

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
APRIL 3, 2019
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:31 p.m.

INVOCATION/PLEDGE

Pastor Glenn Connell, Grace Bible Fellowship, gave the invocation. **Joel Olea**, Director of Public Works, 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:	City Administrator, Gregory K. Wilkinson Finance Director, Lisa Marlin Budget and Revenue Manager, Teresa Laurent Principal Planner, Jennifer Albers Engineering Manager, Andrew McGarvie Chief of Police, Susan Smith Various Department Heads or their representative Deputy City Attorney, Rodney Short 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

Recognition of Distinguished Budget Award

Mayor Nicholls and **Wilkinson** presented **Marlin** and **Laurent** with a certificate from the Government Finance Officers' Association for the Distinguished Budget Award which the City has been awarded 15 years in a row.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.7 – Job Order Authorization: Avenue 9E Bike Lanes (execute a job order with SWP Contracting and Paving in an amount not to exceed \$450,483 for capital improvements to Avenue 9E via the City's Job Order Contracting program) (Eng)

Mayor Nicholls declared a conflict of interest with regard to Motion Consent Agenda Item B.7, turned the meeting over to Deputy Mayor Knight, and left the dais.

Motion (Thomas/Watts): To approve Motion Consent Agenda Item B.7 as recommended. Voice vote: **approved** 6-0-1, Mayor Nicholls abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

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

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

Regular Council Worksession	November 6, 2018
Regular Council Worksession	November 20, 2018
Special Council Meeting	January 23, 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). (Atty)
2. Approve a Series #7 Beer and Wine Bar Location/Owner Transfer Liquor License application submitted by Courtney Lisbeth Gapp for Brewers Restaurant & Sports Bar located at 2331 S. Avenue B Suite 101. (LL19-03) (Clk)
3. Approve a Special Event Liquor License application submitted by Oscar Frank Chavez on behalf of Immaculate Conception Church for Mother's Day Dinner & Dance. The event will take place at Immaculate Conception Church, 501 S. Avenue B, on Saturday, May 11, 2019, from 6:00 p.m. to 12:00 a.m. (SP19-11) (Clk)
4. Authorize the City Administrator to execute the required documents with Arizona Department of Administration/Office of Grants and Federal Resources (ADOA/GFR) to disperse awarded grant funds from the Text-to-911 Services Fund to allow for the acquisition of equipment and services for the implementation and operation of a Text-to-911 service as an enhancement to the regional emergency telecommunications services. (YPD)
5. Authorize execution of an intergovernmental agreement with the City of Phoenix regarding the Arizona Internet Crimes Against Children (ICAC) Task Force and to accept the awarded grant monies in the amount of \$10,000.00. (YPD)
6. Authorize City Administrator to enter into an agreement to provide reports of homicides, suicides and "undetermined cause" deaths to Arizona State University Center for Violence Prevention and Community Safety who is participating in the Centers for Disease Control and Prevention's Violent Death Reporting System program. (YPD)
7. Pulled for separate consideration; see above.

II. RESOLUTION CONSENT AGENDA

Motion (Knight/Thomas): To adopt the Resolution Consent Agenda as recommended.

Bushong displayed the following titles:

Resolution R2019-008

A resolution of the City Council of the City of Yuma, Arizona, authorizing the execution of an intergovernmental cooperative agreement between City of San Luis, City of Somerton, City of Yuma, County of Yuma, and Town of Wellton for the Consortium of the Federal HOME Program (to renew the HOME Consortium for the purpose of receiving funds from the US Department of Housing and Urban Development) (DCD/Neighborhood Services)

Resolution R2019-009

A resolution of the City Council of the City of Yuma, Arizona, declaring its intention to create Municipal Improvement District No. 108, serving Driftwood Ranch Units No. 1 and 2, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Driftwood Ranch Units No. 1 and 2 (provide a dedicated funding stream for the landscape improvements serving the neighborhood and provide neighborhood input for the implementation and privatization of those landscape improvements) (DCD/Community Planning)

Resolution R2019-010

A resolution of the City Council of the City of Yuma, Arizona, ordering improvements for Municipal Improvement District No. 107, serving Saguaro Units No. 3 and 4, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Saguaro Units No. 3 and 4, as more particularly described in this resolution, and declaring the landscape improvements to be of more than local or ordinary public benefit, and the cost of the landscape improvements shall be assessed upon Municipal Improvement District No. 107; improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2 (finalize the formation of and order improvements for Municipal Improvement District No. 107 serving Saguaro Units No. 3 and 4) (DCD/Community Planning)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA -

There were no ordinances scheduled for adoption at this time.

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following titles:

Ordinance O2019-016

An ordinance of the City Council of the City of Yuma, Arizona, correcting scrivener's errors in the stated zoning districts and the area of the property in Ordinance No. O2019-010 (correct the zoning districts, square footage and acreage of property at 2920 Kish Ave.) (DCD/ Planning)

Ordinance O2019-017

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 19, Chapter 193, Section 71 of the City Code by changing the collection fee for delinquent payments (increase the current collection fee from 15% to 20% to cover associated costs) (Finance/Customer Services)

Ordinance O2019-018

An ordinance of the City Council of the City of Yuma, Arizona, referencing Chapter 154 of the Yuma City Code, rezoning certain property located in the General Commercial (B-2) District to the Low Density Residential (R-1-6) District and amending the zoning map to conform with the rezoning (4.87-acre parcel located at the southeast corner of South Araby Road and East 32nd Street) (DCD/ Planning)

V. PUBLIC HEARINGS AND RELATED ITEMS

MC2019-071 – Annexation Area No. ANEX-24913-2019: Riedel Construction Company (consider the annexation of approximately 21.2 acres of property located east of the southeast corner of Avenue 8 ½ E and 40th Street) (DCD/Planning)

Mayor Nicholls opened the public hearing at 5:42 p.m.

Albers presented the following information:

- The subject property is an approximately 21.2-acre undeveloped parcel located east of the southeast corner of Avenue 8 ½ E and 40th Street, inclusive of the 40th Street right-of-way on the north
- The applicant intends to develop a single-family home subdivision if they are successful with the annexation, General Plan amendment, and future rezoning

Motion (Thomas/Knight): To close the Public Hearing. Voice vote: **approved** 7-0; Public Hearing closed at 5:43 p.m.

Discussion

Shelton asked if anyone is opposed to the annexation for any reason. **Albers** replied that no comments have been received with regard to this annexation.

Ordinance O2019-019 – Adoption of North Service Area Development Fees (based on amendments to the Infrastructure Improvements Plan including the addition of South Mesa Community Park and change in designation of 28th Street between Avenue C and 45th Avenue from arterial to collector) (Engineering)

Mayor Nicholls opened the public hearing at 5:45 p.m.

Andrew McGarvie presented the following information:

Current Development Fee Schedule

Residential Development (per unit fee)	Fire	General Government	Parks and Recreation	Police	Streets	Total Fees
Single-Family	\$339	\$20	\$1,011	\$506	\$696	\$2,572
Multi-Family	\$267	\$15	\$797	\$399	\$479	\$1,957
All Other Types	\$205	\$12	\$612	\$306	\$363	\$1,498
Non Residential Development (per square foot, except hotel rooms)						
Commercial Retail	\$0.152	\$0.013	N/A	\$0.949	\$0.804	\$1.918
Office/Institutional	\$0.258	\$0.022	N/A	\$0.468	\$0.436	\$1.184
Light Industrial	\$0.171	\$0.015	N/A	\$0.296	\$0.276	\$0.758
Warehousing	\$0.068	\$0.006	N/A	\$0.211	\$0.196	\$0.481
Manufacturing	\$0.132	\$0.011	N/A	\$0.162	\$0.151	\$0.456
Hotel per room	\$33	\$3	N/A	\$239	\$223	\$498

TischlerBise Proposed Fee Schedule

Residential Development (per unit fee)	Fire	General Government	Parks and Recreation	Police	Streets	Total Fees
Single-Family	\$324	\$24	\$1,003	\$359	\$1,179	\$2,889
Multi-Family	\$226	\$17	\$699	\$250	\$886	\$2,078
All Other Types	\$188	\$14	\$582	\$209	\$674	\$1,667
Non Residential Development (per square foot, except hotel rooms)						
Commercial Retail	\$0.52	\$0.01	N/A	\$0.55	\$1.71	\$2.79
Office/Institutional	\$0.86	\$0.01	N/A	\$0.22	\$0.74	\$1.83
Industrial	\$0.60	\$0.01	N/A	\$0.14	\$0.47	\$1.22
Hotel per room	\$114	\$2	N/A	\$110	\$380	\$606

TischlerBise Proposed Fees with South Mesa Park Design

Residential Development (per unit fee)	Fire	General Government	Parks and Recreation	Police	Streets	Total Fees
Single-Family	\$324	\$24	\$1,186	\$359	\$1,179	\$3,072
Multi-Family	\$226	\$17	\$826	\$250	\$886	\$2,205
All Other Types	\$188	\$14	\$689	\$209	\$674	\$1,774
Non Residential Development (per square foot, except hotel rooms)						
Commercial Retail	\$0.52	\$0.01	N/A	\$0.55	\$1.71	\$2.79
Office/Institutional	\$0.86	\$0.01	N/A	\$0.22	\$0.74	\$1.83
Industrial	\$0.60	\$0.01	N/A	\$0.14	\$0.47	\$1.22
Hotel per room	\$114	\$2	N/A	\$110	\$380	\$606

Staff Recommended Development Fees

Residential Development (per unit fee)	Fire	General Government	Parks and Recreation	Police	Streets	Total Fees
Single-Family	\$324	\$24	\$1,186	\$359	\$862	\$2,755
Multi-Family	\$226	\$17	\$826	\$250	\$765	\$2,084
All Other Types	\$188	\$14	\$689	\$209	\$505	\$1,605
Non Residential Development (per square foot, except hotel rooms)						
Commercial Retail	\$0.52	\$0.01	N/A	\$0.55	\$0.84	\$1.92
Office/Institutional	\$0.86	\$0.01	N/A	\$0.22	\$0.09	\$1.18
Industrial	\$0.60	\$0.01	N/A	\$0.14	\$0.01	\$0.76
Hotel per room	\$114	\$2	N/A	\$110	\$272	\$498

Thomas asked what the difference is between the current fees and the staff recommended fees that include the design for the South Mesa Park. **McGarvie** stated that it is a \$175 increase for single-family, a \$29 increase for multi-family, and a \$77 increase for all other types.

Speakers

Harvey Campbell, 4155 E. County 13 ½ Street, President of betteryuma.org, explained that his objection is not to the amount of the increase itself, but to collecting fees from a specific area that already contributed \$3 million in Development Fees which were used for the Pacific Avenue Athletic Complex (PAAC) rather than a local park. Development Fees harm development and places the burden of growth onto homebuyers, and consequently many municipalities throughout the United States are choosing to eliminate them.

Mayor Nicholls asked where the \$3 million figure came from. **Campbell** replied that it came from research conducted by betteryuma.org members on the transfer of monies from Development Fees to the PAAC.

Mayor Nicholls noted that the Parks and Recreation portion of the Development Fees only nets somewhere around \$300,000 or \$400,000 per year. **Campbell** responded that while he could not address the specifics at this time, he would put the information in writing and send it to City Council. **Shelton** asked if Campbell was ever contacted regarding the proposed Development Fee increase. **Campbell** stated that he has not had any contact with City staff regarding the increase.

Will Katz, 340 W. 32nd Street P.O. Box 643, stated that regarding the \$3 million figure, he believes Campbell is referring to the approximately \$2.6 million in Parks and Recreation Development Fees spent on the PAAC: \$994,000 in FY 12-13, \$1.1 million in FY16-17, and \$555,000 in FY17-18 as reported in the Development Fee Annual Reports for those respective years. The population in the North Service Area is expected to increase by 24,000 by 2035, and it does not make sense to expect those 24,000 to bear the \$7.6 million cost to design and construct a new park.

John Courtis, 2522 S. Elmwood Drive, displayed newspaper articles from January 24th and September 23rd which both indicated that Development Fees were going to be kept flat. It was not mentioned anywhere in those articles that this was conditional. Fees are not paid by the builder, but rather passed on to the homebuyer and in the end they only account for a fraction of the City's revenue. He asked that the fees remain where they are.

Wayne Benesch, 350 W. 16th Street, echoed that Development Fees harm development and stifle growth. He suggested that City Council explore other means of raising funds, and then move on to studying methods

by which the current fees can be reduced. Furthermore, fees are added to the cost of the ultimate homeowner so reducing fees will make the market more appealing to buyers and help the City maintain momentum.

Motion (Knight/Thomas): To close the Public Hearing. Voice vote: **approved** 7-0; Public Hearing closed at 6:13 p.m.

Discussion

- \$3 million would be equal to all of the Parks and Recreation Development Fees from throughout the entire City for the last 17 years (**Wilkinson**)
- The land that the PAAC was built on was paid for with pre-2012 Development Fees; Development Fees must be spent within 10 years (**Wilkinson**)
- A park would normally be paid for in one of three ways: Development Fees, an Improvement District, or by a developer as part of a new development (**Shelton/Wilkinson**)
- The park can remain in the Infrastructure Improvements Plan without funding; this would allow it to be built in the future if a funding source is found (**Mayor Nicholls/Wilkinson**)
- Development Fees were cut in half in 2013 to encourage development at a time when developers were competing with banks selling homes far below market (**Watts/Wilkinson**)
- Development Fees help spread out the cost of roads and other infrastructure, which would be difficult for developers to fund on their own (**Watts/Wilkinson**)

Mayor Nicholls recessed the meeting for a short break at 6:29 p.m. and reconvened at 6:43 p.m. with the above-noted parties present.

Motion (Knight/McClendon): To amend Section 1 of Ordinance O2019-019 to replace the proposed fees for Parks and Recreation to read: Single-Family \$1,003, Multi-Family \$699, and All Other Types \$582, and carry over total fees as noted, and reintroduce the ordinance as amended.

Mayor Nicholls asked what the total fees will be, including the amended Parks and Recreation fees.

Wilkinson stated that the totals would be \$2,572 for single-family, \$1,957 for multi-family, and \$1,498 for all other types.

Voice vote: **approved** 7-0.

Bushong displayed the following title:

Ordinance O2019-019

An ordinance of the City Council of the City of Yuma, Arizona, amending the Yuma City Code by updating and amending the North Service Area Development Fees set forth in Chapter 157-06 through 157-13 (for areas within the City limits north of 56th Street) (Engineering)

Motion (Thomas/Knight): To recess to Executive Session. Voice vote: **approved** 7-0. The meeting recessed at 6:44 p.m.

The meeting reconvened at 7:19 p.m. with the above-noted parties present.

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

Motion (Knight/Thomas): To appoint Sandra Nevels to an unexpired term on the Residential Advisory Board with a term expiration of December 31, 2020. Voice vote: **approved** 7-0.

Motion (Shelton/Watts): To reappoint Christopher Harmon to the Housing Authority of the City of Yuma with a term expiration of December 31, 2023. Voice vote: **approved** 7-0.

Motion (Knight/Watts): To appoint Liz Laster as the Chair and Connie Jerpseth as the Vice-Chair to the Housing Authority of the City of Yuma. Voice vote: **approved** 7-0.

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

McClendon requested that a committee be formed to review the City Charter. **Wilkinson** stated that a motion will be placed on the dais at a future meeting.

Shelton questioned the safety of groups holding demonstrations at the intersection of 16th Street and 4th Avenue that involve bullhorns and amplified music. **Chief Smith** responded that groups usually contact the Yuma Police Department (YPD) ahead of time, and as long as they stay on the sidewalk and follow all rules and regulations no action is taken. YPD has not received any complaints, and no safety hazards have been observed.

Motion (Knight/Thomas): To schedule a Special Worksession/Roundtable for April 16, 2019, at 4:00 p.m. in City Hall Conference Room #190 for the purpose of discussing the City's budget. Voice vote: **approved** 7-0.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson recognized Engineer Robert Campbell, Westmoor Electric, and the Public Works Department for their teamwork in getting the traffic signals at 24th Street and Arizona Avenue back up and running.

Wilkinson reported the following events:

- April 12th – People's Choice Salsa Queen Competition and Kickoff Party at the Yuma Civic Center
- April 13th – Tunes and Tacos Festival at Desert Sun Stadium
- April 15th – Law Enforcement Academy Ribbon Cutting at Desert Sun Stadium

VIII. CALL TO THE PUBLIC

Deborah Rapp, 2460 S. Kathleen Avenue, urged City Council to protect the citizens of Yuma from the influx of undocumented immigrants into Arizona.

Harvey Campbell, 4155 E. County 13 ½ Street, asked that City Council take the City Administrator's recent behavior into consideration regarding the renewal of his contract.

Phil Clark, 4296 W. County 15th Street, questioned who authorized the addition of City Council to the City's health insurance plan.

Will Katz, 340 W 32nd Street P.O. Box 643, spoke regarding allegations that citizens who ask questions about City operations are having criminal complaints filed against them.

Henry Valenzuela, 2000 W. Country Lane, stressed the importance of citizens being able to question their government and have those questions answered without fear of retribution.

Nathan Townsend, 4091 S. Sunlight Way, read the poem "If You Could See Me" by Michael Cloutier and spoke in support of the men and women who protect the community not just as a job but as a calling.

Paul Corcaran, 6340 E. 45th Place, questioned why Sergeant Henry Valenzuela was refused the YPD award.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 8:10 p.m. No additional Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor