

MINUTES
REGULAR WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
DECEMBER 19, 2006
4:30 p.m.

CALL TO ORDER

Mayor Nelson called the City Council meeting to order.

Councilmembers Present: Shoop, Giss, Scott Johnson, Krieger, Hieb, Paul Johnson and Mayor Nelson
Councilmembers Absent: none
Staffmembers Present: City Administrator, Mark S. Watson
Deputy City Administrator, Gary Burroughs
Deputy City Administrator, Bob Stull
Various Department Heads or their representatives
Director of Engineering/City Engineer, Paul Brooberg
City Attorney, Steve Moore
City Clerk, Brigitta M. Kuiper

I. SUMMARY OF CURRENT EVENTS

Watson stated that the 100 Block of Main Street is now open and City staff continues to monitor the Main Street re-opening project.

II. REGULAR CITY COUNCIL MEETING AGENDA OF DECEMBER 20, 2006

Final Plat: Livingston Ranch Subdivision Phase #1

- **Watson:** The Planning and Zoning Commission deleted three conditions originally recommended by City staff for this final plat. The report asks the City Council to consider returning them.
 - Owner to provide canal crossing at Ave B½
 - Owner to line canal per Yuma County Water Users Association (YCWUA) requirements
 - Owner to provide in lieu of construction payment in the amount of \$67.22 per lineal foot of frontage on Avenue C and 40th Street.

Burroughs: Issue: Canal crossing (bridge) and canal lining of Central Canal

- Same issue as discussed in connection with Toscana Estates Subdivision at Avenue C¾; Livingston Ranch, however, has come forward prior to Toscana Estates.
- YCWUA is requiring lining of the canal at Avenue C¾
 - First time YCWUA has ever required such
 - Although, this requirement is specific to Toscana, staff feels YCWUA will require it of all crossings at the half-mile.
 - YCWUA does not have to allow its canals to be crossed

- YCWUA does not generally allow crossings of the West Main Canal, the East Main Canal or the Central Canal at any point other than mile section lines.
- In connection with Toscana Estates:
 - YCWUA agreed to manage the month-long water outage that would occur and it would be responsible for constructing the turnouts
 - Staff proposed prorating the cost of the lining over a benefit area
 - Staff proposed to bid the construction for the lining of the canal from Avenue B to Avenue D in order to make the construction more cost effective
- Proposed alternative for Livingston Ranch: Stub out Avenue B ½ to the canal for future bridge and canal lining.

Brooberg: CIP projects relative to this development and currently in the 10-year Capital Improvement Program (CIP):

- Central Canal lies immediately south of the 36th Street alignment
- CIP 5.9738: Construct Avenue B½ from 32nd Street and 40th Street – target year: 2011-2012
 - Avenue B½ is designated a minor arterial – potentially 5 lanes
 - Cost for bridge across Central Canal is included in the project because was estimated to cost less than \$1 million
- CIP 5.9728: Reconstruction Avenue C from 32nd Street to 40th Street – target date: 2009-2010
 - Avenue C is designated a principal arterial – ultimately 7 lanes
- Avenue B is to be a 7-lane road; it is not included in the CIP because it is a state road
- 36th Street is designated a collector street; 34th and 38th Streets will be used in lieu of 36th Street at certain points.
- 40th Street is designated a minor arterial – 5-lane road
- Estimated cost of lining 1 mile segment of the canal is between \$800,000 to \$1 million
- The developer will dedicate the right-of-way for Avenue B½ and the road to the canal
- Staff recommends the developer pay \$67.22 per lineal foot of frontage for Avenue C and 40th Street
 - Avenue C is in the 10-year CIP and would be part of the impact fee revisions
 - The 40th Street CIP project has money only for incident right-of-way purchase and its construction would not be a part of the impact fee revisions
 - An agreement similar to the one involving Sierra Montana is an option for 40th Street

Discussion

- **Mayor Nelson:** Why has the YCWUA switched from requiring a siphon to requiring canal lining? It sounds like they want the City to do their canal lining citywide. **Burroughs:** Don Pope's (YCWUA Manager) letter (dated March 9, 2006) indicated concern about ease of maintenance and safety. This is a new requirement; this is also the first time the City approached the YCWUA Board of Directors asking for a particular crossing. By requesting a crossing of the Central Canal at a half-mile section line, YCWUA feels within its rights in asking for this requirement.
- **Mayor Nelson:** Does this set a precedent for lining the East Main Canal, too? **Brooberg:** The City just finished installing a sewer line in 12th Street that crossed the East Main Canal and the City was required to concrete both the bottom and the sides of the right-of-way used.

- **Paul Johnson:** The City should require the owner to dedicate the needed right-of-way to construct Avenue B½ and require the road to be built up to the canal. At this time, the City's General Plan does not address urban development south of 40th Street. Undoubtedly, this boundary will be crossed when farmers to the south decide to sell their land for development, but extending Avenue B ½ south is not necessary at this time; it can be built when traffic warrants it. This bridge and the lining the canal, if it is required, should be a separate CIP project and become a part of the revised impact fee. Once the bridge is built, Avenue B½ would be a clear, straight corridor from 24th Street to 52nd Street; also, it would not cut into any aircraft noise zones. Informally, Pasquinelli (the owner of the property abutting Avenue B½ north of the Central Canal) has agreed to dedicating Avenue B½ right-of-way to the north.
- **Watson:** Staff is asking that the bridge and be accommodated because it is called for in the Major Roadways Plan. The City Council has indicated that a bridge should be part of an overall Transportation Project, not a separate project. It must be included in the CIP project, however, in order to have money allocated to it. The canal lining adds \$1 million more to this project. Under the current system, there is no way for staff to avoid asking for this accommodation; thus, staff is recommending that it be accommodated through a pro rata sharing arrangement. If the bridge is not addressed by development, the costs will be borne by the public at large. The City Council has the option of waiving this requirement because it feels it is not practical for one developer to bear. The right-of-way can be established at this time and the bridge addressed at a later date when the surrounding area's density increases.
- **Giss:** It appears that YCWUA is within their rights and authority to require the canal lining. **Moore confirmed:** There is no reason to believe that Pope exceeded his authority or legal ability to require the canal lining. **Mayor Nelson:** This new requirement doubles and triples the cost of any bridge on the half-section line.
- **Hieb:** Wasn't the whole idea of an impact fee to bring stability to the process? The City isn't going to be able to capture all it needs in every instance. He thought the City would capture what money it could on projects in the 10-year CIP and then, when it is revised, the City would capture funds on those projects – not always trying to anticipate everything that's needed and try to collect in advance and then readjust. This is really frustrating. Does the City really want to charge people in advance and then rebate the money once the project is included in the CIP and revised fee. **Burroughs:** The intent is that the impact fee addresses only those projects in the 10-year CIP and to address those projects not in the 10-year CIP in some other manner. The City Council has the option of substituting one project for another in the CIP.
- **Hieb:** The East Main Canal is crossed at numerous half-mile section lines and YCWUA did not ask for the canal to be lined at those points. It has been demonstrated time and again that canals can be safely crossed and maintained without being lined. The Central Canal has been in use for over 100 years and now the standards are changing – this is deeply offensive. Once again a fiscally unrestrained Major Roadways Plan is creating a problem. People want good connections but at what cost? **Burroughs:** Canal linings fall under the category of non-CIP capital facilities and a method to handle this situation has been established. In reality, development will outreach infrastructure and, if a developer decides to make his profit beyond the infrastructure, he needs to be prepared to construct it and staff can bring

projects to the City Council for separate inclusion, as long as an equivalent project is removed or another system is devised.

- **Mayor Nelson:** Pope's letter requires both a block wall and canal lining. This seems inconsistent. The construction of a block wall has been a requirement for some time, but this is doubling up.
- **Burroughs:** It is not staff's intention to reimburse developers for putting in streets specifically for their subdivision; when they pay the in lieu of construction costs that is exactly what they are doing. If the developer makes an in lieu of construction payment then it would not be included in a future CIP because costs would have been recovered from the developers in the defined area. Staff has no objection to having the developer stub out Avenue B½ at the canal and including it later as a CIP project and prioritizing it for future construction.
- **Krieger:** If the bridge is never built, the canal will never have to be lined. The level of danger doesn't change just because a bridge goes in; if it did, YCWUA would have been lining the canals all along. **Burroughs:** In part, YCWUA's point of view is that a bridge promotes more activity around a canal, posing a greater risk to it. Staff needs to go back to YCWUA to clarify the board's position for future projects and 12th Street in particular. **Krieger** disagreed with the board's point of view; a canal is completely independent of a bridge. There are other methods and, likely, innovation that will address this issue. Gopher walls were built in the past to protect the canal walls. YCWUA is holding the City and developers hostage.
- **Watson:** Staff will continue its negotiations with YCWUA because this issue is bigger than this one final plat. The decision before the City Council tomorrow will be to move forward as the Planning and Zoning Commission recommend or opt for a stub out, knowing that the City cannot require a contribution of this developer once the plat moves forward.
- **Paul Johnson:** An unlined canal is much easier to get out of for someone who has fallen in; an unlined canal is safer in this regard.
- **Shoop** emphasized the need for Avenue B½ to be in place ready for a bridge in the future; if not, overloading of other roads will result – something we are struggling with now. The City Council needs to look 10 to 15 years in the future.
- In response to Paul Johnson, **Burroughs** explained: If the developer pays the \$67.22 lineal foot for frontage for Avenue C and he pulls his permits after the impact fee has been revised to include the project now in the 10-year CIP, he will be given credit for his payment. If, however, he pulls the permits before the impact fee is revised, the payment wouldn't be credited back to him. That is how this situation has been handled in the past. 40th Street, however, is not included in the 10-year CIP.

Resolution R2006-94

Watson explained the following:

- Two weeks ago, the Citizens Impact Fee Advisory Committee (CIFAC) asked for an extension of the time they had to review the new TischlerBise study and the existing development (impact) fee ordinance and suggest revisions to the text of the ordinance and the fees.
- Their initial deadline was December 31, 2006; they have asked for an additional 90-days.

- The staff-proposed resolution requests that the committee make what fee revisions it can by January 11, 2007, with a final deadline on or before 3/31/06.

Hieb, CIFAC Chairman:

The Citizens Impact Fee Advisory Committee

- Meeting on schedule
- Only two absences so far
- Great deal of progress
- Finds certain aspects of the study questionable – don't pass the rational man test. The committee needs more time to reflect on the following:
 - Some projects that have been included in the Transportation fee category should not be included because they are not of sufficient priority to require the development community to fund
 - The Parks category fee is significantly increased
 - Is it appropriate to try to bring the City up to national standards or maintain its current level of service?
 - What part of these costs should be borne completely by growth?
 - Certain issues have been raised by the legal counsel of developers
 - Though they seem trivial, they could make a big difference in the legal ramifications
 - CIFAC does not feel qualified to adjudicate such issues
 - CIFAC needs time for the City's legal counsel to take a look at the issues and comment
 - In terms of the text, credits are a sticking point
- The timeline proposed by the resolution is not sufficient.
 - CIFAC would like to present their fee recommendations to the City Council on February 7, 2006, with a final deadline of March 31, 2006. The deadline would allow the City Council to consider the matter at its April 4, 2006 Regular City Council Meeting.
- CIFAC recognizes that every day their recommendation is delayed, fees are not being collected from developers, placing the burden of the costs on the overall community
- Only 3 individuals on the committee are returning members from the original CIFAC; thus, they are looking at the issues differently. This will probably be the case every time a new CIFAC is convened.

Moore reminded the City Council that the fees have a 90-day waiting period before they are effective. Text amendments, however, may not require a waiting period beyond the normal 30 days. He asked for clarification on what body the City Attorney's Office would report to in terms of its review of the issues raised by developers' lawyers. **Mayor Nelson** and **Hieb** agreed that it should be to the City Council. **Mayor Nelson**: It goes without saying that if staff's opinion is significantly different from the committee's view that staff would make that clear to the City Council.

III. INTERNATIONAL SIGNAGE PILOT PROGRAM

Watson: Roxanna Patterson is a Student Intern at Arizona State University (ASU) due to graduate in December 2008. She was part of a group of individuals visiting Yuma in June of this

year. One of the issues discussed at that time was signage for international drivers. She is working under the auspices of Barbara-Shaw Snyder, Director of ASU for Arizona.

Roxanna Patterson, Arizona State University (ASU) Intern, briefed the City Council on a proposed ASU International Signage Pilot Program named International Traffic Solutions:

- Purpose: To design an international traffic flow system using innovative ideas and technology that will encourage economic growth and development in the City of Yuma and apply to any international region including border towns, towns along international corridors, and cities with large immigrant populations
- Context: The City of Yuma recognizes that road signage throughout the community does not accommodate international traffic from Mexico, Los Angeles and Canada. Signs are in English and use the Imperial measurement system. It is possible that visitors pass by major attractions in Yuma because of poor signage.
- Solution: To facilitate a worksession to create new solutions to international traffic signage issues. The worksession will employ *Master Thinkers* techniques to arrive at possible solutions. The results of the session will be compiled in a report and presented to the City Council with appropriate recommendations. A pilot program in the Yuma Crossing Heritage Area may result.
- Universal design principals
 - Equitable use – design is marketable and useful to people of diverse abilities
 - Flexibility of Use – accommodates wide range of individual preferences and abilities
 - Simple and intuitive
 - Information clearly and effectively perceptible regardless of ambient conditions or user's sensory abilities
 - Minimizes errors of misunderstanding
 - Requires little effort reducing fatigue
 - Having size, spacing and relative location appropriate to their meaning and users characteristics
- 2 Phases
 - Worksession in February 2007 – identify additional issues; identify key tourist destinations; brainstorm solutions
 - Recommendations to City Council in April 2007
- Issues:
 - Differing systems of measurement
 - Differing primary language
 - New drivers
 - Promote tourism and trade
 - Pedestrian traffic
- Possible solutions – alternatives
 - Pictographs – symbols, universal ideas, color, bold
 - Smart Roads
 - Highway advisory radio transmitters
 - Traffic responsive vehicle detectors – located in the road
 - Dynamic signs
 - Closed circuit televised cameras
 - Roundabouts/geometric designs

- Anticipatory (warning) signs

Discussion

Paul Johnson: Since the 1960's the American Association of State Highway and Transportation Officials, Uniform Manual on Traffic Control Devices has been the standard for signage in the United States. Most states adopt the manual as is or with minor changes. Some of the suggested pictographs are in direct conflict with these standards. **Patterson** stated she would be working with Public Works personnel to discuss just such issues.

II. REGULAR CITY COUNCIL MEETING AGENDA OF DECEMBER 20, 2006 - continued

Resolution R2006-93

Burroughs: The proposed resolution articulates staff's understanding of the City Council's direction in regard to the underground wiring of facilities. The resolution provides relevant definitions. It requires all onsite wiring facilities to be installed underground, as does state law. All offsite wiring facilities will be required to be installed in accordance with the service provider's policies, standards and procedures. The City will require an offsite wiring plan from a developer early in the development process and the City has the option of choosing to participate financially with the developer in undergrounding offsite wiring facilities at its discretion.

In response to Krieger, **Burroughs** stated that, because requiring undergrounding in gateway areas would result in gaps, staff chose not to require this specifically; the resolution states that the City will continue to encourage underground installation in aesthetically sensitive areas.

Final Plat Amendment: Ocotillo Subdivision Unit 4

Burroughs: One of the requirements in the conditions for Ocotillo Subdivision, Unit 4, is to relocate the existing offsite power lines underground. The intent of the proposed motion before the City Council tomorrow is to remove that condition and replace it with a condition that would reflect the City's undergrounding policies as just discussed above (R2006-93).

Paul Johnson: He personally supported the undergrounding of this line because a policy was already in place. A policy shouldn't be amended without good reason. However, the proposed presents a reasonable solution; therefore, he will support the amendment.

IV. CITY OF YUMA BOARDS AND COMMISSIONS

Mayor Nelson: Individuals will be (re)appointed at tomorrow's meeting to the Citizens Special Tax Advisory Committee, Merit System Board, Municipal Property Corporation and Planning and Zoning Commissions.

V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Shoop reported on the Annual Business Meeting of the National League of Cities in Reno, Nevada. She also attended a breakout session on mass transportation and met with the City's

lobbyist, the Ferguson Group. **Krieger** added his comments about Reno's river walk and City Hall.

Mayor Nelson announced that the unveiling of the Army of the West statue in the West Wetlands will occur during the first part of January 2007.

VI. ADDITIONAL ITEMS FOR POSSIBLE DISCUSSION - none

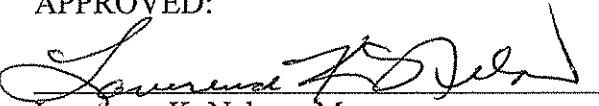
VII. ADJOURNMENT/EXECUTIVE SESSION

Motion (Krieger /Giss): To adjourn the meeting. Voice vote: **adopted** 7-0. The meeting adjourned at 6:31 p.m. No Executive Session was held.



Brigitta M. Kuiper, City Clerk

APPROVED:



Lawrence K. Nelson, Mayor