannexation Development Agreement: MAHA LLC (Authorize a Preannexation Development Agreement with MAHA, LLC for property located at 600 South Vaughn Avenue) (DCD/Planning)

Mayor Nicholls declared a conflict of interest on Resolution R2019-038 and turned the meeting over to Deputy Mayor Knight.

There being no questions or comments by City Council and no speakers, **Deputy Mayor Knight** called for a motion.

Motion (Thomas/McClendon): To adopt Resolution R2019-038 as recommended.

Bushong displayed the following title(s):

Resolution R2019-038

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real property located at 600 South Vaughn Avenue (The property contains one single-family home and the owner intends to split the property into four lots and construct three additional single-family homes.) (DCD/Planning)

Roll call vote: **adopted** 6-0-1. (Mayor Nicholls conflict of interest)

Mayor Nicholls returned to the dais and with no questions or comments by City Council and no speakers called for a motion on the remainder of the Resolution Consent Agenda.

Motion (Knight/McClendon): To adopt the Resolution Consent Agenda as recommended with the exception of Resolution R2019-038.

Bushong displayed the following title(s):

Resolution R2019-036

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real property located east of 1057 South Pagent Avenue (Owners Adan and Irma Flores own two properties and intend to construct a single family home on each lot) (DCD/Planning)

Resolution R2019-037

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real property located east of 1047 South Pagent Avenue (Owner A and I Builders, LLC owns two vacant properties that they intend to construct a single family home on each lot) (DCD/Planning)

Resolution R2019-040

A resolution of the City Council of the City of Yuma, Arizona, declaring and adopting the official canvass of the results of the primary election held on August 27, 2019 (Three councilmember seats and one Municipal Judge seat) (Admin/Clerk)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2019-032-Declare Property Surplus and Authorize Sale: Crest Drive (Authorize the vacation of Crest Drive right-of-way, reserving utility and access easements, declare the right-of-way (subject to the reserved easements) surplus and authorize an exchange of the surplus right-of-way to Bill Alexander Ford Lincoln Mercury Inc. (Alexander Ford) in exchange for a covenant to perform landscape maintenance of the Bonanza Basin Property) (Engineering)

Mayor Nicholls declared a conflict of interest on Ordinance O2019-032 and turned the meeting over to Deputy Mayor Knight.

There being no questions or comments by City Council and no speakers, **Deputy Mayor Knight** called for a motion.

Motion (Thomas/McClendon): To adopt Ordinance O2019-032 as recommended.

Bushong displayed the following title(s):

Ordinance O2019-032

An ordinance of the City Council of the City of Yuma, Arizona, vacating the right-of-way hereafter described, declaring the right-of-way surplus with the reservation of an easement, and authorizing the sale of the surplus right-of-way subject to a reverter clause upon the recording of a Special Warranty Deed (Vacate 42,160 square feet of right-of-way on Crest Drive with the exception of reserved easements in exchange for the maintenance of Bonanza Basin in accordance with City standards) (Engineering)

Roll call vote: **adopted** 6-0-1. (Mayor Nicholls conflict of interest)

Mayor Nicholls returned to the dais.

Ordinance O2019-031-Streets and Traffic Code Text Amendment: Parking Trucks and Trailers on Residential Streets (Amend Title 21, Chapter 212, Article 11 Parking Trucks and Trailers and Residential Streets to add language addressing service vehicles actively engaged in commercial activities within residential districts) (DCD/Planning)

Thomas requested clarification on what types of vehicles are exempt from this ordinance. **Smith** stated that it does not apply to vehicles that are providing on-call services to local public safety agencies and/or public utilities.

Mayor Nicholls received clarification that this ordinance will affect landscape businesses where they park their trailers on the street similar to the situation spoke about at a recent Citizen's Forum. **Mayor Nicholls** stated City Council will probably end up revisiting this over and over as the nuances come through.

In response to a question by Thomas, **Linville** clarified that there are provisions that allow people to park trailers in their driveway on their property. There is a 5-foot setback from their property line that needs to be maintained, but typically the home occupation rules require that such vehicles be stored elsewhere and not on their property. The idea is that the streets do not become cluttered with these trailers because they pose safety concerns.

Motion (Knight/McClendon): To adopt the Ordinances Consent Agenda as recommended with the exception of Ordinance O2019-032.

Ordinance O2019-029

An ordinance of the City Council of the City of Yuma, Arizona, extending the term of a non-exclusive license with Unite Private Networks, LLC to operate and maintain a communication system in the City of Yuma (A five-year term extension from September 17, 2023 to September 17, 2028)
(Administration)

Ordinance O2019-030

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 related public purposes. (Property located at 1463 East 10th Street) (Engineering)

Ordinance O2019-031

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 212 of the Yuma City Code, as amended, relating to streets and traffic regulations, providing for changes to the Streets and Traffic Code to add language addressing service vehicles actively engaged in commercial activities within residential districts on local or collector streets (Addresses service vehicles actively engaged in commercial activities within residential districts) (DCD/Planning)

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

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2019-033

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 Low Density Residential (R-1-40) District, and amending the zoning map to conform with the rezoning (Rezone approximately 33.38 acres for the property located near the southeast corner of Avenue 9E and 24th Street) (DCD/Planning)

V. PUBLIC HEARINGS AND RELATED ITEMS

Resolution No. R2019-039 General Plan Amendment: Riedel Construction Company (Approve the request to amend the City of Yuma General Plan to change the land use designation from Rural Density Residential to Low Density Residential, for property located east of the southeast corner of Avenue 8 ½ E and 40th Street. The applicant is Riedel Construction Company) (GP-26140-2019).

Mayor Nicholls opened the public hearing at 5:58 p.m.

Jennifer Albers presented the following information:

- This is a request to amend the General Plan to change the land use designation from Rural Density Residential to Low Density Residential
 - 19.3-acre parcel located east of Avenue 8 ½ E and south of 40th Street

- The applicant intends to develop a single family home subdivision in conjunction with the property just directly to the west that they also own.
- No public comments have been received.
- The Planning and Zoning Commission recommended approval of the request to amend the general plan at their meeting on August 26, 2019.

Being no public speaker requests, **Mayor Nicholls** entertained a motion to close the public hearing.

Motion (Thomas/Knight): To close the Public Hearing. Voice vote: **approved** 7-0; Public Hearing closed at 5:59 p.m.

Discussion

Shelton asked how the public is notified. **Albers** stated that for General Plan amendments, all property owners within 660 feet are notified and invited to a neighborhood meeting that is held at the beginning of the process. No attendees were present at the neighborhood meeting. The site, as close as possible to a major roadway, is also posted noticing a public hearing and a neighborhood meeting. A display ad is put in the newspaper for the Planning and Zoning Commission meetings and a second display ad is put in the newspaper for the City Council public hearing. **Shelton** asked if there was any notice on our website or Facebook. **Albers** replied that the agendas for the Planning Commission and the City Council meeting are posted on the City website. **Shelton** expressed his concern of the small signs along the roadway and opined that no one pays attention to them and commented that he would like to see more communication efforts to alleviate citizens saying they were not notified.

Motion (Thomas/Watts): To adopt Resolution R2019-039.

Bushong displayed the following title(s):

Resolution R2019-039

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 Rural Density Residential to Low Density Residential for property located east of the southeast corner of Avenue 8 ½ E and 40th Street (approximately 19.3 acres owned by Riedel Construction Company, LLC) (Admin/Clerk)

Roll call vote: **approved** 7-0

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

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

VII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- September 21st at 7:00 p.m. - Battle of the Bands at the Historic Yuma Theater.
- September 21st - Co-Recreation Kick-Ball Tournament at the Pacific Avenue Athletic Complex

VIII. CALL TO THE PUBLIC - There are no speakers scheduled at this time.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:15 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor