

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
AUGUST 6, 2014
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:33 p.m.

INVOCATION/PLEDGE

George Martin, Pastor of Union Baptist Church, gave the invocation. **Ron Corbin**, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Wright, Knight, Beeson, McClendon, Thomas, Craft, and Mayor Nicholls
Councilmembers Absent: none
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Associate Planner, Douglas Thomsen
Director of Community Development, Laurie Lineberry
Various Department Heads or their representative
City Attorney, Steven W. Moore
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 donations/volunteer assistance from community businesses, 84 Lumber, Home Depot, and Portable Practical Educational Preparation, Inc. (PPEP) in the Carver Park project.
- Recognition of Archery equipment donation from the Southwest Bow Hunters Club
- Recognition of out-going Board and Commission members
 - Tony Brockington served for 11 years on the Planning and Zoning Commission.
 - Cynthia Leon served for 26 years on the Library Board of Trustees.
 - William Craft served for ten years on the Housing Authority of the City of Yuma (HACY) Board.

I. MOTION CONSENT AGENDA

Motion (Knight/McClendon): To approve the Motion Consent Agenda as recommended with the exception of agenda item B.6 Final Plan Amendment: Cielo Verde Specific Plan Subdivision. Voice vote: **approved** 7-0.

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

Citizen's Forum	June 3, 2014
Regular Worksession	June 3, 2014

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). (Attny)
2. Approve a New License #10 Beer and Wine Store, Liquor License application, submitted by Randy D. Nations, agent for Yuma Hotel Group II LLC dba SpringHill Suites, located at 1825 E. 18th Street, Yuma, Arizona. (LL14-17) (Admin/Clerk)
3. Award to the lowest responsive/responsible bidders, for Grass Seed, a one-year contract at an estimated cost of \$132,323.50 as needed with the following firms:
 1. Crop Production Services Yuma, AZ
 2. Helena Chemical Co. Phoenix, AZ
 3. Simplot Partners Turf Tempe, AZ
 4. Target Specialty Products Tempe, AZ(P & R - Bid # 2014-20000079)
4. Authorize the purchase of three Automated Side Loader Bodies, by utilizing the cooperative purchase agreement with the City of Tucson, at a total cost of \$367,957.65 to: Arizona Refuse Sales, LLC, Phoenix, Arizona. (PW/ Fleet Services - Bid #2015-20000024)
5. Authorize the execution of an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation regarding the Moving Ahead for Progress in the 21st Century Act. (YPD/Quality Assurance)
6. Approve the amendment to the final plat for the Cielo Verde Specific Plan. The property is located at the southeast corner of 32nd Street and Avenue 8E. The applicant is Bruce Jacobson, on behalf of the Cielo Verde Development Limited Partnership. (SUBD-5372-2014) (CD/Planning)
 - o Approved by separate motion; see below.

Motion (Thomas/McClendon): To recess into Executive Session to discuss agenda item B.6 Final Plan Amendment: Cielo Verde Specific Plan Subdivision. Voice vote: **approved** 7-0. The meeting recessed at 5:59 p.m.

Mayor Nicholls reconvened the Regular City Council meeting at 6:12 p.m.

Motion (Thomas/Beeson): To approve agenda item B.6 of the Motion Consent Agenda as recommended. Voice vote: **approved** 7-0.

II. RESOLUTION CONSENT AGENDA

Motion (Thomas/Knight): To recess into Executive Session. Voice vote: **approved** 6-0-1; Mayor Nicholls declared a potential conflict of interest. The meeting recessed at 6:14p.m.

Beeson reconvened the Regular City Council meeting at 6:20 p.m

Motion (Craft/Thomas): To amend Exhibit A of Resolution R2014-26, Yuma Mesa, LLC Real Property Exchange and Development Agreement, in Section 11.5, to insert in the blank space of the first sentence, the number "60" before the word "months". Voice vote: **approved** 6-0-1; Mayor Nicholls declared a potential conflict of interest.

Motion (Craft/McClendon): To amend Exhibit A of Resolution R2014-26, Yuma Mesa, LLC Real Property Exchange and Development Agreement, to change the last WHEREAS clause to read as follows: WHEREAS, as an additional incentive, the City shall (i) credit Owner \$2,334.21 towards the cost of the building permit for Building B (depicted on the Site Plan) and (ii) after an economic and benefits analysis has been performed by a third party selected by the City, the City agrees to provide Owner with additional economic incentives in accordance with Applicable Laws, including but not limited to A.R.S. §9-500.11. Such analysis shall include both Building A and Building B and shall be in an amount supported by the economic and benefits analysis but not to exceed \$100,000.00.

And further more that Exhibit A, Section 11.18 be amended as follows:

11.18 Economic and Redevelopment Incentives. A recognized third party selected by the City shall prepare an economic and benefit analysis report concerning the benefits to the City for both New Building A and New Building B. Upon receipt of a final report satisfactory to the City in its sole and absolute discretion, the City agrees to provide Owner with additional permissible economic incentives in accordance with Applicable Laws, including without limitation, A.R.S. §9-500.11, in an amount supported by the economic and benefits analysis report, but not to exceed \$100,000.00. Additionally, New Building B shall be credited \$2,334.21 towards the cost of the building permit for Building B.

Voice vote: **approved** 6-0-1; Mayor Nicholls declared a potential conflict of interest.

Motion (Thomas/McClendon): To adopt Resolution R2014-26, Yuma Mesa, LLC Real Property Exchange and Development Agreement, as amended.

Discussion

Knight expressed concern regarding the Government Property Lease Excise Tax (GPLET). The property in question is probably some of the most lucrative commercial property in the City and it is difficult to accept having to give property tax abatement to develop it. Any business that goes in this property is going to be very profitable. I would like to see City Council postpone the vote until the August 27th Regular City Council meeting. This will still give the City enough time to have it done before September 4th. I would like the GPLET to be in effect for two years instead of eight years. **Beeson** stated that there is no incentive on that property at this time.

Bushong displayed the following title(s):

Resolution R2014-26

A resolution of the City Council of the City of Yuma, Arizona, approving and authorizing the execution of a Development Agreement with Yuma Mesa, LLC for the exchange of real property and redevelopment of the corner pad site, parking lot improvements, new signage and other private property improvements

(Real Property Exchange and Development Agreement: Yuma Mesa, LLC) (Admin/YCNHA)

Voice vote: **approved** 6-0-1; Mayor Nicholls declared a potential conflict of interest.

Motion (Knight/Craft): To adopt the Resolution Consent Agenda, as recommended with the exception of Resolution R2014-26.

Bushong displayed the following title(s):

Resolution R2014-25

A resolution of the City Council of the City of Yuma, Arizona, authorizing the execution of a Facilities Maintenance Agreement with the Elks Development Corporation

(Facilities Maintenance Agreement: Elks Development Corporation) (PW/Eng)

Resolution R2014-27

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Second Amendment to a Development Agreement with the developer of real property generally located at the northeast corner of Avenue 6E and 48th Street

(Second Amendment: Ocotillo Desert Development, L.L.C. Agreement) (CD/Planning)

Resolution R2014-28

A resolution of the City Council of the City of Yuma, Arizona, authorizing an Amendment to Yuma County Water Users' Association, Valley Division, Yuma Project, Encroachment License No. 001-01-001

(Amendment: License Agreement with Yuma County Water Users' Association) (PW/Eng)

Resolution R2014-29

A resolution of the City Council of the City of Yuma, Arizona, in support of education in Yuma, Arizona

(Support Education in Yuma) (Admin)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (McClendon/Beeson): To adopt the Ordinance Consent Agenda as recommended.

Bushong displayed the following title(s):

Ordinance O2014-23

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 hereinbefore located in the Low Density Residential (R-1-8) District / Conditional Low Density Residential (R-1-12) District to the Low Density Residential (R-1-20) District and amending the zoning map to conform thereto (Rezoning of Properties: Southeast Corner of 36th Street and Victoria Way, Yuma, AZ) (CD/Planning)

Ordinance O2014-23

An ordinance of the City Council of the City of Yuma, Arizona, repealing the amendment of O96-44 (i.e. repeal of Ordinance O2003-46) to reflect the correct legal description (Ordinance Repeal: Zoning Ordinance O2003-) (CD/Planning)

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

IV. INTRODUCTION OF ORDINANCES

Motion (Knight/McClendon): To amend Ordinance O2014-20, the Zoning Code Text Amendment for Mobile Food Vending, at Section 9, Subsection A.(1)(e)(4) and Section 10, Subsection A.(1)(d)(4) by replacing 100 feet with 125 feet, as the ordinance pertains to the distance a Food Vending Unit shall be located to a residentially zoned property or residential use.

Discussion

Thomsen provided the following information:

- A 100 ft residential buffer and 150 ft restaurant buffer limits where a food vendor could locate in the City once you take into account the developed lots that could support a food vendor and the property owners that would actually want a food vendor,.
- Imposing a 150 ft or 200 ft buffer for residential would not be functional.

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

Motion (Mayor Nicholls/Beeson): To amend Ordinance O2014-20 Zoning Text Amendment for Mobile Food Vendors at Section 9, Subsection B.(1)(d) and Section 10, Subsection B.(1)(d) by replacing the 55 decibels with 70 decibels at 10 feet as the ordinance pertains to the noise generated by generators at 10 feet.

Discussion

Lineberry made note that the proposed amendment will conflict with the current noise ordinance.

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

Bushong displayed the following title(s):

Ordinance O2014-16

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, Appendix A: Cielo Verde Specific Plan, to remove some ambiguous wording, better organize the permitted uses, and ensure the zoning ordinance text better matches the associated subdivision plat and Development Agreements

(Zoning Code Text Amendment: Appendix A: Cielo Verde Specific Plan) (CD/Planning)

Ordinance O2014-20

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations, to add definitions for mobile food vending operations, add provisions to allow mobile food vending, and providing penalties for violations thereof

(Zoning Code Text Amendment: Mobile Food Vending) (CD/Planning)

V. PUBLIC HEARINGS – NONE

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms from members of the audience for the Call to the Public agenda item.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointment

Motion (Craft/Beeson): To appoint Ron Corbin to the Yuma Area Benefit Consortium (YABC) Trust, to the Yuma Fire Public Safety Board with a term expiration of December 31, 2015 and to the Yuma Public Safety Police Board with a term expiration of December 31, 2015. Voice vote: **approved 7-0.**

Announcements

Councilmembers Wright, Thomas, McClendon, Knight and Mayor Nicholls reported on several events they attended.

Scheduling

Wright requested that an update from GYEDC be placed on a future agenda.

Motion (Thomas/Wright): To schedule a Special Worksession/Roundtable to be held in City Hall Conference Room #190 on Thursday, September 4, 2014, at 5:30 p.m. Voice vote: **approved 7-0.**

VII. SUMMARY OF CURRENT EVENTS

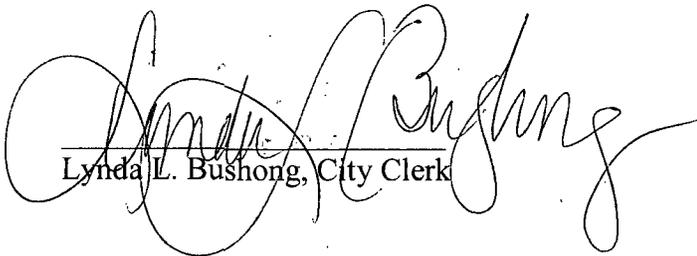
Wilkinson announced various upcoming events, and further stated that the Yuma Police Department's Substation will be featured on the cover of Metal Architecture Magazine.

VIII. CALL TO THE PUBLIC

Gene Dalbey, 1183 W 32nd Street, provided City Council with an update of upcoming bicycle events and bicycle issue around the area. He also stated that May is the National Bike Month and suggested that the City could look into installing bicycle racks and displaying them as City art. The Yuma Regional Bicycle and Pedestrian Advisory Committee is moving forward. The bylaws have been formulated and drafted.

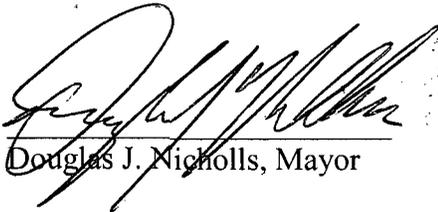
IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:14 p.m. No Executive Session was held.



Lynda L. Bushong, City Clerk

APPROVED:



Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:
December 17, 2014
City Clerk: [Signature]