

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 5, 2025
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Deacon Joel Olea, Immaculate Conception Church, gave the invocation. **Steve Wilson**, Assistant Director of Engineering, led the City Council in the Pledge of Allegiance.

FINAL CALL

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

ROLL CALL

Councilmembers Present:	Morales, Smith, McClendon, Morris, Watts, Martinez, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	Acting City Administrator, John D. Simonton Director of Planning & Neighborhood Services, Alyssa Linville Director of Building Safety, Randall Crist Director of Parks & Recreation, Eric Urfer Director of Engineering, Dave Wostenberg Associate Planner, Meredith Rojas Assistant Director of Planning & Neighborhood Services, Jennifer Albers Various Department Heads or their representative City Attorney, Richard W. Files City Clerk, Lynda L. Bushong

Congenital Heart Defects Proclamation

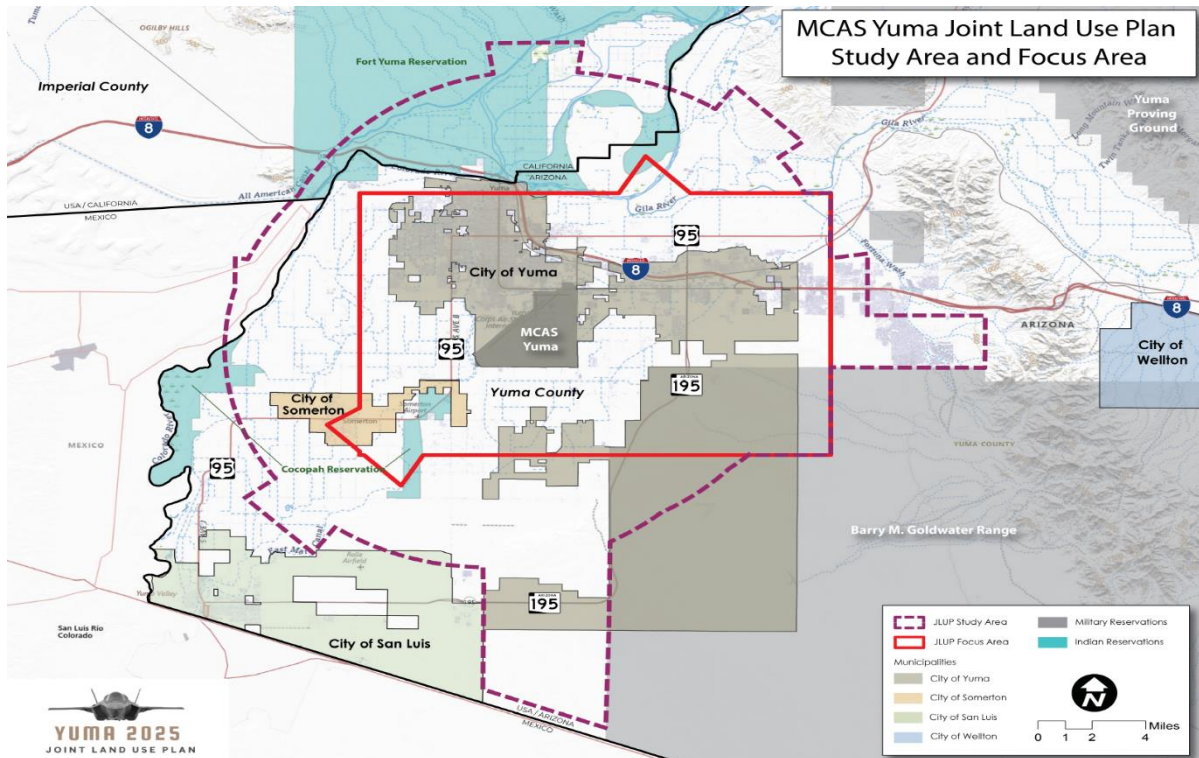
Mayor Nicholls read a proclamation declaring the week of February 7th through February 14th, 2025, Congenital Heart Defect Awareness week throughout the City of Yuma and designating February 12, 2025, as a day to wear purple to increase public awareness and encourage support for families impacted by congenital heart defects.

Joint Land Use Plan Update

Linville introduced **Tyson Smith**, Certified Planner with White Smith Cousino Planning Firm, to give an update of the progress of the Joint Land Use Plan (JLUP).

- Introduction
 - Joint Land Use Planning is evaluation and consideration of land uses that are occurring at a military installation, and civilian land uses that are occurring outside of the military installation and how they interface

- Most Joint Land Use Plans interface easily; the ones that do not can impact the community and can affect the operations at a military installation
- Participating entities include City of Yuma, City of Somerton, Yuma County, Marine Corps Air Station-Yuma (MCAS), and the Barry M. Goldwater Range (BMGR)



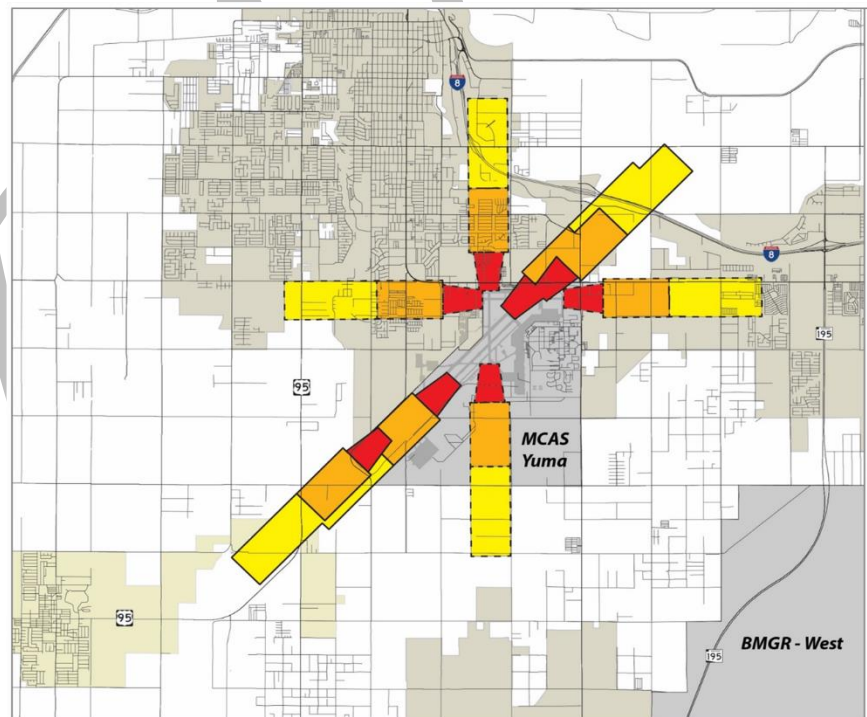
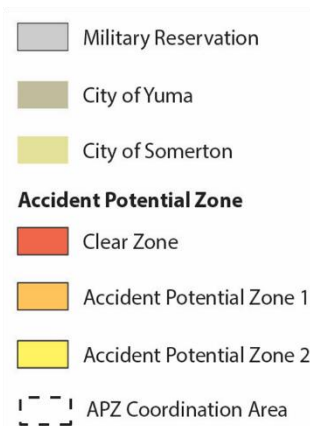
- Prior State & Local Findings
 - In 1990 the State of Arizona passed statutes that require local governments in military jurisdictions and near military installations to plan for military uses
 - In 1996 the City of Yuma conducted a Joint Land Use Plan, and in 2002 adopted the first Airport Overlay District related to military
 - In 2004 the City of Yuma as well as Yuma County adopted density regulations within one mile of the BMGR
 - In 2005 additional Joint Land Use Plans were undertaken
 - In 2019 production of the Air Installations Compatible Use Zones (AICUZ) study, a report produced by the military as an update of what is happening on the ground in terms of military impacts and the recommendations to ensure compatibility
 - Noise Zones
 - The current noise zones have been in place since 2002 and are not recommended to be changed at this time. This is a recommendation by the AICUZ report and MCAS
 - Accident Potential Zones
 - Areas at the end of the runway where accident potential is greater
 - Regulations limit the consolidation of people and of property improvements
 - The recommendation of the Steering Committee and MCAS is to make no changes to regulating the accident potential zones that are on the current parallel runways

- Barry M. Goldwater Range
 - The BMGR one mile buffer around the range is at a density in the Comprehensive Plan of one unit per two acres
 - The BMGR 0.5-mile buffer around the range is at a density in the Comprehensive Plan of one unit per five acres
 - No changes proposed to City's range (density) buffer
 - This area will be revisited soon to look at current operations at the installation and current densities
- Flat Tail Horned Lizard
 - The issue with the Flat Tail Horned Lizard is not as relevant as first thought
 - The military installation is under orders to do construction related to the border wall; if there is a habitat present in the area one mile north of the range, the installation will limit their acquisition activities to not conflict with growth areas

Vaughn Hanson, Planner with White, Smith, Cousino Planning Firm, presented the following:

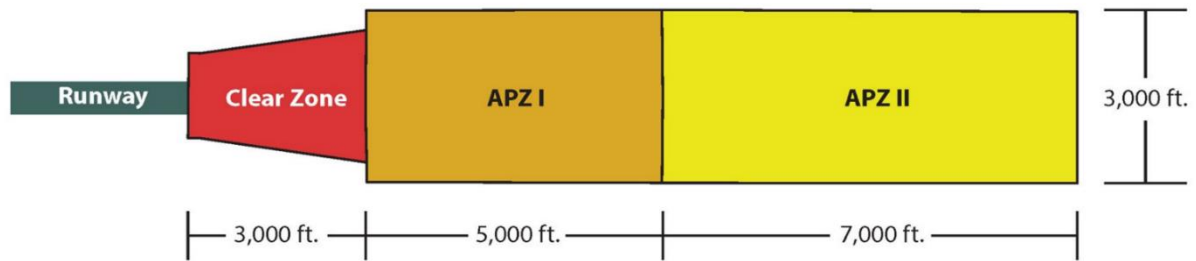
- Overview of Compatibility Issues
 - Aircraft Accident Potential
 - Applied from a regulatory perspective off the ends of Runways 321, left and right
 - There will be ongoing coordination with regard to the other runways

Aircraft Accident Potential



- Runways extend with the trapezoidal clear zone from the end of the runway in the Accident Potential Zone (APZ) I and APZ II
- Extend approximately 15,000 feet at a width of 3,000 feet from the end of each runway by Department of Defense (DOD) policy

Accident Potential Zone Diagram (US Navy / USMC)



Generalized APZ Compatible Use Recommendations

- This is a simplified version of a much more detailed compatible land use chart that shows the areas most proximate to the runway are in the clear zones proceeding through APZ I and APZ II
- The types of land uses that are compatible within those areas essentially become more dense or more intensive as you get further away from the end of the runway
- Other land use allowed by the local zoning regulation is fine and generally compatible

Generalized APZ Compatible Use Recommendations

Land Use	Clear Zone	APZ I	APZ II
Manufacturing	N	C	C
Trans., Comm., and Utilities	C	Y	Y
Wholesale Trade	N	C	C
Warehousing and Storage	N	C	C
Auto & Building Supply Sales	N	C	C
Neighborhood Retail	N	N	C
Single Family Dwellings	N	N	C
Multi-Family Dwellings	N	N	N
Mass Retailing	N	N	N
Restaurants, Full Service	N	N	N
Restaurants, Quick Serve	N	N	C
Office and Service Uses	N	N	C
Government Services	N	N	C
Educational Services	N	N	N
Cultural Activities	N	N	N
Medical Services	N	N	N
Churches	N	N	N
Outdoor Recreation	N	N	C
Assembly Uses	N	N	N
Agriculture & Livestock	Y	Y	Y
Forestry Activities	N	Y	Y
Permanent Open Space	Y	Y	Y

Y = Recommended C = Conditionally Compatible N = Incompatible

- Aviation Noise Zones
 - Recommendation has been made to maintain what is known as the Van Houten Noise Contours, a 1978 aircraft noise study, and not amend it through this process
 - Contours from a low of 65 decibels through a high of 75 plus decibels were established with the original Air Quality Study
- Compatible Use Recommendations
 - The DOD recommended compatible land uses that go from the 65 decibel level up through 85 decibels in the compatibility guidance
 - Areas with the highest noise levels would be potentially incompatible with some development, whereas in the lower noise contours there are more land uses
 - Although DOD guidance does not particularly encourage residential use in the 65-decibel contour, there are local regulations that will allow it

Generalized Aviation Noise Zone Compatible Use Recommendations

Land Use	Noise Level (DNL)				
	65 to 69 dBA	70 to 74 dBA	75 to 79 dBA	80 to 84 dBA	85+ dBA
Residential	C	N	N	N	N
Manufacturing	Y	C	C	C	N
Retail – General	Y	C	C	N	N
Restaurants	Y	C	C	N	N
Personal Services	Y	C	C	N	N
Hospitals	C	C	N	N	N
Government	C	C	C	N	N
Education	C	C	N	N	N
Public Assembly	Y	N	N	N	N
Parks	Y	C	N	N	N
Agriculture	Y	Y	Y	Y	Y
Y = Recommended C = Conditionally Compatible N = Incompatible					

- 14 Code of Federal Regulations (CFR) Part 77 - Imaginary Surfaces
 - Part 77 Imaginary Surfaces are areas around each of the runways that extend up and out from the runways in accordance with established Federal Aviation Administration (FAA) protection areas where the FAA's Office of Obstruction Evaluation Airport Airspace Analysis looks to determine whether tall structures would pose a threat or a hazard to safe aerial navigation; this was an additional type of compatibility issue that was looked into
 - Existing land use patterns, current zoning regulations including overlays, and adopted future land use maps of each of the jurisdictions participating in the study were looked at to determine the degree of compatibility.
 - From an overall perspective, existing land use compatibility, especially in the regulated APZ's and the noise zones, is good

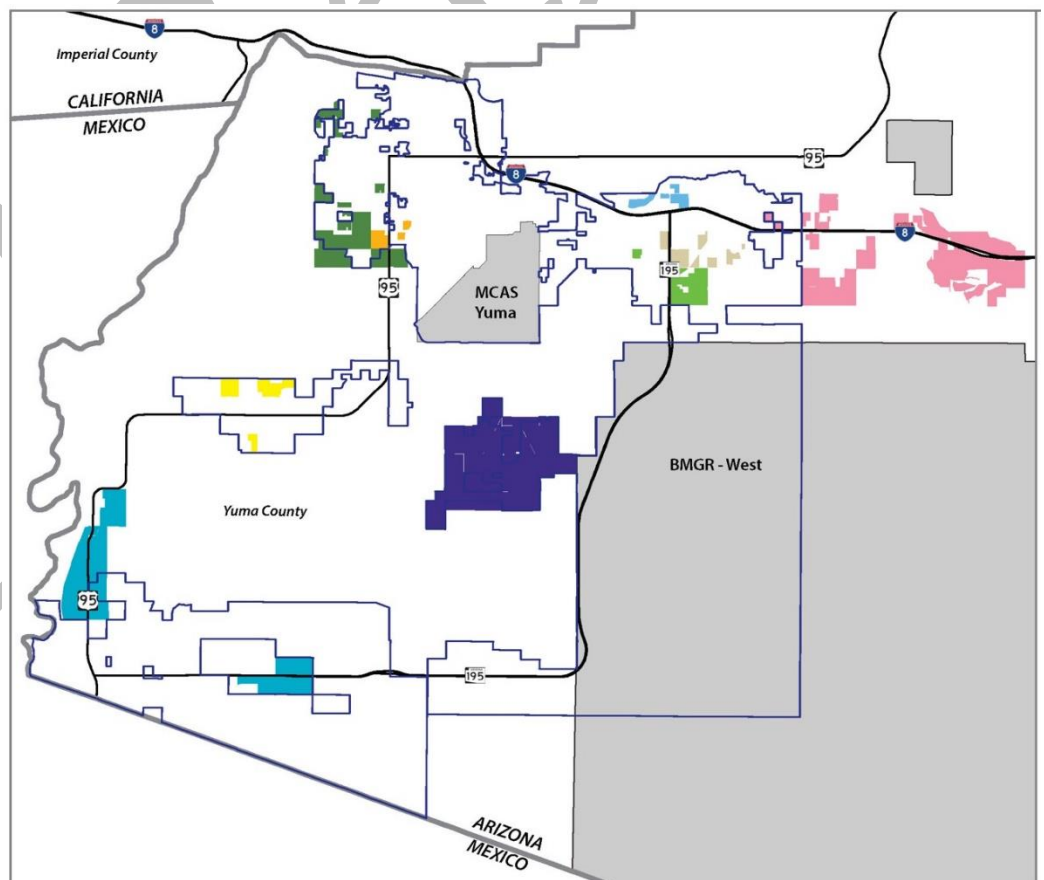
- From a policy perspective the City's adopted zoning and future land use maps are pretty good as well
- There currently are different levels of regulations between the City of Yuma, City of Somerton, and Yuma County, but essentially any development within a certain distance of the airport over a certain height is required to go through the FAA process to get a determination for them as to whether it would pose a hazard; different types of local regulations can restrict that if it is found to be a hazard
- **BMGR Range Buffer**
 - Looking at the BMGR Range Buffer from a compatibility perspective regarding the current adopted policy of density restrictions in place, it was found that except for the Fortuna Foothills area, the parcels have not been subdivided to the point of exceeding density limitations of one dwelling unit per two acres or one dwelling unit per five acres
 - An increase of Unmanned Aircraft Systems was also an emerging issue that was looked at; through work groups and discussions with MCAS, existing compatibility issues related to the growth in that type of operations was not found
- **Housing Assessment**
 - **Assessment Purpose & Goals**
 - The purpose of the Housing Study / Needs Assessment is generally set forth in Task 5 of the MCAS Yuma Joint Land Use Plan scope of work:
 - Analyze existing and projected housing trends to determine existing and future housing needs for the region, which encompasses the Yuma Metropolitan Area (having the same boundaries with Yuma County)
 - Document housing demands for MCAS Yuma civilian and military personnel and those working for other regional employers
 - Compare those demands to existing and expected supply to forecast the gap that is anticipated to exist between supply and demand
 - Identify regulatory challenges and opportunities at the state and local level and recommend actions to address the anticipated housing supply gap
 - Explore goals and policies of local comprehensive plans to determine if proposed growth areas can accommodate demand
 - Formulate regional housing priorities, particularly those that align with transit opportunities
 - Identify requirements for local actions and planning in the context of producing needed housing for the region
 - **Population Projection and Initial Capacity/Gap Findings**
 - For the purpose of the housing assessment, the Arizona Office of Economic Opportunities (AOEO) medium growth projection for the area through 2045 was used
 - There is a limited supply of privately held non-agricultural land available for residential development, particularly in southwestern Yuma County
 - Medium growth rate population projection forecasts 60,000 new residents in Yuma County by 2045
 - Based on current average household size in the County, accommodating growth will require occupancy of 22,000 additional dwelling units
 - Historic residential permitting trends indicate that continuing at the average pace of building could accommodate growth, if sufficient land is available for development

- Land Supply Analysis
 - Objective Land Supply Analysis Steps
 - A reductive analysis through a nine-step process was used based on the following criteria:
 - Suitable land for agricultural purposes
 - Military compatible land use
 - Access to utilities
 - Certain types of ownership
 - Objective Land Supply Analysis Results
 - Land supply found about 8,000 acres of land that had not been entitled or otherwise encumbered
 - A moderate, medium density type residential development of four dwelling units per acre generates 32,000 dwelling units
 - Land Supply Policy Analysis
 - Looked at plans for each city and the county's Comprehensive Plan to establish which parcels were intended for residential growth in the future
 - An analysis was done of the density recommended for the parcels using the Land Use Maps, as well as areas around the City of Yuma that are not in the sub-growth areas but have been designated for residential future land use; total acres of land was about 13,500
 - With the assigned densities in each of the plans, the total population that can be accommodated by policy is around 227,000 additional residents
 - With either type of analysis, the real issue is being able to obtain land at a reasonable price to support development needs

Land Supply Policy Analysis

General / Comprehensive Plan Residential Growth Parcels

- Yuma County
- City of Somerton
- City of San Luis
- City of Yuma*
 - Estancia
 - Araby Road
 - Laurel
 - Avenue B & 32nd Street
- Additional Agricultural Lands¹*
 - East Mesa
 - Yuma Valley



Total = 13,500 acres

- Additional Findings
 - Local regulatory environment and development administration is perceived positively by the real estate and development community
 - Early signs that changes in the size/composition of the seasonal population may be occurring
 - Significant share of “vacant” housing (20%) is two times the national rate, with 12,500 units classified as vacant due to seasonal occupancy
 - Over 11,000 officially “vacant” manufactured homes (over ½ of vacant housing stock)
 - Land supply constraints have caused a significant increase in the pricing point of land for residential development
 - Agricultural land is difficult to convert due to market pressures
 - State trust lands are cumbersome to obtain through auction and there is significant competition for land in areas with high development pressure
 - Premature development in areas without water and sewer access has led to inefficient residential development patterns that have artificially reduced development potential
 - Low rate of construction activity of for-rent multi-family housing – only 5% of permitted dwelling units between 2003 and 2023
 - Yuma County also has only 5% of its overall housing stock in multi-family housing, that is about 20% or 1/5 of what the average communities across the United States have
 - Low prevailing rental rates and limited new construction to demonstrate potential for success in the market for new projects
 - Lack of local capital for large scale multi-family projects
 - High material and labor costs due to distance from major markets
 - Demand for higher-end rental housing of all types are not meeting current demand – effects are being felt in employee retention
 - Not affecting initial recruitment, but affecting how some people perceive the housing market
 - A large share of households in the rental market are cost burdened; this is generally reflective of national cost-burden trends
 - The cost has increased since the 2021 and 2022 housing studies
 - Compared to the national average, Yuma is much more like the rest of the country in terms of housing costs and percentage of gross income that both renters and homeowners are having to expend
 - The requirement for H2-A; Temporary Agricultural Program, visa employers to provide housing for employees has led to significant changes in the lower end of the rental market
 - Leasing large blocks of, or entire, apartment complexes
 - Purchasing entire multi-family rental properties (and lodging)
 - Developing purpose-built multi-family employee housing

Smith presented the following:

- Public and Stakeholder Involvement
 - Two committees guiding this project
 - Technical Committee
 - Made up of staff of various agencies
 - Steering Committee
 - Policy level
 - Will decide the final form of the report and its recommendations

- Public Outreach Plan
 - Three public sessions so far; two additional planned
 - Community questionnaire
 - Public live polling exercise
 - Agencies fact-finding exercise
- Next Steps
 - March – May Steering Committee recommendations
 - Final JLUP update report
 - Steering Committee to finalize recommendations
 - Public outreach and input
 - JLUP report prepared & confirmed by Steering Committee
 - Cities and Yuma County consideration of report and resolutions of support

Discussion

- The concern among the development community, and the real estate community, is that if acquisition efforts go into all areas, it would potentially conflict with the development of housing and commercial uses. To address that concern, MCAS – Yuma has said they are focusing their acquisition in their study areas only. The committee will decide if this information will be included on the report. (**Mayor Nicholls/Smith**)

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.1 – Bid Award: Yuma Civic Center Electrical Infrastructure Upgrades (Award a construction services contract for Yuma Civic Center Electrical Infrastructure Upgrades to the lowest responsible bidder in the amount of \$294,423.80 to Merrill Development, Inc., Yuma, Arizona) (RFB-25-069) (Eng/Proc)

Mayor Nicholls declared a conflict of interest on Motion Consent Agenda Item C.1, due to his firm's involvement, turned the meeting over to **Deputy Mayor Smith**, and left the dais.

Discussion

- The exact same services are provided by the two vendors with the lowest bids for this project. (**Morris/Crist**)

Motion (Morris/Morales): To approve Motion Consent Item C.1 as recommended. Voice vote: **approved** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

Motion Consent Agenda Item C.5 – Final Plat: Desert Ridge Townhomes (Approve the final plat for the Desert Ridge Townhomes, located at the southeast corner of Avenue 7½ E and 24th Street) (SUBD-43520-2024) (Cmty Plng)

Morris declared a conflict of interest on Motion Consent Agenda Item C.5 due to his firm's involvement and left the dais.

Motion (Deputy Mayor Smith/Watts): To approve Motion Consent Item C.5 as recommended. Voice vote: **approved** 6-0-1, **Morris** abstaining due to conflict of interest.

Morris returned to the dais.

Motion Consent Agenda Item C.3 - Contract Increase: East Mesa Community Park, Phase 1 (Authorize a contract increase for additional shade structures and a sensory playground added to the park, from a grant and donations in the amount of \$739,665.12 for a total expenditure of \$17,953,037.69 to Gutierrez Canales Engineering, PC, Yuma, Arizona) (RFQ-23-258 (Pks & Rec/Eng/Proc))

Discussion

- Funds for the additional shade structures and the sensory playground equipment that will be added to the East Mesa Community Park were all from grants and donations. \$500,000 was grant funded by the Land and Water Conservation Fund and \$280,000 was donated by Onvida Health to specifically pay for a space within the playground area that did not make it into the base bid, which was the sensory play place. (**Watts/Urfer**)
- There were several alternates for shade structures that did not make it into the base bid. The additional shade structures to be added are the shade structures that are over the main playground structures to shade the entire playground. (**Watts/Urfer**)
- Phase 1 of the project has broken ground and is anticipated to be completed by March of 2026, if the project goes according to plan. (**McClendon/Urfer**)
- Canales Engineering let us know that additional funding to add water features to Phase 1 of the project should be received by the contractor no later than August of this year to avoid delays. (**Morales/Urfer**)

Motion Consent Agenda Item C.4 – Endowment Acceptance: Jones and Brigida Osborn Trust (Accept the Jones and Brigida Osborn \$1 Million Legacy Gift to benefit the City of Yuma Parks and Recreation Department in the form of annual disbursements from the Jones and Brigida Osborn Charitable Remainder Annuity Trust) (Pks & Rec/Fin)

Discussion

- About 20 years ago the Osborne family established a trust at the Arizona Community Foundation in the form of an endowment specifically to benefit the City of Yuma Parks and Recreation Department. The City is allowed 4% annually of the trust balance to be spent specifically for Parks and Recreation. (**McClendon/Urfer**)
- There are currently a couple of different options being considered for the money the Parks and Recreation Department will be receiving. The first option is the potential of leveraging the funds to help with grant applications. The second option is to deposit the money in the bank for three years and collect enough money to be able to purchase an amenity. (**McClendon/Urfer**)
- Standard Operating Procedures will be developed to decide how the money will be expended. The Parks and Recreation Commission and City Administration will be involved in the decision. City Council will oversee purchases over \$100,000.00. (**McClendon/Urfer**)
- Kudos to Urfer and Simonton for their efforts in trying to find different ways and resources for immediate use of the monies being received. (**Morales**)

Motion (Morris/Morales): To approve the Motion Consent Agenda as recommended, with the exception of Item C.1 and C. 5, which were adopted through a previous vote. Voice vote: **approved** 7-0.

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

Regular Council Meeting Minutes	December 4, 2024
Regular Council Meeting Minutes	January 15, 2025

B. Executive Session

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)

C. Approval of Staff Recommendations

1. Pulled for separate consideration; see above.
2. Authorize the purchase of an EzLiner roadway line-striper by utilizing a cooperative purchase agreement from Sourcewell, for an expenditure of \$343,965.00 to Western Territory Sales, Phoenix, Arizona. (CPA-25-249) (Publ Wks/Proc)
3. Authorize a contract increase for additional shade structures and a sensory playground added to the park, from a grant and donations in the amount of \$739,665.12 for a total expenditure of \$17,953,037.69 to Gutierrez Canales Engineering, PC, Yuma, Arizona. (RFQ-23-258) (Pks & Rec/Eng/Proc)
4. Accept the Jones and Brigida Osborn \$1 Million Legacy Gift to benefit the City of Yuma Parks and Recreation Department in the form of annual disbursements from the Jones and Brigida Osborn Charitable Remainder Annuity Trust. (Pks & Rec/Fin)
5. Pulled for separate consideration; see above.

II. RESOLUTION CONSENT AGENDA

Motion (McClendon/Deputy Mayor Smith): To adopt the Resolution Consent Agenda as recommended.

Bushong displayed the following title(s):

Resolution R2025-001

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement for the joint operation and use of a Regional School Safety System and Program between the City of Yuma and Antelope Union High School District No. 50 (to provide terms and conditions for the joint use and operation of the School Safety Interoperability System) (IT)

Resolution R2025-002

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement for the Joint Operation and use of a Regional School Safety System and Program between the City of Yuma and Hyder School District No. 16 (to provide terms and conditions for the joint use and operation of the School Safety Interoperability System) (IT)

Resolution R2025-003

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement for the joint operation and use of a Regional School Safety System and Program between the City of Yuma and Yuma Elementary School District No.1 (to provide terms and conditions for the joint use and operation of the School Safety Interoperability System) (IT)

Resolution R2025-004

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement for the joint operation and use of a Regional School Safety System and Program between the City of Yuma and Yuma Union High School District No. 70 (to provide terms and conditions for the joint use and operation of the School Safety Interoperability System) (IT)

Resolution R2025-005

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with the State of Arizona for the preliminary design of the 3rd Street Bridge at the East Main Canal (utilizing Arizona Department of Transportation (ADOT) Off System Bridge (OSB) program to help with administering and funding the improvement of the City's existing infrastructure) (Eng)

Resolution R2025-006

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with the State of Arizona for the Preliminary Design of the 4E Bridge at the B Lateral Canal (utilizing ADOT's OSB program to help with administering and funding the improvement of the City's existing infrastructure) (Eng)

Resolution R2025-008

A resolution of the City Council of the City of Yuma, Arizona, authorizing the City of Yuma to enter into an Intergovernmental Agreement with the Arizona Board of Regents, on behalf of Arizona State University and its Center for Violence Prevention and Community Safety (to allow the City of Yuma to share data regarding violent deaths with the Center for Violence Prevention) (YPD)

Resolution R2025-009

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an agreement with the State of Arizona Department of Homeland Security to establish policies and procedures for participation in the Statewide Cyber Readiness Program (to improve the City's ability to detect, prevent, and respond to cyber threats) (IT)

Resolution R2025-010

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving terms and conditions for Yuma Regional Communication Systems Member Agencies for Arizona Western College Police department (for Arizona Western College Police Department to become a Yuma Regional Communication System (YRCS) member agency) (IT)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (McClendon/Deputy Mayor Smith): To adopt the Ordinances Consent Agenda as recommended.

Bushong displayed the following title(s):

Ordinance O2025-001

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 Light Industrial (L-I) District, and amending the zoning map to conform with the rezoning (0.85 acres located at 4454 E. 40th Street) (Plng & Nbhd Svcs)

Ordinance O2025-002

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 General Commercial/Aesthetic Overlay (B-2/AO) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District, and amending the zoning map to conform with the rezoning (9.74 acres located at the northwest corner of 34th Street and DeVane Drive) (Plng & Nbhd Svcs)

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

IV. INTRODUCTION OF ORDINANCES

Ordinance O2025-004 – Easement – Latter - Day Saints Property Easement (Authorize the acceptance of real property from The Jacobson Companies, Inc., an Arizona Corporation) (Eng)

Discussion

- The easement is for access to public utilities that will be installed on that road to satisfy the future building of The Church of Jesus Christ of Latter-day Saints Temple. There could possibly be a footprint of a future public road, but as of right now it is only for access of public utilities. (**Mayor Nicholls/Wostenberg**)

Bushong displayed the following title(s):

Ordinance O2025-004

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the acceptance of Gift Property (acceptance of real property from The Jacobson Companies, Inc. for access and utilities to new property for The Church of Jesus Christ of Latter-day Saints Temple) (Eng)

V. PUBLIC HEARING AND RELATED ITEMS

Resolution R2025-011 – Minor General Plan Amendment: Southeast Corner of State Route SR-195 and 40th Street (following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Medium Density Residential to High Density Residential) (Plng & Nbhd Svcs/Cmty Plng)

Morales declared a conflict of interest on Resolution R2025-011 and left the dais.

Mayor Nicholls opened the public hearing at 6:18 p.m.

Rojas presented the following information relating to a minor General Plan amendment request. The property is located at the southeast corner of State Route SR-195 and 40th Street.

Case Summary

- Proposed change: Medium Density to High Density Residential
- Area: Approximately 14.5 acres
- Surrounding Land Uses:
 - North – Undeveloped
 - South and East – Undeveloped area and Agriculture
 - West – SR-195 and Single-family residences (Ocotillo Subdivision)
- Public Comments:
 - 37 neighboring properties owners within 660 feet were notified
 - No comments received
- Development Potential
 - Dwelling units – Between 189 and 435 units
 - Population – Potential increase to 827 persons
 - Proposed project – Pursue a rezone to High Density Residential R-3 Zoning District for future multi-family development
- The planning and Zoning Commission recommended approval of this request on January 13, 2025.

Discussion

- High Density Residential land use designation allows between 13 to 30 dwelling units per acre. This property is 14.5 acres, allowing for more dwelling units to be built. (**Watts/Rojas**)
- The current land use designation for the property is Medium Density Residential, allowing between 73 and 187 units to be built. This is a requirement of the land use designation, and not a requirement of the project. (**Watts/Rojas**)

Motion (Deputy Mayor Smith/Watts): To close the Public Hearing. Voice vote: **approved** 6-0-1, **Morales** abstaining due to conflict of interest.

The Public Hearing closed at 6:21 p.m.

Motion (Morris/McClendon): To adopt the Resolution R2025-011 as recommended.

Bushong displayed the following title(s):

Resolution R2025-011

A resolution of the City Council of the City of Yuma, Arizona, amending resolution R2022-011, the City of Yuma 2022 General Plan, to change the land use designation of approximately 14.5 acres at the Southeast Corner of State Route SR 195 and 40th Street from Medium Density Residential to High Density Residential (approval of Desert Ridge Townhomes subdivision) (Cmty Plng)

Roll call vote: **adopted** 6-0-1, **Morales** abstaining due to conflict of interest.

Morales returned to the dais.

VI. CONDITIONAL USE PERMIT APPEAL

Mayor Nicholls opened the Conditional Use Permit Appeal proceedings at 6:27 p.m.

Jon Paladini, City of Yuma Legal Counsel, explained the structure of deciding on a conditional use permit appeal and shared some background for conditional use permits.

Discussion

- It was not the intent to display the seven criteria during the presentation. The criteria was included in the staff report. (**Morris/Albers**)

Albers presented the following:

- This is a hearing to consider the appeal of Gregory O'Neal for the approval of the Planning and Zoning Commission conditional use permit to allow a large company housing complex at the southwest corner of Avenue 6E and 30th Street.
- On October 9th, 2024, a Conditional Use Permit Request was submitted by Avila Construction on behalf of Tanimura and Antle.
- On December 9, 2024, the Planning and Zoning Commission approved that request following public comment.
- On December 12th, 2024, Mr. Gregory O'Neal filed an appeal of the decision pursuant to City Code stating all decisions of the Planning and Zoning Commission are appealable to the City Council with all subsequent written materials submitted on January 3, 2025.
- On January 13, 2025, Tanimura and Antle submitted a reply to Mr. O'Neil's statements

Discussion

- On this appeal it is the burden of the appellant to prove the Planning and Zoning Commission was in error and that one or more of the seven requirements that need to be found were not established at the Planning and Zoning Commission Board hearing. The appellant's written brief has been read by City Council and can be considered to determine if the brief itself is sufficient to overturn the Commission's decision. If the brief is not sufficient to overturn the commission's decision the applicant/appellees presentation can move forward, if City Council would like, and then proceed to a vote. (**Paladini**)
- Since the appellant is absent and the meeting has been opened, for transparency we are okay to proceed with the applicants 10-minute presentation. (**Mayor Nicholls**)

Leslie Van Camp, Vice President and General Counsel of Tanimura and Antle, along with **Jeffery Nohr**, Tanimura and Antle Project Manager, presented the following:

- Tanimura and Antle was a partnership for grower shippers that started in 1982 by George Tanimura and Bob Antle
- In 1988 Tanimura & Antle incorporated, and the operation expanded to encompass 12,000 acres of fresh vegetables grown in Yuma, Arizona
- Approximately one million cases of produce are shipped around the nation each week from the Yuma, Arizona cooler when in season
- Produce season runs from November to about mid-April, sometimes the first part of May
- In 2008 Tanimura & Antle began bringing in workers from the H-2A visa program where agricultural employers hire workers from other countries for temporary labor or seasonal work
- A requirement as an employer of H-2A workers is to provide company housing

- This project is brand new construction of company housing that meets all the requirements of a large company housing project
- The zoning requirements and conditions of approval have all been met
- The housing project is 186 two-bedroom, two-bathroom units
- Background checks are conducted to be able to join the H-2A workforce
- If for any reason an H-2A worker has been terminated by the company or has any problems with the law, their contract is terminated, and they are sent back to their home country
- Since 2008 Tanimura and Antle has owned two company housing, converted apartment buildings in Yuma, with no issues

Discussion

- This project is comparable to the housing project Tanimura & Antle has done in Salinas, CA. For the audience to understand, the H-2A employees are Tanimura & Antle employees. Normally in this industry it is customary to subcontract or there is a third party that hires labor, but in this case Tanimura & Antle does the vetting process and monitors the employees. **(Morales)**
- The 800 to 850 H-2A workers Tanimura & Antle currently employs are spread out. About 400 employees are at the Park View Apartments and the Aloha Apartments, in units owned by Tanimura & Antle. The remainder of employees are living in motels. Once the housing project is complete, employees will be able to move out of the motel rooms and into living spaces with amenities. **(Watts/Van Camp)**
- It is great to see that the company that owns the Parkview Apartments will be in charge of building the new housing. Farm worker housing is in critical need, and it is wonderful to see that the company is investing in housing for their employees. These are essential workers for food supply. **(Deputy Mayor Smith)**

Motion (Morris/Morales): I find that all seven (7) of the necessary Conditional Use Permit criteria were present, therefore, I move to affirm the Planning and Zoning Commission's decision and approve Conditional Use Permit CUP-43322-2024 for the property located at the southwest corner of Avenue 6E and E. 30th Street.

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

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Deputy Mayor Smith, Morris, Morales, Watts, McClendon, Martinez, and Mayor Nicholls reported on the following meetings attended and upcoming events:

- Martin Luther King Jr. Walk
- League of Arizona Cities and Town Legislative Update via Zoom
- H.L. Suverkrup Elementary School Career Fair
- Yuma Metropolitan Planning Organization Executive Board Meeting
- Somerton High School Career and Technical Education Family Night
- Chamber of Commerce's Annual Dinner Gala & Chance Auction
- Arizona Historical Society Redondo Day Dinner & Auction
- Geocaching Block Party
- City of Yuma and Yuma County Joint Worksession Meeting
- Greater Yuma Economic Development Corporation Luncheon
- Soft Opening Eddies Food & Drink

- Greater Yuma Port Authority Board Meeting via Zoom
 - Joint Land Use Plan Meeting
 - Regional Center for Border Health Hospital Groundbreaking
 - Clean and Beautiful Commission Meeting
 - Arizona Western College Student Etiquette Lunch Committee
 - Community Development Block Grant Meeting
 - United Yuma Firefighters Association Meeting
 - American with Disabilities Act Commission Meeting
 - Onvida Hospital White Coat Shadowing
 - Wild West Days at Yuma Territorial Prison
 - Public Safety Personnel Retirement System Meeting
 - Neighborhood Leadership Academy Meeting
 - Yuma County Agriculture Water Coalition and Agribusiness & Water Council of Arizona Steak & Chuck Dinner
 - United States Conference of Mayors, 93rd Mayors Winter Meeting, Washington, D.C.
 - Chamber of Commerce Member Mixer
 - Yuma County Fair Board Meeting
 - 4th Avenue Beautification Project Meeting
 - Reception Hosted by Colonel Stone of MCAS - Yuma
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Scheduling

- Councilmember **McClendon** asked for a briefing from the City of Yuma Fire Chief and his staff at a future City Council meeting to address the issue of staying in compliance with Arizona Health Services regarding the delays of EMS calls. **McClendon** also asked for an update on the Smucker Park project to share with the community.

VIII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- February 26, 2025 – City of Yuma Career Fair
- January 27th to April 3rd – Annual Neighborhood Cleanup

Simonton reminded the community that City Hall will be closed on February 17, 2025, due to the Presidents Day holiday. The holiday will delay the refuse schedule by one day.

IX. EXECUTIVE SESSION/ADJOURNMENT

Motion (Morales/McClendon): To adjourn the meeting to Executive Session. Voice vote: **approved** 7-0.
The meeting adjourned at 7:06 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____